

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

14<sup>th</sup> January 2009

**AUTHOR/S:** Executive Director / Corporate Manager – Planning and Sustainable Communities

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### **S/1835/08/F– FULBOURN**

**Removal of condition 2 of planning permission (reference s/2164/06/f) to enable unrestricted occupation of 5 houses and 4 flats and amendments to the approved layout (means of access, car parking, cycle parking and collection point for refuse) at Hall Farm, School Lane**

**Recommendation: Delegated Approval**

**Date for Determination: 23<sup>rd</sup> December 2009**

#### **Update to the report**

#### **Amendments**

1. On the 6<sup>th</sup> January a further amendments to the above application were received. The amendments seek to change the use of the cycle store (adjacent to plots 4-7 and the refuse store) to living accommodation for plot 4 and to relocate the cycle store to the rear of plots 1-3 in a space that was designated as a car parking under the first set of amendments.
2. Consultation on these latest amendments expires 23<sup>rd</sup> January 2009. To date no responses have been received from consultees, but a verbal update will be given at Planning Committee.
3. The change in location of the cycle store is considered acceptable and details of its design can be dealt with by a amending planning condition 4 as set out in paragraph 14

#### **S106 – Affordable Housing**

4. Paragraph 25 of the committee report refers to the requirement for 40% affordable housing to be provided on site subject to further discussions and negotiations with the applicant.
5. Policy HG/3 of the LDF seeks to provide 40% affordable housing onsite, on sites of more than two or more dwellings. The policy also states that within individual developments, the proportion and type of affordable housing will be subject to negotiation with applicant and account will be taken of any particular costs associated with the development and other viability considerations.

6. Discussions have now taken place with the applicant and they have confirmed that the dwellings have not been built to the Homes and Communities Agency's (HCA) Design and Quality Standards, and therefore would not be acceptable to a Registered Social Landlord (RSLs). Furthermore a number of the dwellings are apartments that will have service charges applied to them that will increase the rent costs for occupiers, which might not be covered by housing benefit.
7. The applicant has indicated that it is not financially viable to provide affordable housing onsite or a commuted sum and they have submitted an Economic Appraisal to the Council for consideration. The Housing Development and Enabling Manager has confirmed that they are satisfied with the information provided within the Economic Appraisal and considers that the dwellings are not suitable for RSLs (for the reasons stated in paragraph 5) and that it would not be appropriate to seek a commuted sum because of the site viability.

### **S106 – Open Space and Education Contributions**

8. Paragraph 21 of the committee report refers to the requirement for contributions towards outdoor playing space including children's play space and formal outdoor sports facilities and informal open space. The report indicates that a contribution of £23,911 is sought based on the standard calculations as set out in the Open Spaces in New Developments Supplementary Planning Document (2008).
9. Paragraph 14 of the committee report sets out the County Council's requirements towards educational provision. The report indicates that a contribution of £3,340 per dwelling is required, £30,060 in total.
10. As referred to in paragraph 6, the applicant has indicated that the development is not financially viable and therefore unable to agree to the contributions required. However, they are prepared to offer a contribution of £29,376 towards open space and education provision. They have calculated that this contribution in the following way:

#### **Open Space Contribution:**

Projected number of occupants:	18
Open Space (Outdoor, Children's Playspace and informal) required per 1000 population:	2.8 ha
Requirement on site:	504 sqm
Open Space provided on Site:	200 sq
Open Space required off site:	304 sq (60% of total requirement)
Local Authority requested contribution:	£23,911
60% of requested contribution:	£14,346

#### **Education Contribution:**

Scheme not designed for family

accommodation. Consider only 50% of dwellings would actually generate children places.

Education Authorities requested contribution:	£30,060
50% of requested contribution	£15,030

Total S106 offer	£29,376
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11. The South Cambridgeshire Village Audit (2005) assessed outdoor sport and play facilities. The audit indicates that whilst Fulbourn has a deficiency of play space it has a surplus of sports provision when compared against the National Playing Field Association standards. However, this doesn't necessarily reflect the quality of the provision. Since this audit was carried out, major housing schemes have taken place within Fulbourn, therefore advice is currently sought from the Sport Development Officer regarding the current situation. This advice will be verbally reported to committee.

12. The County Council have been contacted with regards to their requirements towards Education contributions. They have refined their estimate of the number of children that this development is likely to generate. The previous requirement indicated a requirement towards secondary school places, however latest figures for Bottisham Village College (which were released just prior to Christmas) indicated that whilst the college is currently at capacity, spare capacity will gradually become available over the next 5 years and therefore the County Council are prepared to remove their requirements for secondary school contributions. However pre-school places have limited capacity in the area. The County Council have indicated that in the Local Planning Authority is minded to grant approval a contribution of £8,400 should be sought.

13. Although the County Council have reduced the amount of S106 contribution that they require towards educational provision, a S106 contribution of £32,311 is still required. The difference between the amount required and the amount offered is £2,935. The acceptability of accepting a reduced S106 contribution towards open space is broadly acceptable subject to the advice received by the Sports Development Officer, which will be verbally reported to committee.

### **Conditions and Informatives**

14. Condition 4 be amended to state:

Prior to the completion of the last dwelling, details of the covered and lockable cycle store and cycle stands within the cycle store shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store and cycle stands shall be installed and available for use prior to the occupation of plots 1-7 and thereafter maintained. (Reason – To enhance the visual quality of the

development in accordance with Policy DP/1b of the adopted Local Development Framework 2007.)

15. An additional condition be added removing permitted development rights in respect of boundary treatments for plots 1-3.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes [A] of Part [2] of Schedule 2 of the Order shall take place within the front gardens of plots 1-3 unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

16. An informative added informing plots 4-7 that apartments have no permitted development rights.

### **Recommendation**

17. Delegated approval subject to the signing of the S106 agreement to secure a commuted sum towards the provision of education and open space (the distribution of this contribution to be subject to further discussions and negotiations) and the conditions as set out in the committee report and amended by paragraphs 14, 15 and 16 of this report.

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