

Case Officer: Caroline Ford

Recommendation: Permitted

Applicant: Mr Cutler

Proposal: Outline application (Phase 1B) including access (all other matters reserved) for up to 4,413 sqm B1 office space (47,502 sqft) GIA, up to 273 residential units (Use Class C3) including ancillary gym, approximately 177 sqm GIA of café space (Use Class A3), with an ancillary, mixed use co-working hub (794 sqm/ 8,550 sqft GIA), multi-storey car park, multi-use games area (MUGA), amenity space, associated infrastructure, parking and marketing boards

Expiry Date: 1 April 2021

Extension of Time: 1 April 2021

1. INTRODUCTION AND BACKGROUND TO THIS REPORT

- 1.1. This report provides an update following the application being finally considered at Planning Committee on 11th March 2021. This report provides an update to explain how the S106 and planning conditions remain as per the resolution granted at Planning Committee.
- 1.2. There have been no substantive changes beyond those that were previously reported in the three main committee reports.
- 1.3. Planning conditions remain as per the committee report, apart from minor tweaks following a further review.
- 1.4. The S106 remains consistent with the Heads of Terms reported through the latter two Committee reports and therefore the agreement remains broadly consistent with the Committee resolutions. There have been some minor variations as will be explained, which are deemed minor changes that would be picked up through normal negotiation and therefore fall under the delegated Authority granted by the Planning Committee.
 - The October 2020 report referred to the potential provision of a MUGA on site and it reported two options relating to the outdoor sport contribution if a MUGA were provided or not. It has been agreed that the applicant will not be required by the S106 to provide a MUGA on site and because of this, the higher figures set out in the October 2020 report are those that are included only. The October 2020 report considered the justification for not requiring a MUGA but included the option arrangement. The fixing of this now is therefore in line with the Committee resolution.
 - The applicant raised concerns with the Council's standard drafting around the clustering requirements for affordable housing units. Whilst Officers considered that adequate flexibility had been allowed for, the applicant was unprepared to accept that. After discussion, the bullet point from the definition for 'Affordable Housing Standards' relating to clustering has been deleted meaning that there will be no limit on the clusters for the affordable

units. This is considered pragmatic in this case because the development will be for 1 and 2-bed units only and in an apartment style in order to achieve the number of units proposed, so it is inevitable that larger clusters will need to be provided to make this work practically. As such, given the specific site circumstances, this change from the standard drafting is considered appropriate. Changes have also been made to the timing for the requirement, in order to agree the affordable housing scheme pre-reserved matters rather than pre-commencement.

- A new clause 8.15 has been added, which is an undertaking by the Owner not to construct any dwellings on the site other than 1 and 2-bed dwellings. This has been included to enable changes to be made to the rest of the agreement to simplify clauses referencing 1 and 2-bed units only (most particularly in terms of contributions to the District and for education to the County). Legal have suggested that given the outline nature of the proposal, that a condition be imposed to restrict the development to 1 and 2-bed units only, but I am not convinced this is necessary as the S106 includes this restriction.
- The words 'Unless otherwise agreed in writing by the County Council' have been added at the start of point (b) of Part 2 of Schedule 6, which relates to the pedestrian / cycle infrastructure along the western side of the site alongside the A41. This means that the provision of this infrastructure will be agreed later. It was anticipated that this infrastructure would be provided in accordance with the applicant's proposals, however, if it is not required due to acceptable cycle / pedestrian provision elsewhere and OCC as Highway Authority are content with that (which will be confirmed later), then this seems an acceptable compromise.

1.5. In light of the above, the S106 as completed along with the conditions secures an acceptable form of development, as resolved by the Council's Planning Committee.

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DATE: 1st April 2021

Checked By: Andy Bateson

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