

Case No: 1101019REP (EXTENSION TO TIME LIMIT FOR IMPLEMENTATION)

Proposal: APPLICATION TO REPLACE PLANNING PERMISSION 0501658OUT FOR ERECTION OF FOODSTORE, PETROL FILLING STATION, RESIDENTIAL DEVELOPMENT, COMMUNITY FACILITIES AND ASSOCIATED HIGHWAYS AND INFRASTRUCTURE WORKS

Location: LAND AT THE CORNER OF STOCKING FEN ROAD AND ST MARYS ROAD

Applicant: LORD DE RAMSEY'S 1963 SETTLEMENT

Grid Ref: 528394 285810

Date of Registration: 10.06.2011

Parish: RAMSEY

RECOMMENDATION - APPROVAL

- 1 UPDATE**
- 1.1 This application was deferred at the meeting on the 19th September 2011 to enable further consideration of two specific issues:
- to investigate land ownership issues to ascertain whether the proposed housing development could be linked by condition to the delivery of the employment permission in the Northern Gateway to the northwest of the application site; and
 - whether there could be greater flexibility in the way the 'junction improvement' contribution in the planning obligation is used.
- 1.2 This supplementary report deals with these issues. It also comments on the agent's ascertain that the development cannot deliver 40% affordable housing. The original report and the 'Planning Obligation Status' note included in the 'Friday letter' e-mail are appended as Green Papers.
- 1.3 There are tests which all planning conditions and obligations must meet in order to be legal.
- 1.4 Paragraph 14 of Circular 11/95 sets out six tests:
"On a number of occasions the courts have laid down the general criteria for the validity of planning conditions. In addition to satisfying the court's criteria for validity, the Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they

satisfy all of the tests described in paragraphs 14-42. In brief, these explain that conditions should be

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.”

- 1.5 Paragraph 37 deals specifically with land ownership matters.
“Particular care needs to be taken over conditions which require works to be carried out on land in which the applicant has no interest at the time when planning permission is granted. If the land is included in the site in respect of which the application is made, such conditions can in principle be imposed, but the authority should have regard to the points discussed in paragraph 28 above [relates to whether compliance is reasonable]. If the land is outside that site, a condition requiring the carrying out of works on the land cannot be imposed unless the authority are satisfied that the applicant has sufficient control over the land to enable those works to be carried out.”
- 1.6 Paragraph B5 of Circular 05/05 states that a planning obligation must be:
 - (i) relevant to planning;
 - (ii) necessary to make the proposed development acceptable in planning terms;
 - (iii) directly related to the proposed development;
 - (iv) fairly and reasonably related in scale and kind to the proposed development; and
 - (v) reasonable in all other respects.
- 1.7 Furthermore, regulation 122 of the Community Infrastructure Levy Regulations 2010 now embeds three of these tests into a statutory instrument; it states:
“A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.”

2. LAND OWNERSHIP/LINKING THE DEVELOPMENT TO THE DELIVERY OF THE EMPLOYMENT DEVELOPMENT

- 2.1 The land on which the residential development would take place is in two ownerships. The employment land is owned by one of these owners, the Abbey Group. Imposing a condition would put the implementation of the housing development outside the control of the other owner of the housing land and this would be contrary to the guidance in paragraph 37 of the Circular.
- 2.2 Furthermore, the current application should, according to the Government’s Guidance in ‘Greater Flexibility for Planning Permissions’, be considered on the basis of what has changed since the original permission was granted. There have been two changes

in planning circumstances. Firstly, whereas housing development on this site was contrary to the Local Plan at the time the original permission was granted, the housing development is now in accordance with and part of the Council's provision for the Ramsey Spatial Planning Area as set out in policy CS2 of the Core Strategy.

- 2.3 Secondly, the employment development has progressed to the extent that it now has outline planning permission, demonstrating the landowner's intention of bringing the land forward for development, and the land has an access provided by the Tesco store development. It is also relevant that all landowners' ability to carry out economic development has been affected by the recession and the Government expressly made the temporary power to grant 'replacement' planning permissions to facilitate recovery.
- 2.4 It was not considered necessary to tie the implementation of the housing to the delivery of the employment land originally and it is not considered necessary or reasonable now.

3. HIGHWAY OBLIGATIONS/JUNCTION IMPROVEMENTS

- 3.1 The requirement of the original planning obligation to provide linked signal controls at the Great Whyte and High Street junction was first revised by the terms of the Second Principal Agreement of 24 July 2009 to require the Junction Improvements before occupation of the Retail Phase. It was revised again by the Third Principal Agreement of 19 November 2009 to enable the County Council to require the Junction Improvements within 12 months of the date of the agreement. It was revised again by the Agreement of 18 August 2011 under which payment of a contribution of £82,815 to the Ramsey Market Town Transport Strategy was agreed in lieu of the Junction Improvements specified in the First Principal Agreement of 27 October 2008 and the Second Principal Agreement of 24 July 2009.
- 3.2 In its present form the contribution can be used for a range of measures set out in the MTTTS which include the junction improvements. Any alternative use of the contribution would need to meet the tests set out above and, in particular, would need to be necessary to make the development acceptable in planning terms and directly related to the development. Precise details of any alternative use would therefore need to be known to enable it to be considered against these tests.

4. PLANNING OBLIGATIONS/VIABILITY

- 4.1 Core Strategy Policy CS10 makes clear that in determining the nature and scale of any planning obligation, ... viability ... may be taken into account. The agent has indicated that "the development will provide a gross profit of just 8.7% if the affordable housing provision is set at 40%. If the level is kept at 29%, the gross profit will be in excess of 10% which could work as a development." This would need to be independently assessed to establish whether viability justifies provision at or nearer the original 29% affordable housing requirement than the target of 40% affordable housing set out in Core Strategy Policy CS4.

5. **RECOMMENDATION** - The recommendation remains as set out in the 19th September 2011 report with agreement of the update to the obligations, including the percentage of affordable housing to be provided, delegated to the Head of Planning Services following consultation with the Ward Members if it is not possible to update the Panel before the meeting.

CONTACT OFFICER:

Enquiries about this report to **Mr Nigel Swaby Development Management Team Leader 01480 388461**

GREEN PAPERS FOLLOW

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RECOMMENDATION - APPROVE

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 In November 2008 outline planning permission was granted for the mixed use development described above. Condition 4 sets a period of 3 years (the default period) for the submission of reserved matters. Reserved matters have been approved for the food store, petrol filling station and community centre which have now been built. This leaves just the residential development without the benefit of an approval of reserved matters. This application seeks a replacement for the original permission which would in effect extend the period for the submission of reserved matters for the residential development.
- 1.2 In 2009 the Government instigated a facility to 'extend' the time limits for implementing permissions in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.
- 1.3 The 'extension' is actually a procedure which allows applicants to apply to the local planning authority for a new planning permission to replace the original one. Currently the legislative provisions allow just one extension to permissions granted on or before 1 October 2009. In most circumstances the provisions are not applicable where development has already begun because commencement of the development means that the time limit conditions have already been complied with. The only exception is where the application has been submitted in outline and implemented in phases.

- 1.4 The overall site is divided into two parcels either side of High Lode and on the northern side of St Mary's Road towards the north of the Town and has a total area of 7.06ha (including parts of the High Lode and adjoining highways). The proposed residential areas are astride the High Lode, approximately 1.63ha for about 60 dwellings to the west and approximately 0.83ha to the east.

2. NATIONAL GUIDANCE

- 2.1 **PPS1: "Delivering Sustainable Development" (2005)** contains advice on the operation of the plan-led system.
- 2.2 **Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (2007)** sets out how planning, in providing for the new homes, jobs and infrastructure needed by communities, should help shape places with lower carbon emissions and resilient to the climate change now accepted as inevitable.
- 2.3 **PPS3: "Housing" (2011)** sets out how the planning system supports the growth in housing completions needed in England.
- 2.4 **Strategic Housing Land Availability Assessments (2007)** explains how local authorities and their partners must carry out an assessment of land availability for housing, over a 15 year period, in their areas as outlined in Planning Policy Statement 3: Housing.
- 2.5 **Draft National Planning Policy Framework: Consultation (2011)** - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. The intention is that these policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.
- 2.6 **Greater Flexibility for Planning Permissions: Guidance (updated October 2010)**

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live.

- 3.1 East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents

- **SS1:** “Achieving Sustainable Development” – the strategy seeks to bring about sustainable development by applying: the guiding principles of the UK Sustainable Development Strategy 2005 and the elements contributing to the creation of sustainable communities described in Sustainable Communities: Homes for All.
- **SS4:** “Towns other than Key Centres and Rural Areas” – Local Development Documents should define the approach to development in towns. Such towns include selected Market Towns and others with potential to increase their social and economic sustainability.
- **H1:** “Regional Housing Provision 2001 to 2021” – Local Planning Authorities should facilitate the delivery of district housing allocations – 11,200 for Huntingdonshire.
- **H2:** “Affordable Housing” – Development Plan Documents should set appropriate targets. At the regional level, delivery should be monitored against a target for some 35% of housing coming forward through planning permissions granted after the publication of the RSS.

3.2 Cambridgeshire and Peterborough Structure Plan (2003)
 Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

- **P6/1** – Development-related provision
- **P10/3** – Market Towns – Peterborough and North Cambridgeshire – at Ramsey new proposals should encourage appropriate small to medium scale employment opportunities and provide limited and small scale new housing development appropriate to its role as a focus for the rural hinterland.

3.3 Huntingdonshire Local Plan (1995)
 Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

- **H38:** “Noise Pollution” – development sites adjoining main highways, railways, industrial operations and other potentially damaging noise pollution sources will be required to adopt adequate design solutions to create acceptable ambient noise levels within the dwellings and their curtilage.
- **E3:** 16.6 ha of land north of St Mary’s Road is allocated for B1/B2/B8 uses, the 3 ha of which adjacent to High Lode basin to be for B1 uses only
- **R7:** Open play space provision standards in new housing schemes.

3.4 Huntingdonshire Local Plan Alterations (2002)
 Saved policies from the Huntingdon Local Plan Alterations 2002

are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)

- **OB2** – states that a financial contribution for the maintenance of open space may be required.

3.5 Policies from the Adopted Huntingdonshire Local Development Framework Core Strategy 2009 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning then click on Planning Policy and then click on Core Strategy where there is a link to the Adopted Core Strategy.

- **CS1:** “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development. Including reducing water consumption and wastage, minimising impact on water resources and water quality and managing flood risk.
- **CS2:** “Strategic Housing Development” – during the period 2001 – 2026, a total of at least 14,000 homes will be provided in areas including:
In Ramsey an employment led mixed use re-developments to the west of the town, to the north of the town and redevelopment of previously developed land within the built up areas of the town.
- **CS3:** “The Settlement Hierarchy” – Identifies Huntingdon, St Neots, St Ives and Ramsey and Bury as Market Towns in which development schemes of all scales may be appropriate in built up areas.
- **CS4:** “Affordable Housing in Development” – 40% of all housing proposed on proposals of 15 or more homes or 0.5ha, or more in all parts of the District.
- **CS10:** “Contributions to Infrastructure Requirements” – proposals will be expected to provide or contribute towards the cost of providing infrastructure and of meeting social and environmental requirements, where these are necessary to make the development acceptable in planning terms.

3.6 Policies from the Development Management DPD: Proposed Submission 2010 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning then click on Planning Policy and then click on Development Management DPD where there is a link to the Proposed Submission Document.

- **C5:** “Flood Risk and Water Management” – development proposals should include suitable flood protection / mitigation to not increase risk of flooding elsewhere. Sustainable drainage systems should be used where technically feasible. There should be no adverse impact on or risk to quantity or quality of water resources.

- **E3:** “Heritage Assets” – proposals which affect the District’s heritage assets or their setting should demonstrate how these assets will be protected, conserved and where appropriate enhanced.
- **E9:** “Travel Planning” - To maximise opportunities for the use of sustainable modes of travel, development proposals should make appropriate contributions towards improvements in transport infrastructure, particularly to facilitate walking, cycling and public transport use. Proposals should not give rise to traffic volumes that exceed the capacity of the local or strategic transport network, nor cause harm to the character of the surrounding area.
- **E9:** “Travel Planning” – A Travel Plan will be required where the development involves large scale residential development; employment/commercial development in excess of national guideline figures or non-residential institutions including schools and colleges. The Travel Plan will need to demonstrate that adequate mitigation of the transport impacts of the proposal can be achieved.
- **H2:** “Housing Mix” – a mix of housing is required that can reasonably meet the future needs of a wide range of household types in Huntingdonshire and reflect the advice and guidance provided within the Cambridgeshire and Peterborough SHMAs and relevant local housing studies. Regard must also be given to other material factors specific to the site.
- **D1:** “Green Space, Play and Sports Facilities Contributions” - informal green space should be provided on site where possible, taking account the nature of the development proposed and the existing local provision. Where provision is not made on site, an appropriate financial contribution will be made.
- **D2:** “Transport Contributions” – contributions will be required towards improvements in transport infrastructure where necessary to mitigate the impact of new development on local transport networks, particularly to facilitate walking, cycling and public transport use.
- **D3:** “Community Facilities Contributions” – contributions will be required towards the provision, extension or improvement of community facilities where necessary to promote the development of sustainable communities and mitigate the impacts of the development as identified through the Local Investment Framework.
- **D4:** “Utilities Contributions” – contributions will be required towards provision or improvement of utilities infrastructure where necessary to mitigate the impacts of development as identified through the Local Investment Framework.
- **D5:** “Emergency and Essential Services Contributions” – contributions will be required towards the provision, extension or improvement of emergency and essential services where necessary to promote public safety within new development and

mitigate the impacts of development as identified within the Local Investment Framework.

- **D6:** “Environmental Improvements Contributions” – contributions will be required towards environmental improvements where necessary to mitigate against the impacts of the development as identified through the Local Investment Framework, the Cambridgeshire Horizons Green Infrastructure Strategy or successor documents and other evidence.
- **D7:** “Drainage and Flood Prevention Contributions” – contributions will be required towards improvements in drainage and flood prevention where necessary to mitigate the impacts of development as identified through the Local investment Framework, the Huntingdonshire Outline Water Cycle Strategy or successor documents or by the Environment Agency.

4. RELEVANT PLANNING HISTORY

- 4.1 0501658OUT Erection of foodstore, petrol filling station, residential development, community facilities and associated highways and infrastructure works. Granted Nov 2008
- 4.2 0900192REM Approval of reserved matters in respect of access, appearance, landscaping, layout and scale for the erection of a food store, petrol filling station, associated highway works and infrastructure Approved Nov 2009
- 4.3 0900365S73 Variation of condition 7 of outline planning permission 0501658OUT in respect of the erection of a foodstore, petrol filling station, residential development, community facilities and associated highway and infrastructure work so that the condition states 'the access arrangement and footway shall be completed in accordance with the approved details before the occupation of the store on the western side of High Lode' rather than 'before commencement of development'. Granted Nov 2009
- 4.4 0900286REM Approval of reserved matters in respect of access, appearance, layout and scale for the erection of a community centre. Approved Nov 2009
- 4.5 0901127OUT (On adjacent land) Mixed use development comprising employment (including trade counter sales) (use classes, B1, B2 and B8) car sales, car breaking, combined heat and power uses and a children's day nursery (D1), means of access and road layout. Granted Sept 2010.

5. CONSULTATIONS

- 5.1 **Ramsey Town Council – Recommends Refusal** (see attached for original comments). The Town Council reconsidered the application after officers had clarified that the proposal only related to the residential development. On the second occasion the vote was 5 votes for refusal, 3 for approval with 3 abstentions. The Town Council felt that the housing was not needed and would not regenerate the Town.

- 5.2 **Cambridgeshire County Council (Highways)** – No objection subject to re-imposition of conditions.
- 5.3 **HDC Head of Housing** – Affordable housing should be secured at the current policy level (40%)
- 5.4 **HDC Environmental Health** – Recommends repeating condition 13 of the original permission relating to contamination.
- 5.5 **Environment Agency** – No additional comments.

6. REPRESENTATIONS

- 6.1 None received.

7. SUMMARY OF ISSUES

- 7.1 The main issues are whether the residential development which formed part of the original outline permission should still go ahead and, if so, the terms of the planning obligation.

Planning Policy

- 7.2 The Government has advised that in the current circumstances local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for an 'extension' will by definition have been judged to be acceptable in principle at an earlier date. While applications should be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities are further advised, in making their decisions, to focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.
- 7.3 In this case the main policy changes relevant to the principle of residential development in this location and planning obligations are:
- the East of England Plan has been adopted (and remains part of the Development Plan pending revocation of the Regional Spatial Strategies as proposed by the Coalition Government;
 - the Huntingdonshire Core Strategy was adopted in 2009;
 - the Huntingdonshire Development Management Plan DPD: Proposed Submission was published in 2010;
 - the National Planning Policy Framework was published in draft in July 2011.
- 7.4 The site is part of the Ramsey Northern Gateway. Land to the north-west of High Lode was part of a B1/B2/B8 employment allocation in the Local Plan 1995 and the land to the east was committed for employment. By 2004 there had been little interest in building-out the allocation due to the associated infrastructure costs needed to develop the site and the poor road infrastructure in the Ramsey area. In November 2004, this Council adopted as Interim Planning Guidance the 'Ramsey Gateway Urban Design Framework' and the area was identified as an opportunity site in the Ramsey Action Plan under the theme of creating sustainable development. The Framework proposed the enhancement of this area as a 'gateway' to

the town. The intentions were, amongst others, that derelict land would be regenerated, un-neighbourly employment uses would be encouraged to relocate and the viability of the remaining employment land would be enhanced. Part of the reason for the delay in the housing development has been the ongoing negotiations to relocate the scrap yard which is within the proposed residential area to the north-west of High Lode.

- 7.5 Since the outline planning permission was granted in 2008 the retail development has taken place and there is now access to the remaining employment land which itself has the benefit of outline planning permission granted in 2010.
- 7.6 In terms of policy changes, the Core Strategy now makes provision for the residential development which was previously a departure for the provisions of the 1995 Local Plan. Policy CS2 states that at least 300 homes will be provided in the Ramsey Spatial Planning Area, “In employment led mixed use re-developments to the west of the town, to the north of the town and redevelopment of previously developed land within the built up areas of the town.” The reference to ‘to the north of the town’ relates to this direction for growth. The reasoned justification for this policy explains at paragraph 5.7 that the scale of development reflected Ramsey’s role as a focal point for the rural community, its relative remoteness and poor transport infrastructure. There is a need for a modest scale of new housing and this site is in an appropriate and sustainable location to provide some of it. The changes to policy, particularly the adoption of policy CS2 and the draft National Planning Policy Framework, albeit it only has limited weight at this stage, support a further grant of planning permission.
- 7.7 If appropriate, different conditions in respect to matters other than the time limit can also be imposed – for example in order to make the scheme acceptable in the light of new policies, or if some pre-commencement conditions have already been discharged.
- 7.8 The outline planning permission was granted subject to the following summarised conditions:
1. Submission of phasing plan
 2. Reserved matters, including the means of access to the part of the development on the eastern side of High Lode to be approved before development on any phase is commenced.
 3. Development to be carried out in accordance with the approved reserved matters.
 4. Applications for approval of reserved matters to be made within three years.
 5. Development to be begun within two years from approval of the reserved matters.
 6. Details submitted pursuant to conditions 2-4 shall accord with the land use zones shown on drawing no. 283997/30 (or drawing no. 283997/38 if the scrap yard is to remain) and the broad design principles shown on drawing 6149/PO7 Rev.B.
 7. Submission of detailed drawings of the roundabout on St Mary’s Road to serve the part of the development on the western side of High Lode. Details to include a footway along the northern side St Mary’s Road between the roundabout and High Lode.

8. Foodstore not to exceed 3610 square metres gross and 2316 square metres net floorspace. No more than 15% of net floorspace to be for comparison goods.
 9. Prior to opening of the foodstore or the occupation of any of the market dwellings the access road from St Marys Road to the remainder of the land allocated for employment to be constructed.
 10. Submission of Green Travel Plans.
 11. Archaeological investigations.
 12. Provision of fire hydrants.
 13. Pre-commencement contamination investigation and remediation.
 14. Submission of details of a bridge link across High Lode.
 15. Noise protection scheme for any dwellings occupied before the relocation of the scrap yard.
 16. Submission of surface water drainage scheme.
- 7.9 The grant of a replacement planning permission would comply with policy CS2 of the Huntingdonshire Core Strategy 2009.

Planning Obligations

- 7.10 The Government guidance states that local planning authority or the applicant may seek changes to an existing obligation in order to make the proposal acceptable in changed circumstances.
- 7.11 The outline planning permission was bound by a planning obligation under section 106, the main provisions of the original obligation, which has since been the subject of a number of variations, can be summarised as follows:
- a. £100K towards the cost of extending an existing bus service from the town centre to the new store;
 - b. The provision of linked signal controls at the Great Whyte and High Street junction, linked to the pedestrian crossing to the west of the junction on the High Street, to also include minor alignment works to kerb edging and resurfacing works;
 - c. A new combined pedestrian/cycle route between the foodstore and the Rivermill site, to include a bridge across High Lode between Foot Drove and Rivermill;
 - d. A contribution of £48K towards highway safety improvements on St Mary's Road;
 - e. The provision of a HGV routeing agreement for delivery vehicles serving the foodstore to avoid the town centre;
 - f. Agreement to carry out no further works in relation to the permissions for the foodstores on land at Rivermill;
 - g. The transfer of land at Rivermill to the District Council suitable for the provision of a community centre, and the erection of or funding for a community centre of circa 2500 sq m gross to include a hall, kitchen, toilet facilities and office space with associated outdoor space and potential for future upgrade and expansion;
 - h. The provision of affordable housing at a level of 29% of the total number of residential units;
 - i. The provision and subsequent transferral of equipped play areas to include a Local Equipped Area of Play (LEAP) and a Local Area of Play (LAP);

- j. A contribution of £20K towards the ongoing maintenance and repair of the Play Areas and a further contribution towards the maintenance of other landscaped public spaces;
- k. A contribution of £5K towards the enhancement of the moorings along High Lode in the vicinity of the site to include mooring facilities and access from the river to Horse Drove;
- l. A contribution via Cambridgeshire County Council of £20K towards the cost of library and associated facilities;
- m. A contribution of £485 per dwelling towards health care facilities via Primary Health Care Trust;
- n. Agreement that there shall be no residential development within the proposed landscaped attenuation zone prior to the cessation of the car breakers use on the land adjacent to High Lode; and
- o. An obligation to use all reasonable endeavours to promote and secure confirmation of a Section 247 Order to provide alternative access to land fronting Horse Drive.

7.12 Consultations are ongoing to establish that those aspects of the obligation which relate to the residential development are still relevant and necessary and meet the policy tests in Circular 05/2005 and the statutory tests in the Community Infrastructure Levy (CIL) Regulations 2010. With regard to (h) affordable housing, policy CS4 provides that developments should seek to achieve a target of 40% affordable housing. The terms of the supplemental obligation will be negotiated by officers under the delegation agreement.

8. RECOMMENDATION - APPROVE:

8.1 The application be APPROVED subject to the imposition of the varied time limit, the re-imposition of the other conditions modified as appropriate to take account of any details which have already been approved and to a supplemental agreement under section 106 to link the new planning permission to the existing planning obligation and update the obligations.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Mr Nigel Swaby Development Management Team Leader 01480 388461**

NS
DPS
15/7/11

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Application Number: 1101019REP Case Officer Mr Nigel Swaby
Proposal: Application to replace Planning Permission 0501656OUT for erection of foodstore, petrol filling station, residential development, community facilities and associated highways and infrastructure works

Location: Land At The Corner Of Stocking Fen Road And St Marys Road Ramsey
Observations of Ramsey Town/Parish Council.

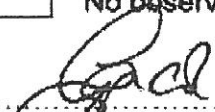
Please box as appropriate

Recommend approval because (please give relevant planning reasons in space below)

Recommend refusal because... (please give relevant planning reasons in space below)

By 11 votes to 1, the development was felt to be surplus to requirements.

No observations either in favour or against the proposal

 Clerk to Ramsey Town/Parish Council.

Date: 15/7/11

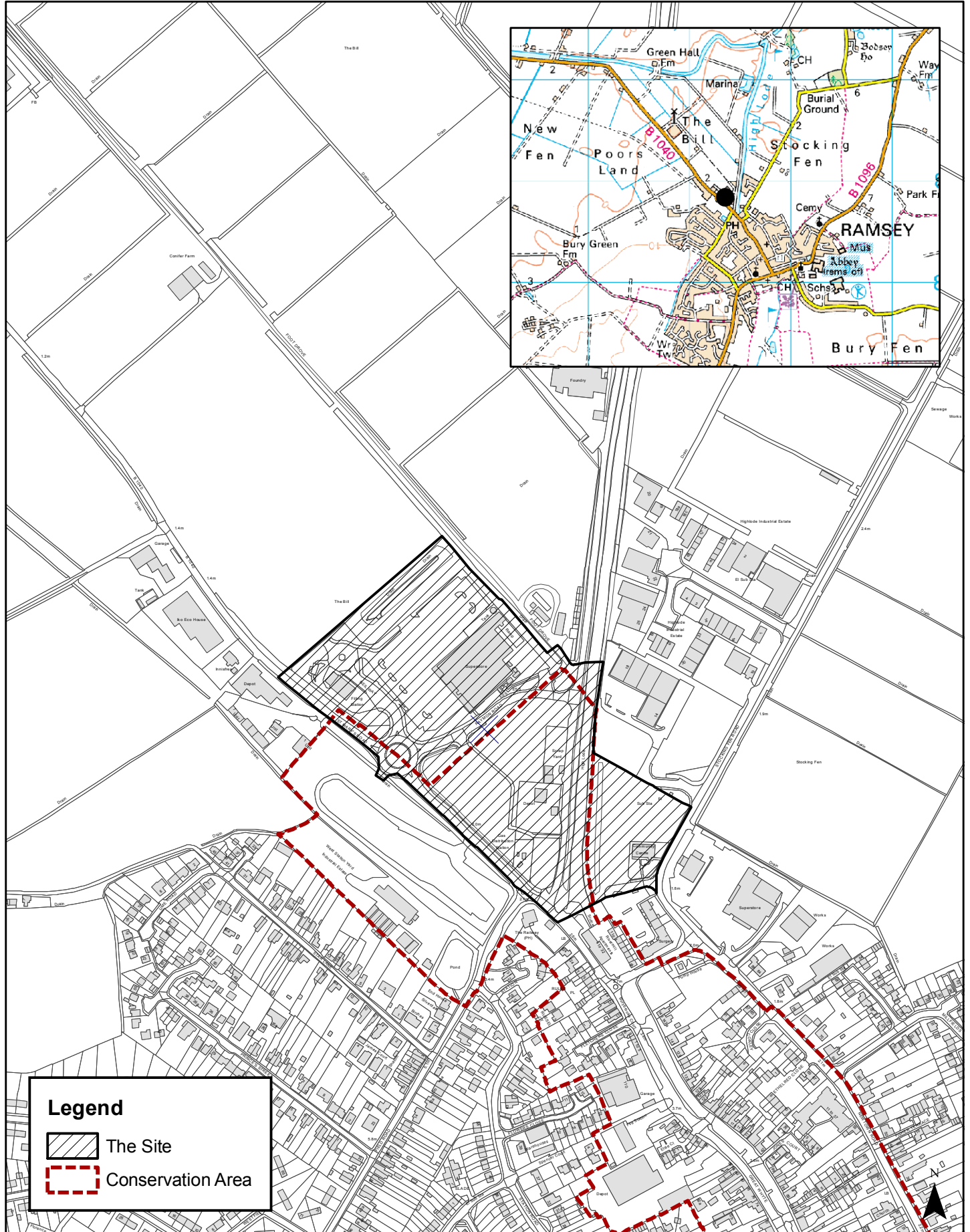
Failure to return this form within the time indicated will be taken as an indication that the Town or Parish Council do not express any opinion either for or against the application.

Development Management Panel

Application Ref: 1101019REP

Location: Ramsey

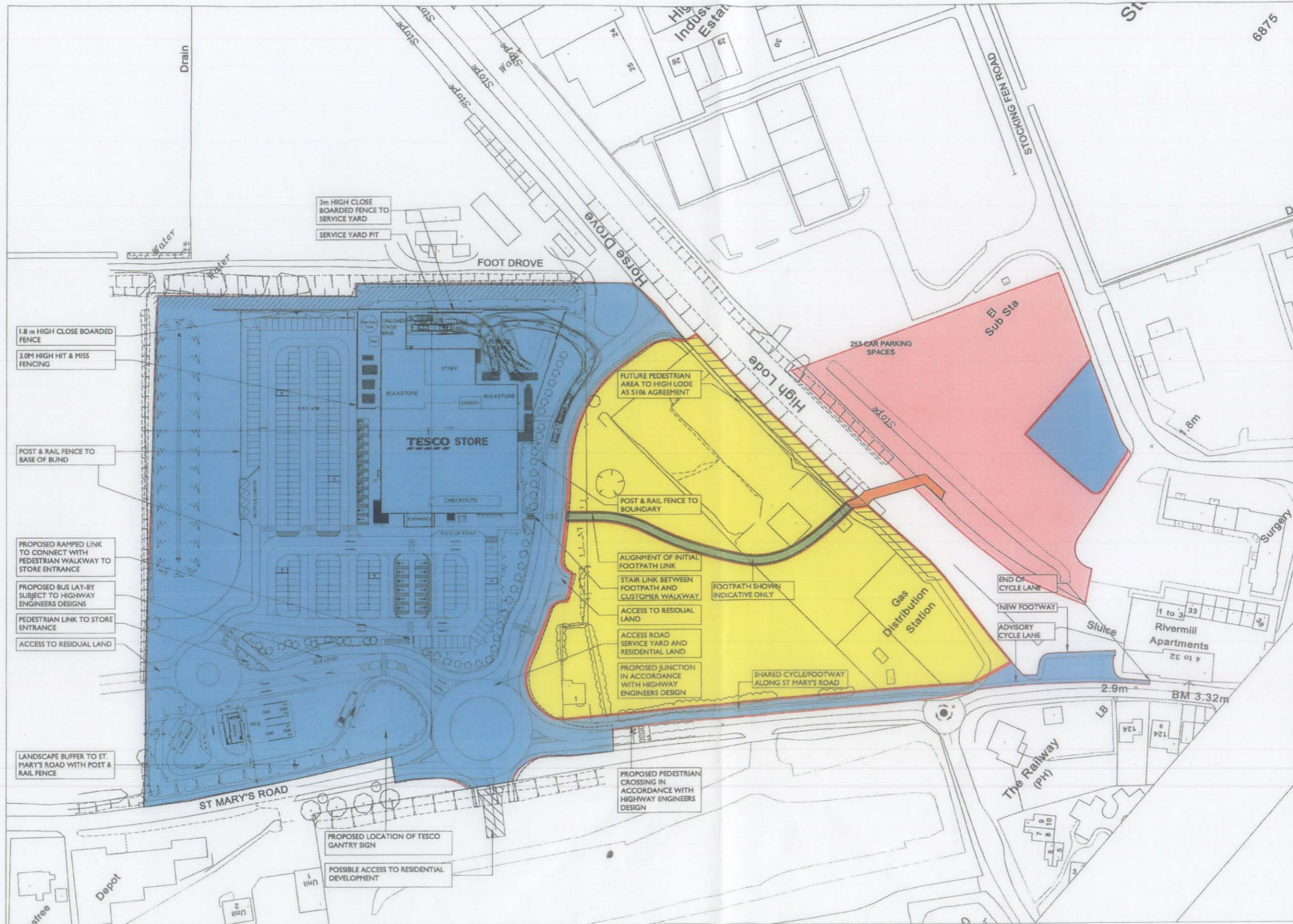
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Scale: 1:5000

Cond 1 0501658 OUT

This drawing is to be read in accordance with the specifications of Quantity and Method of Work.
 No dimensions to be scaled from this drawing. All scaled dimensions to be verified on site and the Architect marked of any discrepancy.



- Application Site
- Retail and community centre phase
- Rivermill Residential Phase
- Bridge phase
- The bill residential phase
- Footpath phase

Project:
 PROPOSED STORE
 THE BILL
 ST. MARY'S ROAD
 RAMSEY

Title:
 PHASING PLAN

Scale: 1:500 @ A0
 Date: 18.12.08
 Drawn: VB
 Checked: NG
 Drawing Number: 6149 - PL56
 Revision: D

SAUNDERS
 SAUNDERS ARCHITECTS
 100-102
 100-102
 100-102

Planning Obligation Status

The land is bound by the following agreements:

1. Agreement dated 27 October 2008 – the First Principal Agreement, accompanying planning permission 0501658OUT granted on 10 November 2008.
2. Deed of Variation to the First Principal Agreement dated 16 March 2009
3. Agreement dated 24 July 2009 – the Second Principal Agreement
This agreement accompanies planning permission 09/00365S73 by which condition 7 of outline planning permission 0501658OUT which requires:
 - a detailed engineering drawing of the new roundabout to be approved before the development starts;
 - the new roundabout to be completed before the start of the built development in the area west of High Lode;
 was varied to require the roundabout to be completed before the food store is occupied, rather than before it is started. The provisions of this agreement mirror those of the First Principal Agreement except in relation to the Junction Improvements (see (b) below).
4. Agreement dated 9 October 2009 – with Cambridgeshire County Council under Sections 38 and 278 of the Highways Act 1980
5. Agreement dated 19 November 2009 – the Third Principal Agreement
6. Agreement dated 18 August 2011 (see (b) below)

Ref.	Provisions of the First Principal Agreement dated 27 October 2008	Current status
a.	<u>Schedule 2, Part 1.1</u> <u>Bus Contribution</u> £100K towards the cost of extending an existing bus service from the town centre to the new store.	Clause completed. Indexed sum paid to Cambridgeshire County Council on 14/12/09.
b.	<u>Schedule 2, Part 1.5</u> <u>Junction Improvements</u> The provision of linked signal controls at the Great Whyte and High Street junction, linked to the pedestrian crossing to the west of the junction on the High Street, to also include minor alignment works to kerb edging and resurfacing works. To be provided prior to commencement of the Retail Phase.	This requirement was first revised by the terms of the Second Principal Agreement of 24 July 2009 to require the Junction Improvements before occupation of the Retail Phase. It was revised again by the Third Principal Agreement of 19 November 2009 to enable the County Council to require the Junction Improvements within 12 months of the date of the agreement. It was revised again by the Agreement of 18 August 2011 under which payment of a contribution of £82,815 to the Ramsey Market Town Transport Strategy was agreed in lieu of the Junction Improvements specified in the First Principal Agreement of 27 October 2008 and the Second Principal Agreement of 24 July 2009.
c.	<u>Schedule 2, Part 2.1</u> <u>Bridge Link</u> Prior to commencement of the retail phase, to enter into an agreement and bond with the County Council under sections 38 and 278 of the Highways Act 1980 for carrying out the 'Bridge Link' being a new combined pedestrian/cycle route between the foodstore and the Rivermill site, to include a	Agreement dated 9 October 2009.

	bridge across High Lode between Foot Drove and Rivermill;	
d.	<u>Schedule 2, Part 1.2</u> <u>St Mary's Road Contribution</u> A contribution of £48K towards highway safety improvements on St Mary's Road;	Clause completed. Indexed sum paid to Cambridgeshire County Council on 14/12/09.
e.	<u>Schedule 2, Part 1.3</u> <u>Delivery Routing</u> The provision of a HGV routing agreement for delivery vehicles serving the food store to avoid the town centre;	To be confirmed
f.	<u>Schedule 1, Part 1.1</u> <u>Rivermill Site</u> Agreement to carry out no further works in relation to the permissions for the food stores on land at Rivermill, reference 91/0200 and 0101785OUT;	Ongoing obligation.
g.	<u>Schedule 1, Part 1.2</u> <u>Community Centre</u> The transfer of land at Rivermill to the District Council suitable for the provision of a community centre, and the erection of or funding for a community centre of circa 2500 sq m gross to include a hall, kitchen, toilet facilities and office space with associated outdoor space and potential for future upgrade and expansion. Provide on the Community Centre Land a Local Area for Play (LAP). The Community Centre to be constructed before any Phase of the development is occupied.	An alternative site for the Community Centre was agreed by the Variation to the First Principal Agreement dated 16 March 2009. The definition of the LAP Contribution and LAP Maintenance Contribution in the First and Second Principal Agreements were varied by the Third Principal Agreement of 19 November 2009. Clause completed 16/12/09 when the LAP was delivered at the Community Centre and the associated commuted sum was received on 02/02/10.
h.	<u>Schedule 1, Part 2.1</u> <u>Affordable Housing</u> The provision of affordable housing at a level of 29% of the total number of residential units;	Obligation to provide affordable housing in the Rivermill Residential Development
	<u>Schedule 1, Part 3.1</u> <u>Affordable Housing</u> The provision of affordable housing at a level of 29% of the total number of residential units;	Obligation to provide affordable housing in the St Mary's Road Residential Development
i.	<u>Schedule 1, Part 3.2</u> <u>Play Area</u> The provision and subsequent transfer of equipped play areas to include a Local Equipped Area of Play (LEAP) within the St Mary's Road Residential Development. Plans to be submitted prior to commencement of the St Mary's Road Residential Development. Play Area to be transferred to the Council.	LEAP Play area to be constructed prior to first occupation of not more than 50% of the dwellings within the St Mary's Road Residential Development
j.	<u>Schedule 2, Part 3.2</u> <u>Play Areas</u> A contribution of £12K towards the ongoing maintenance and repair of the LEAP Play Area and a further contribution towards the maintenance of other landscaped public	Payable on transfer of the LEAP Play Area on the St Mary's Road Residential Development to the Council.

	spaces;	
k.	<u>Schedule 1, Part 2.2</u> <u>The Rivermill Development High Lode Contribution</u> A contribution of £2K towards the enhancement of the moorings along High Lode in the vicinity of the site to include mooring facilities and access from the river to Horse Drove;	To be paid prior to the first occupation in the Rivermill Residential Development
	<u>Schedule 1, Part 3.3</u> <u>The St Mary's Road Residential Development High Lode Contribution</u> A contribution of £3K towards the enhancement of the moorings along High Lode in the vicinity of the site to include mooring facilities and access from the river to Horse Drove;	To be paid prior to the first occupation in the St Mary's Road Development
l.	<u>Schedule 2, Part 3</u> <u>Library Contribution</u> A contribution via Cambridgeshire County Council of £18K towards the cost of library and associated facilities;	To be paid prior to the first occupation in the Rivermill Residential Development
	<u>Schedule 2, Part 4</u> <u>Library Contribution</u> A contribution via Cambridgeshire County Council of £22K towards the cost of library and associated facilities;	To be paid prior to the first occupation in the St Mary's Road Development
m.	<u>Schedule 1, Part 2.3</u> <u>The Healthcare Contribution</u> A contribution of £485 per dwelling towards health care facilities via Primary Health Care Trust;	To be paid prior to the first occupation in the Rivermill Residential Development
	<u>Schedule 1, Part 3.4</u> <u>The Healthcare Contribution</u> A contribution of £485 per dwelling towards health care facilities via Primary Health Care Trust;	To be paid prior to the first occupation in the St Mary's Road Development
n.	<u>Schedule 1, Part 3</u> <u>Landscape Attenuation Zone</u> <u>St Mary's Road Residential Development</u> Agreement that there shall be no residential development within the proposed landscaped attenuation zone prior to the cessation of the car breakers use on the land adjacent to High Lode; and	Ongoing obligation.
o.	<u>Schedule 2, Part 1.4</u> <u>Section 247 Order</u> An obligation to use reasonable endeavours to promote and secure confirmation of a Section 247 Order to stop up the highway known as Horse Drove.	Ongoing obligation
Ref.	Provisions of the Deed of Variation to the First Principal Agreement dated 16 March 2009	Status
p.	<u>Public Realm Contribution</u> A contribution of £200k relating to the provision of a bridge, footpaths and rights of way.	Clause completed. Indexed sum paid to Cambridgeshire County Council .