

F/YR17/0318/PLANOB

**Applicant: Chris Santer
Matthew Homes Ltd**

**Agent : Mahsa Pourebrahimi
Thrive Architects**

Land East Of 38, March Road, Wimblington, Cambridgeshire

**Modification of Planning Obligation attached to planning permission
F/YR14/0232/O (entered into on 24/09/2015) relating to financial contributions and
affordable housing**

**Reason for Committee: The original Outline Planning Permission (which included
a Planning Obligation) was determined by the Planning Committee.**

1 EXECUTIVE SUMMARY

This application seeks to modify the existing Section 106 dated 24 September 2015 attached to outline planning permission F/YR14/0232/O.

A viability assessment of the scheme has been considered by the Council's S106 Officers. The assessment has identified that in order for the development to be viable reduced S106 contributions in relation to an off-site affordable housing contribution, pre-school education contributions, off-site public open space contributions and pedestrian/cycling infrastructure contributions can now only be achieved. The full provision of an on-site children's play area and a bus stop maintenance contribution can still be achieved for the development.

The application has been given due consideration and accordingly it is recommended to accept the principle of a Deed of Variation in respect of the above reduction in S106 contributions.

2 PROPOSAL

This application seeks to modify the existing Section 106 dated 24 September 2015 attached to outline planning permission F/YR14/0232/O.

Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=ONMILHE0D800>

3 SITE PLANNING HISTORY

F/YR17/0043/F	Erection of 13 x 2-storey dwellings comprising of: 9 x 3-bed and 4 x 2-bed involving the formation of a new access	Pending - n/a -
F/YR17/0039/RM	Reserved Matters application relating to detailed matters of appearance landscaping layout and scale pursuant to outline permission F/YR14/0232/O	Pending - n/a -
F/YR14/0232/O	Erection of 80 dwellings (max)	Granted 25/09/2015

4 CONSULTATIONS

Wimblington Parish Council: Councillors object to the modification as it goes against the affordable housing policy.

FDC S106 Officers: Further to the viability submission for the development, having reviewed the viability appraisal the Council is willing to accept the offer of £65,000 for S106 contributions to be split on a 50/50 basis between FDC and CCC.

FDC Housing Strategy: No comments received.

CCC Transport Assessment Team: No comments received.

CCC Growth & Economy: No comments received.

FDC Open Spaces Manager: No comments received.

Local Residents/Interested Parties: None received.

5 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

6 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paragraphs 203 – 206: Planning Conditions and Obligations.

National Planning Practice Guidance (NPPG)

Viability and decision taking

Planning obligations

Fenland Local Plan 2014

LP13 - Supporting and Mitigating the Impact of a Growing District
Developer Contributions SPD (February 2015)

7 BACKGROUND

According to the application form on Planning Application F/YR17/0043/F the application site is now owned by Matthew Homes Limited. The ownership of the site has therefore changed hands since the Outline Planning Permission was issued in September 2015. Matthew Homes Limited asserts that they are unable to now deliver the Section 106 contributions which were secured under the Outline Planning Permission.

8 ASSESSMENT

The original S106 Planning Agreement secured the following:

Item	Amount
Affordable housing (on-site)	25% - 14 Affordable rented and 6 Intermediate Affordable (20 dwellings in total)
Public open space (off-site)	£75,240
Public open space - Childrens Play (on-site)	1,672 sq metres
Education – expansion of Thomas Eaton pre-school	Calculated using a formula method dependent on house type & mix – based upon the proposed mix (in applications F/YR17/0039/RM and F/YR17/0043/F) the amount would be around £91,000
Transport – Bus Stop	£8,000
Transport – Pedestrian/Cycling Infrastructure	£30,500
Monitoring fee	£550

The Viability Assessment identifies that significant costs are associated with the development of this site in terms of archaeology and site specific sustainability initiatives works in excess of normal requirements. These works relate to engineering a SUDs system on the site and the additional costs involved including attenuation on the site of surface water.

The S106 Officers and Cambridgeshire County Council's Growth & Economy team have reviewed the Viability Assessments and have agreed that a viable development can only contribute £65,000 and that this can be split 50/50 between the District and County Councils as follows:

Item	Amount
Affordable housing (off-site)	£16,250
Public open space (off-site) towards maintenance and improvements to Honeymead Road play area	£16,250
Public open space Children's Play (on-site)	1,672 sq metres
Education - expansion of Thomas Eaton pre-school	£21,000

Transport – Bus Stop	£8,000
Transport – Pedestrian/Cycling Infrastructure	£3,500

For viability reasons the proposal is therefore unable to comply with Policies LP5 and LP13 of the Local Plan insomuch as it is unable to provide all of the infrastructure which would be necessary. The NPPG identifies that viability concerns need to be taken into account and that a flexible approach needs to be adopted. In this case it is considered that bringing forward the development now is sufficient to outweigh the deficiency in infrastructure which this development cannot provide at this time.

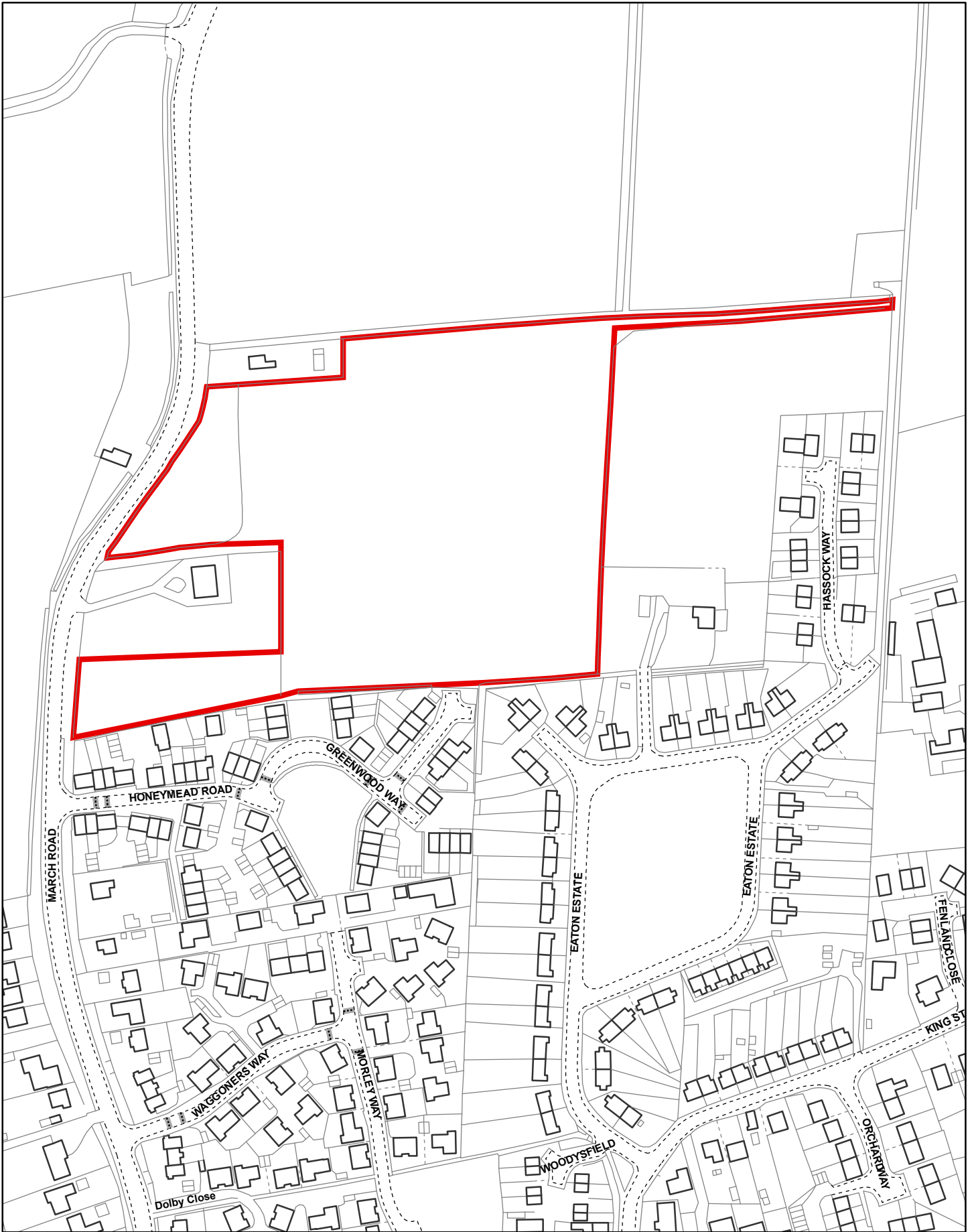
9 CONCLUSIONS

The application has been given due consideration and accordingly it is recommended to accept the principle of a Deed of Variation in respect of the above.

10 RECOMMENDATION

GRANT subject to the completion of a Deed of Variation.

It is recommended that a Deed of Variation be accepted as per the table above.



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