
F/YR18/1021/PLANOB

Applicant: Mr S Harwin

**Agent : Mr G Edwards
Swann Edwards Architecture Limited**

Land South Of Berryfield, March, Cambridgeshire

F/YR18/1021/PLANOB: Modification of Planning Obligation attached to planning permission F/YR14/1020/) (entered into on 16/12/15) relating to viability.

Reason for Committee: Committee resolution required for variation to Section 106 agreement.

1. EXECUTIVE SUMMARY

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| 1.1. | The proposal is for the variation of an existing legal agreement entered into as part of the previous outline planning permission on the site. |
| 1.2. | The application is accompanied by a viability assessment that has been considered by the Senior Planning Obligations Officer. |
| 1.3. | The viability assessment demonstrates that the contributions agreed result in viability issues relating to the delivery of the scheme. |
| 1.4. | The applicant has offered a reduced contribution towards public open space improvements, and the Head of Leisure Services at Fenland District Council has identified an appropriate project near to the application site towards which the contributions can be made. |

2. SITE DESCRIPTION

- 2.1. The application site is located on land designated as Flood Zone 1, the area at lowest risk of flooding.
- 2.2. The site is located on land to the east of the existing Berryfield residential development, and is currently in agricultural use. The boundary between the site and the existing residential properties to the west is mixed, formed from a combination of hedging and fencing.

3. PROPOSAL

- 3.1. The proposal is for the variation of an existing legal agreement concerning developer contributions entered into at the outline planning permission stage of the development of the site.
- 3.2. The existing agreement is for contributions towards Education, Libraries and Lifelong Learning, Public Open Space, Railways Improvement and Affordable Housing.
- 3.3. The applicant has provided a viability assessment of the site in relation to the proposal, and has offered a reduced contribution.

4. SITE PLANNING HISTORY

F/YR14/1020/O	Erection of 30 dwellings (max)	Granted 17/12/15
F/1163/88/O	Residential development – 33.77 acres	Withdrawn 17/8/88
F/0799/85/F	Erection of 49 houses 11 bungalows and garages	Granted 8/10/86
F/0281/81/F	Residential development	Granted 16/7/81

5. CONSULTATIONS

Senior Planning Obligations Officer

5.1. A consultation has been carried out with the Council's Section 106 Officer to review the viability assessment submitted and following a detailed examination the Officer has concluded:

5.2. *"Based on the evidence submitted I accept that there are viability issues preventing the delivery of Affordable Housing and S106 contributions."*

5.3. Local Residents/Interested Parties

Three responses have been received in relation to the application. Various matters were listed for objection relevant to the reserved matters planning application, which have been recorded separately on that report. A single comment related to the variation proposed to the legal agreement, stating that the proposed amendment was a flagrant misuse of planning procedure

6. POLICY FRAMEWORK

National Planning Policy Framework 2018 (NPPF)

Para 56: Planning obligations tests.

Para 57: Viability Assessments should be publicly available

Fenland Local Plan 2014 (FLP)

LP4 – Housing

LP5 – Meeting Housing Need

March Neighbourhood Plan 2017 (MNP)

H3 – Local Housing Need

7. KEY ISSUES

- **Development Viability**

8. BACKGROUND

8.1. The application follows the previous grant of outline planning permission for the construction of up to 30 dwellings on the site. A Section 106 agreement was completed in relation to the proposal detailing the following contributions.

- Education contribution calculated on the basis of the housing distribution on the site.

- Public Open Space contribution of £25,960.
- Libraries and Lifelong Learning contribution of £3,032.364.
- Railway Improvement Contribution of £21,428.40.
- Affordable housing scheme comprising 25% of the total number of dwellings.

9. ASSESSMENT

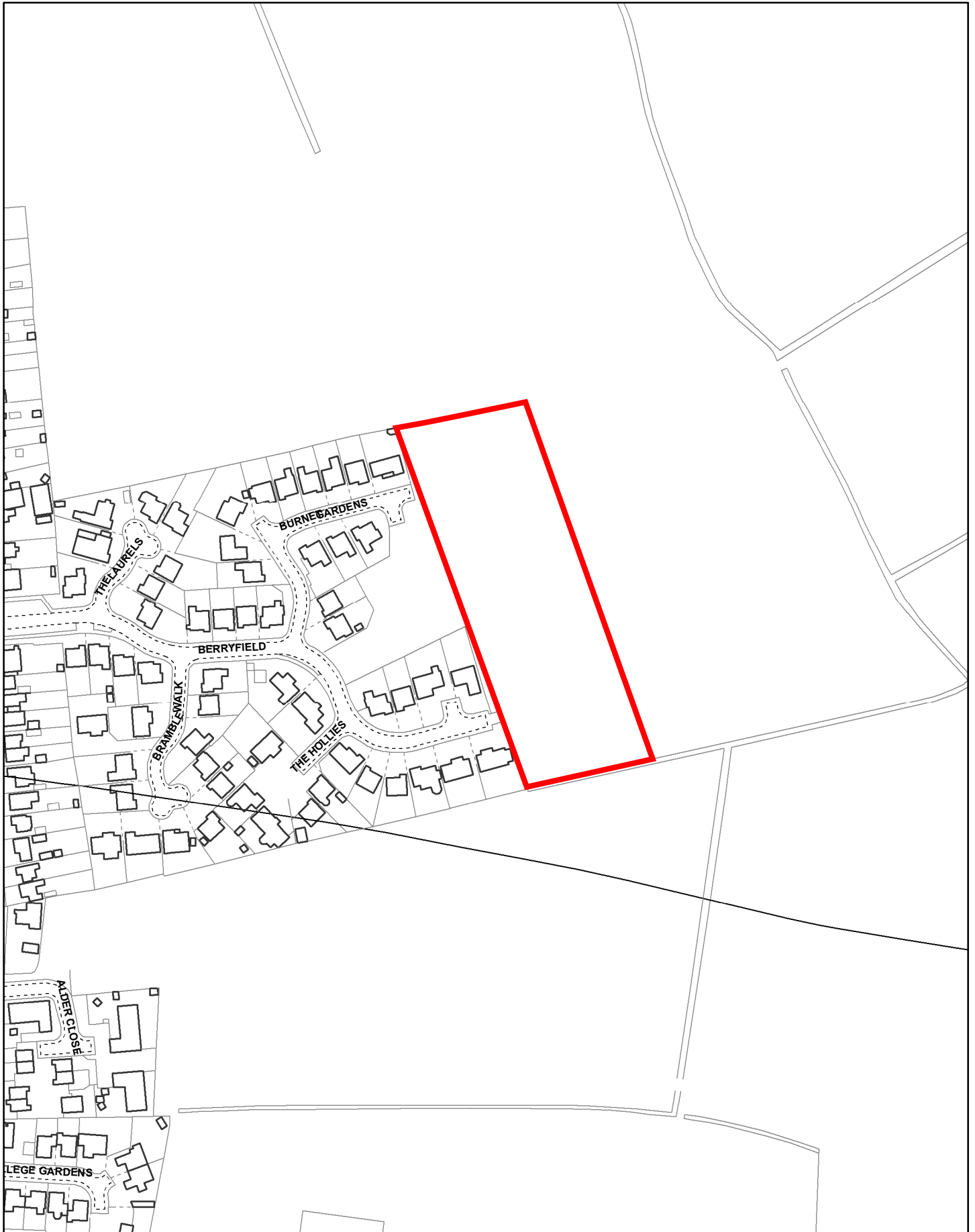
- 9.1. The applicant's viability appraisal has been assessed by the FDC Senior Planning Obligations Officer.
- 9.2. It is considered that the figures used in the viability calculations are within the typical range to be expected for a development of this type, with expected build costs adopted at a lower than typical values.
- 9.3. Evidence has been provided to support the external works figures adopted within the appraisal, and a quote has been provided for the required archaeological work.
- 9.4. On the basis of the evidence submitted there are viability issues that prevent the delivery of Affordable Housing, a Commuted Sum or other Section 106 contributions.
- 9.5. The applicant has however agreed to pay a sum of £10,000 towards public open space as part of the proposal, as figure which reduces the profit margin of the development. The Head of Leisure Services has confirmed that the sum would be put towards the ongoing development of the Estover Playing Fields to the south of the site.

10. CONCLUSIONS

- 10.1. The viability appraisal in respect of the proposal demonstrates that the development is not sufficiently viable to provide the previously agreed contributions. The applicant has made an offer to contribute part of the previously agreed sum in order to go some way to mitigate the impacts of the development on its surroundings.

11. RECOMMENDATION

Approve the amendment of the planning obligation.



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