

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 December 2015

AUTHOR/S: Planning and New Communities Director

Application Number:	S/1344/14/FL
Parish(es):	Great Eversden
Proposal:	Proposed development of 10 affordable dwellings
Site address:	Site known as OSP148, Church Street, Great Eversden
Applicant(s):	Accent Nene Ltd
Recommendation:	Members alter the resolution relating to the provision of off site sports provision and community facility financial contributions.
Key material considerations:	Community Infrastructure Levy (CIL) Regulations
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Andrew Fillmore, Principal Planner
Application brought to Committee because:	The application site is owned by South Cambridgeshire District Council, and to review considerations relating to planning obligations.
Date by which decision due:	9 October 2015

Planning History

1. S/1044/11 - 10 affordable dwellings. Approved by South Cambridgeshire District Council, after which the decision was subject to a successful application for 'judicial review' on grounds the Local Planning Authority failed in its duty to undertake a 'Screening Opinion' as required under the Environmental Impact Assessment Regulations. The decision was quashed and the application later withdrawn.

S/3202/88/F - 16 flats and garages. Refused, dismissed at appeal and by the Secretary of State. The Secretary of State concluded the need for the affordable houses did not outweigh the harm to the Green Belt and significant harm to the character and appearance of Great Eversden.

S/1174/81/O for residential development, S/1657/81/O for residential development, S/0735/86/O for local authority housing, and S/1205/86 for Council housing for the elderly were all withdrawn.

Planning Policies

2. *National Planning Policy Framework
Planning Practice Guidance*
3. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted
January 2007
ST/1 Green Belt
ST/2 Housing Provision
ST/7 Infill Villages*
4. *South Cambridgeshire LDF Development Control Policies, adopted July 2007
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and new development
DP/7 Development Frameworks
GB/1 Development within the Green Belt
GB/2 Mitigating the impact of development in the Green Belt
HG/1 Housing Density
HG/3 Affordable Housing
HG/5 Exceptions sites for affordable housing
SF/6 Public Art and New Development
SF/10 Outdoor Playspace, Informal Open Space and New Developments
SF/11 Open Space Standards
NE/1 Energy Efficiency
NE/3 Renewable Energy Technologies in New Development
NE/4 Landscape Character Areas
NE/6 Biodiversity
NE/7 Sites of Geological Importance
NE/9 Water and Drainage Infrastructure
NE/10 Foul Drainage – Alternative Drainage Systems
NE/11 Flood Risk
NE/12 Water Conservation
NE/14 Lighting Proposals
NE/15 Noise Pollution
NE/16 Emissions
CH/4 Development within the curtilage or setting of a Listed Building
SF/10 – Outdoor Play Space, Informal Open Space and New Developments
SF/11 – Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 - Car and Cycle Parking Standards
TR/3 Mitigating Travel Impact
TR/4 Non-motorised Transport*
5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)
District Design Guide SPD – adopted 2010
Affordable Housing SPD – adopted March 2010
Listed Buildings: Works to or affecting the setting of SPD – Adopted July 2009*
6. *Draft Local Plan
S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in favour of sustainable development
S/4 Cambridge Green Belt*

S/5 Provision of jobs and homes
 S/7 Development Frameworks
 S/11 Infill villages
 CC/1 Mitigation and adaption to climate change
 CC/3 Renewable and low carbon energy in new development
 CC/4 Sustainable design and construction
 CC/6 Construction Methods
 CC/7 Water quality
 HQ/1 Design principles
 NH/2 Protecting and enhancing landscape character
 NH/4 Biodiversity
 MH/8 Mitigating the impact of development in and adjoining the Green Belt
 NH/14 Heritage Assets
 H/10 Rural exception sites for affordable housing

Consultation

7. Parish Council – (See Appendix A for full response) The Parish Council put forward suggestions for the following projects which might qualify for funds from the affordable homes development; Replacement pavilion at recreation ground £200 000 (approximate), Moveable goals £2837.60, Climbing boulder £4500.00, Hard surfacing of village hall car park £600 000, and Replacement sectional staging in village hall £6,500.00 (approximate).

Planning Appraisal

8. On 4 March 2015, the Planning Committee gave officers delegated powers to approve the application, contrary to the recommendation in the report from the Planning and New Communities Director. This was subject to safeguarding conditions, including a condition requiring low level lighting. Members agreed the reasons for approval were that the public benefits of providing affordable housing to meet a defined local need were sufficient to outweigh any harm to the permanent loss of open countryside and Green Belt, the landscape setting of the village, and the setting of surrounding listed buildings. The S106 legal agreement, which is necessary to ensure the houses remain as 'affordable dwellings' and secure any financial contributions, has not been completed and therefore the permission has not been issued.
9. The Council's Development Control Policies DPD adopted in 2007 requires that "All residential developments will be required to contribute towards Outdoor Playing Space (including children's play space and formal outdoor sports facilities) and Informal Open Space to meet the additional need generated by the development..."
10. It goes on to say that, where this is not provided onsite, an off-site financial contribution will be payable as set out in a later supplementary planning document. South Cambridgeshire District Council adopted the Open Space SPD in January 2009.
11. In January 2010 the Council also started securing off-site contributions towards indoor community space (again including from affordable dwellings as well as market).
12. On 6th April 2010 the Community Infrastructure Levy (CIL) Regulations were introduced. These state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
 - (i) Necessary to make the development acceptable in planning terms;

- (ii) Directly related to the development; and
- (iii) Fairly and reasonably related in scale and kind to the development

13. The CIL Regulations also have the effect of restricting the use of pooled contributions. If there are agreements in place for more than five S106 contributions after April 2010 for a project or type of infrastructure, from April 2015 (or the date CIL is adopted if earlier), a Local Planning Authority is not be able to collect any more contributions for that purpose.
14. Although there have been 5 section 106 agreements signed across The Eversdens since April 2010, at least 1 of these is in relation to a planning permission that cannot be implemented (i.e. was subject of a planning appeal that was refused). Nevertheless there is nothing in the Regulations that says in this event the completed planning obligation no longer takes effect. As a result no financial contributions should be secured unless a specified project(s) exists.
15. In summary if planning permission had been issued on or prior to 5 April 2015 the Council would have been able to secure tariff style contributions but as the Decision Notice has not been issued, the section 106 agreement must now relate the contributions to a specific project(s).
16. Planning application for S/1344/14/FL - Great Eversden (Site known as OSP, 148 Church Street) was presented to planning committee on 4 March 2015 and was accompanied by an update report. Relevant extracts of this update report are provided below:
17. *On 28 November 2014, the Minister announced changes in the development thresholds for planning obligations. The statement provided that ‘Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10 units or less, and which have a maximum combined gross floor space of 1000 square metres, affordable housing and tariff style contributions should not be sought.’ These changes were further explained in updates to the Planning Practice Guidance (PPG)”.*
18. *The updated PPG goes on to advise: ‘The restrictions on seeking planning obligations contributions do not apply to development on Rural Exception Sites’. As such, should the committee resolve to approve this application, it is officer recommendation that this be subject to the completion of a S106 agreement securing the council’s standard contributions (as per table below) towards community facilities, public open space and waste receptacles (£69.50 per dwelling) along with appropriate monitoring fee.*

Number of bedrooms	Community facilities	Public open space*
1	£284.08	£625.73
2	£371.00	£817.18
3	£513.04	£1130.04
4+	£703.84	£1550.31

** Figures take into account of onsite open space including Local Area of Play*

19. As the scheme is providing a policy compliant level of onsite open space (for informal open space and children’s play space) the ‘public open space’ figure is in relation to offsite sports only.
20. The Open space in new developments SPD says the public open space contribution

may be spent on:

- New grass pitches, artificial turf pitches, MUGAs, courts and greens and ancillary facilities;
 - Teenager play facilities such ball courts and facilities for wheeled sports
 - Improvements to pavilions/changing facilities where they are unable to meet demand, are of a poor standard, or do not meet safety standards;
 - Improvements to pitch quality including ground and surface drainage, fencing or safety surfacing necessary to enable the facility to meet any relevant adopted standards and at an acceptable level and frequency of use
21. The Recreation Study of 2013 states that The Everdens benefit from sufficient sports space against the open space standard. In terms of the indoor community space, the community facilities audit of 2009 showed that, against the adopted standard, there was sufficient indoor community space in the village and that Eversden Village Hall was considered of a 'good' quality.
22. The Parish Council have been approached and asked whether they consider there are any projects, relating to sports provision and community facilities, necessary to mitigate the impact of the development, and have put forward the following suggestions;
- Replacement pavilion at recreation ground £200,000
 - Moveable goals £2837.60
 - Climbing boulder £4500
 - Hard surfacing of village hall car park £600,000
 - Replacement sectional staging in village hall £6,500.
23. The Parish Council rationale for requesting these contributions is set out in Appendix A.
24. Officers are of the view none of these projects are necessary to make the development acceptable in planning terms, thus failing the CIL tests and as such resolution is sought from the planning committee to issue the permission without securing contributions towards off-site sports provision and community facilities.
25. A S106 legal agreement is still necessary to secure the houses as 'affordable' in perpetuity, along with a financial contribution of £10.17 per m² of adoptable on-site public open space towards the on-going maintenance of the site, £69.50 per dwelling for waste receptacles and a £1500 monitoring fee.
26. The previously approved requirement for safeguarding conditions including details of low-level lighting remain unaffected.

Recommendation

27. Officers recommend that members revise the existing resolution to grant consent and approve the application subject to:

Requirements under Section 106 of the Town and Country Planning Act 1990

28. Completion of a S106 legal agreement securing the houses as affordable in perpetuity, with the a sum of £10.17 per m² of adoptable on-site public open space, £69.50 per dwelling for waste receptacles and a £1500 monitoring fee, with no contributions towards off-site sports provision and community facilities.

Conditions

29. Conditions as previously approved

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004 (Delete as appropriate)
- Cambridgeshire and Peterborough Structure Plan 2003 (Delete as appropriate)
- Planning File Ref: (These documents need to be available for public inspection.)
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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