

Report of the Director of Planning and Regeneration Service

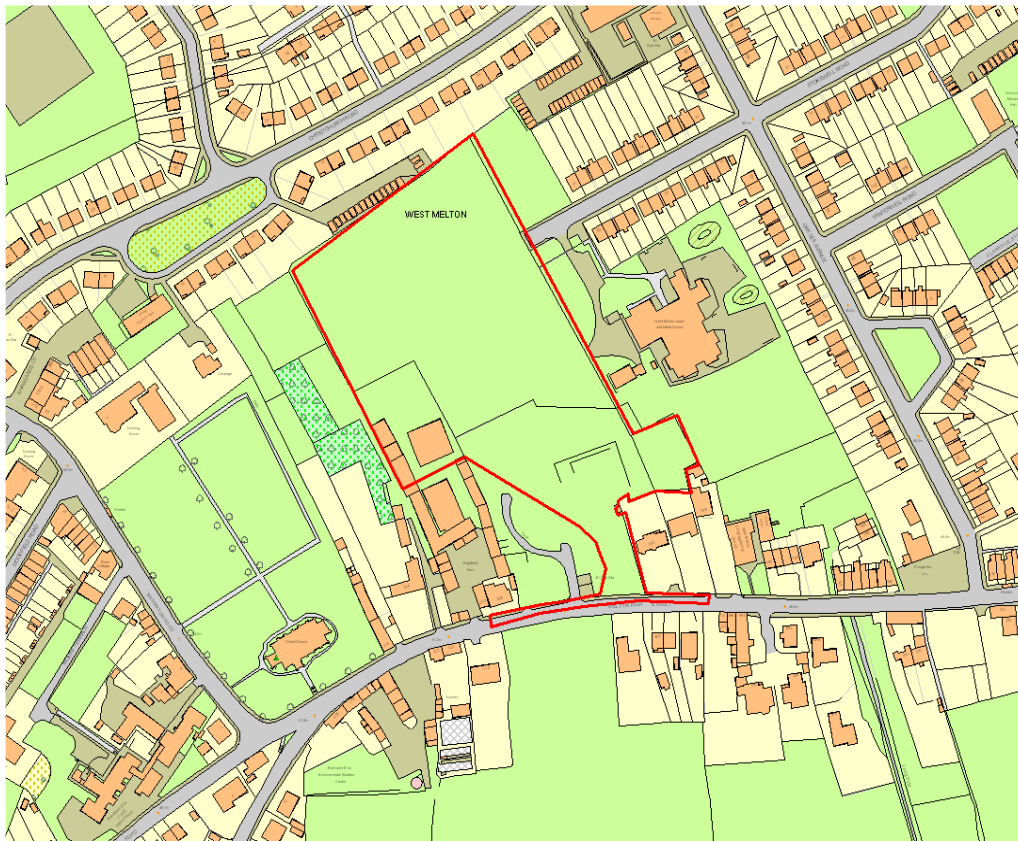
<u>ITEM NO.</u>	<u>SUBJECT</u>
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ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
19 OCTOBER 2014

Item 1	Ref: RB2013/1399
Proposal and Location	Outline application for the demolition of existing (modern) farm buildings & creation of residential development at land at Highfield Farm Melton High Street Wath-upon-Dearne.
Recommendation	That Members agree to amend the previously recommended Condition No. 2 to allow for an extension to the time to submit reserved matters from 3 years to 5 years subject to the signing of the Section 106 Agreement.



Background

Members may recall that this application was presented at Planning Board on 24 April 2014. Members were minded to grant the application subject to the signing of a Section 106 Agreement. The full report to Planning Board is available in the Agenda/Minutes of 24 April 2014 and is reproduced at appendix 1 below for information.

The Section 106 Agreement has not yet been signed and as such, the decision notice has not yet been issued.

Site Description & Location

This application site comprises of a part of the existing farm complex and associated paddock known as Highfield Farm. The site lies on the northern side of Melton High Street between No. 200 and 214. The site slopes up from the road to the north and an existing access road provides a vehicular access in to the existing paddocks and to the modern farm buildings.

The existing farm complex comprises a farm house and a number of traditional farm buildings (which are Grade II Listed); these buildings are excluded from the application site and are proposed to be retained in their current form. To the east of these buildings is an area of open land and paddocks which includes some modern portal framed style agricultural buildings.

The application site extends a considerable distance to the north and bounds existing residential properties and a garage site on Christ Church Road to the north and Stokewell road and West Melton Primary School to the east. No. 200 Melton High Street bounds the application site to the east and comprises of a large brick built detached property set back by a considerable distance from Melton High Street and at a slightly elevated position in relation to the highway.

The existing area is predominantly residential and the properties on Melton High Street are a mixture of designs and styles. There are a number of traditional brick and stone built properties together with some more modern developments. The Christ Church lies to the west of the application site.

Proposal

Due to current market conditions and as a direct result of marketing of the site the applicant has requested that the time limit to submit reserved matters be extended from the usual 3 years to 5 years.

A supporting statement has been submitted which states that:

“I have marketed this site to all the relevant national, regional and local house building firms and have had no ‘bites’. With the backlog of the recessionary period, the market is currently spoiled for choice with sites and therefore driven to choose prime sites which have better credentials. The site at Highfield is secondary at best. Whilst it has a respectable frontage onto High Street, it is adjacent on two sides to less appealing locations and this is putting the land buyers off. It is not going to shift in the current climate and so we shall have to bide our time. For this reason, I seek an extension of the time limit to initiate development from three to five years.”

Appraisal

As set out above it is proposed to allow a 5 year period for the submission of reserved matters applications on this site due to the lack of interest in developing the site at this moment in time. The amendments to this condition are considered to be minor and whilst the period of time to submit reserved matters would be extended from 3 years to 5 years there would remain essentially a 5 year period (or two years from the date of the last reserved matters) to implement the permission.

Conclusion

In conclusion it is considered that in this instance given the information submitted by the applicant, the proposed amendment to the condition to allow 5 years for the submission of reserved matters is an acceptable minor revision.

Condition 2 would therefore be

- a. Application for approval of reserved matters must be made within five years of the date of this permission.
- b. The development hereby approved must be begun not later than whichever is the later of the following dates:
 - I. The expiration of five years from the date of this permission; OR
 - II. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

Appendix 1

Site Description & Location

This application site comprises of a part of the existing farm complex and associated paddock known as Highfield Farm. The site lies on the northern side of Melton High Street between No. 200 and 214. The site slopes up from the road to the north and an existing access road provides a vehicular access in to the existing paddocks and to the modern farm buildings.

The existing farm complex comprises a farm house and a number of traditional farm buildings (which are Grade II Listed); these buildings are excluded from the application site and are proposed to be retained in their current form. To the east of these buildings is an area of open land and paddocks which includes some modern portal framed style agricultural buildings.

The application site extends a considerable distance to the north and bounds existing residential properties and a garage site on Christ Church Road to the north and Stokewell road and West Melton Primary School to the east. No.

200 Melton High Street bounds the application site to the east and comprises of a large brick built detached property set back by a considerable distance from Melton High Street and at a slightly elevated position in relation to the highway.

The existing area is predominantly residential and the properties on Melton High Street are a mixture of designs and styles. There are a number of traditional brick and stone built properties together with some more modern developments. The Christ Church lies to the west of the application site.

Background

RB2010/0965 - Subdivision of farmhouse to form 2 No. dwellings, conversion of barns to form 6 No. dwellings and erection of 22 No. two storey dwellings & associated garages – Withdrawn

RB2010/0970 - Outline application for the erection of 51 No. dwellings including details of access – Undetermined

RB2010/1427 - Erection of 19 No. two storey dwellinghouses (amendment to RB2010/0965) – Undetermined

RB2011/0809 - Conversion and alterations to farmhouse to form 2 No. dwellinghouses, conversion and alterations to existing barns to form 6 No. dwellinghouses, erection of 3 No. two storey dwellinghouses & associated garages and demolition of agricultural buildings – Withdrawn

RB2011/0810 - Listed Building Consent for the conversion and alterations to farmhouse to form 2 No. dwellinghouses, conversion and alterations to existing barns to form 6 No. dwellinghouses, erection of 3 No. two storey dwellinghouses and associated garages and demolition of agricultural buildings – Withdrawn

RB2012/1640 - Outline application for the demolition of existing redundant farm buildings & creation of residential development including details of access - Withdrawn

Environmental Impact Assessment

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares. However, taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

Proposal

This is an outline planning application with all matters reserved for future consideration.

The submitted layout plan indicates a development of 66 dwellings although it should be noted that this is purely indicative and no number of dwellings has been specified in the application description.

The proposed access to the site is indicated close to the western boundary of the site adjacent to the boundary with No. 200 Melton High Street. The existing access to the site (to the east) is proposed to be retained to provide an access to a paddock on the site frontage.

Development Plan Allocation and Policy

The application site is allocated for residential use in the Unitary Development Plan. The following policies are relevant in the determination of the application:

Policy HG4.3 'Windfall Sites'
Policy HG5: 'The Residential Environment'
Policy ENV2.8 'Setting and Curtilages of Listed Buildings'
Policy ENV3.1: 'Development and the Environment'
Policy ENV3.4 'Trees, Woodlands and Hedgerows'
T6 'Location and Layout of Development'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of a site notice, press notice and individual letters to neighbouring properties. Four letters of representation have been received, the grounds of concern are summarised below:

- There are concerns regarding sewerage implications which would be entailed in construction of over 60 new dwellings, there has been previous flooding issues on sewers in the vicinity;
- There is only one access to the site onto Melton High Street, this is an already over-used road which would require an intersection at a point where the road is not very wide;
- There is no need for extra houses in this area, there are already over 500 houses being advertised for sale in the S63 area and in the West Melton and Brampton area many of these have been advertised for many months;
- It is inaccurate to say that the stone barns are no longer suitable for agricultural use and the modern barns are not dilapidated;
- It should be noted that the hay barn on site was recently rebuilt after an arson attack and is therefore in excellent condition;
- We do not see how a new housing estate could offer better ecological benefit as it will inevitably result in destruction of the local fauna and flora, increased noise levels, pollution from cars etc.
- The Tree Survey from 2009 is out of date;
- The proposed access will require the destruction of a well established hedge and a stone wall with considerable excavation which will result in damage to existing trees on the site;
- There is contamination on site which would mean that the land is unsafe for residential/gardening use;
- The Building for Life Statement is out of date as is the NPT Transport Statement;
- The proposed development would add to serious congestion problems on Melton High Street particularly at peak times;
- The road surface of Melton High Street is poorly maintained and more traffic will only cause further/accelerate its deterioration;
- The development will result in noise, light and fume pollution to nearby residential properties.

Consultations

Yorkshire Water has no objections subject to conditions;

SYPTE consider that the site is in a sustainable location and has no objection to the proposed development subject to measures to promote sustainable transport;

Neighbourhoods and Adult Services (Affordable Housing Officer) has no objections to the proposed 15% Affordable Housing on site following a rigorous and comprehensive viability exercise;

Streetpride (Landscape Team) has no objections subject to conditions;

Streetpride (Transportation Unit) has no objections subject to conditions;

Childrens and Young Peoples Services (Education Officer) has requested a contribution towards providing new school places within Brampton.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

Principle

The proposal seeks outline planning permission for the residential development of this site which is allocated for residential use in the Unitary Development Plan.

UDP Policy HG4.3 'Windfall Sites' states that: "The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their (i) location within the existing built up area and compatibility with adjoining uses, and (ii) compatibility with other relevant policies and guidance."

The NPPF sets out the importance of the need for new housing in sustainable locations and there is a general requirement for Rotherham to provide housing sites within the Borough. Whilst the land is predominantly 'greenfield' and the NPPF states that Council's should encourage the use of brownfield land, it does not preclude the development of greenfield sites which are in a sustainable location. The brownfield/greenfield status of a site is a material consideration, but is one among many and the need to meet the overall housing requirement in an important consideration in all cases. At this time both greenfield and brownfield land will be required to meet future housing needs.

In this regard it is considered that the residential development of this site is acceptable in principle.

Layout and impact on Listed Building

Policy HG5 'The Residential Environment' states that: "The Council will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone."

ENV3.1 'Development and the Environment' requires new development to make a positive contribution to the environment through achieving an appropriate standard of design.

In addition paragraph 56 of the NPPF refer to design in new developments and seek to ensure that development will add to the overall quality of the area and ensure that developments are visually attractive. Paragraph 60 does state however, that: "Planning policies should not attempt to impose architectural styles or particular tastes and they should not stifle innovation...."

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

In addition there are Listed farm buildings which lies directly to the south east (within the Highfield Farm complex). Policy ENV2.8 'Setting and Curtilages of Listed Buildings' states that: "The Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context."

The layout plan which has been submitted in support of this application is purely indicative and is not being considered as a part of this application as no specific number of dwellings has been applied for in the description of the application.

A condition is recommended that the layout subject of the reserved matters application should allow a separation from the Listed buildings to preserve their setting, it should also be noted that a condition is recommended that the Council's separation distances (set out in the South Yorkshire Design Guide should be adhered to.

Transportation Issues

UDP Policy T6 refers to the Location and Layout of Development and requires that new developments have regard to the desire to reduce travel demand.

Paragraph 32 of the NPPF requires that all development that generate significant amounts of movement should be supported by a Transport Statement or a Transport Assessment. It goes on to require that the opportunities for sustainable transport modes have been taken up, that safe and secure access for everyone can be achieved and that cost effective improvements to the highway network should be undertaken to limit the significant impacts of development.

Paragraph 35 of the NPPF relates more specifically to detailed highway design.

Overall, this site is considered to lie within a sustainable location and the South Yorkshire Passenger Transport Executive have confirmed that the site is readily accessible by public transport. The site also lies in close proximity to shops and services. SYPTE have however requested that a condition be imposed to require measure to promote sustainable transport such as the provision of a Travel Master Pass to each dwelling.

Planning Obligations

The Community Infrastructure Regulations 2010 introduced a new legal framework for the consideration of planning obligations and, in particular, Regulation 122 (2) of the CIL Regs states:

"(2) 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;
- (c) fairly and reasonably related in scale and kind to the development."

All of the tests must be complied with and the planning application must be reasonable in all other respects. In this instance the developer has submitted a Viability Appraisal which has also been independently assessed by Knight Frank on behalf of the Council. The Viability Appraisal concludes that taking account of all costs and developer profits the amount available to be forwarded as Planning Obligation contributions is £135,000. The following paragraphs set out the proposed and required obligations:

- A contribution towards provision of education of a total of £2,342 per open market dwelling

Contributions will usually only be sought where it has been demonstrated that there will be a demand for additional school places as a result of the development. The level of existing or potential surplus permanent school places in the local area will be taken into account. This is an outline application with no number of dwellings specified, however, the site occupies slightly over 2ha and there is known to be insufficient capacity within existing school buildings in Wath, Brampton and West Melton for future school years (primary school). The proposal is considered to be likely to represent a significant increase in family housing in Brampton which will increase the demand for school places within the catchment area. The Education Department has requested a sum of £2,342 per dwelling to contribute towards the provision of an increased number of primary school places.

- Provision of a contribution of 15% of the total number of dwellings on site to be provided as Affordable Housing Units;

Paragraph 50 of the NPPF states that:

“...where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

The Council's Interim Planning Statement (IPS) sets out the Council's requirement for Affordable Housing Provision. A Strategic Housing Market Assessment has been undertaken to establish the level of need for affordable housing in the Borough in accordance with national policy and the work carried out locally to assess need concluded that the following policy will be applied:

“For planning applications for 15 or more houses or for sites of 0.5 hectares or more, no less than 25% of all dwellings shall be provided on site, as affordable units, 14% of which to be available as social rented housing and 11% as affordable intermediate tenures.”

A request for 25% Affordable Housing is therefore considered to be justified and evidenced through the NPPF and IPS on Affordable Housing, however, a viability appraisal has been submitted with the application specifically relating to Affordable Housing and this has been tested independently.

In this instance, the policy requirement of 25% Affordable Housing on this site would equate to 16no. units. However, the results of a viability appraisal which has been carried out indicates that the site could only be viably developed at a contribution level equivalent to delivery of 15% affordable housing. Whilst this is below the 25% required by the Council, it has been independently assessed and accepted and the contribution has been reduced in accordance with the IPS which states that where viability is proven the requirement for Affordable Housing should be reduced accordingly.

Conclusion

In conclusion, it is considered that whilst the application site is considered to be a predominantly greenfield site, the NPPF does not preclude development of these sites, particularly where they would contribute to a 5 year supply of housing for the Borough.

The number of dwellings is not specified in the application and as such this is a purely outline planning application with only the principle of the development being established at this stage. Furthermore, the applicant has demonstrated that the site is within a sustainable location and that an acceptable access can be provided into the site to serve a residential development. It is therefore recommended that this application is approved subject to the signing of a legal agreement.

Recommendation

A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:

- A contribution of £2,342 per open market dwelling towards the provision of additional school places within the catchment area;
- The provision of 15% affordable housing on site; and
- A management plan to provide details of the maintenance in perpetuity of any on site open space.

B Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following reasons for grant and conditions:

Conditions

01

Before the commencement of the development, details of the layout, scale, appearance, access and landscaping of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

02

- c. Application for approval of reserved matters must be made within three years of the date of this permission.
- d. The development hereby approved must be begun not later than whichever is the later of the following dates:
 - I. The expiration of five years from the date of this permission; OR
 - II. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

03

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan.

Reason

To define the permission and for the avoidance of doubt.

04

The reserved matters application pursuant to this permission shall take account of the existence of Listed Buildings at Highfield Farm and the proposed layout shall provide a separation distance of a minimum of 10 metres to these buildings to enable their setting to be retained.

Reason

In the interest of the setting and character of adjacent Listed Buildings in accordance with the NPPF.

05

Prior to the commencement of development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

06

The location and design of the proposed site access shall be designed in accordance with guidance from South Yorkshire Residential Design guide.

Reason

In the interest of achieving a safe and adequate access into the site in accordance with the NPPF.

07

Provision shall be made for a prospectively adoptable road link to the adjacent land to the west of the site.

Reason

In the interest of ensuring that the adjacent land is not precluded from development in the future.

08

The site layout shall be designed in accordance with guidance from South Yorkshire Residential Design guide and Manual for Streets and car parking facilities shall be provided in accordance with the Council's Car Parking Standards

Reason

To ensure an appropriate and acceptable layout including provision of adequate car parking and inter-house spacing standards within the development.

09

Before the development is commenced road sections, constructional and

drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

10

No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation *in situ* of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

11

The detailed plans to be submitted in accordance with the requirements of this permission shall include a tree survey in accordance with BS 5837:2012 Trees in Relation to Design, demolition and construction Recommendations.

Reason

In order that the Local Planning Authority may consider the desirability of retaining trees in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

12

No tree or hedge shall be cut down, uprooted or destroyed nor shall any tree or hedge be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any tree or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted in the immediate area and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

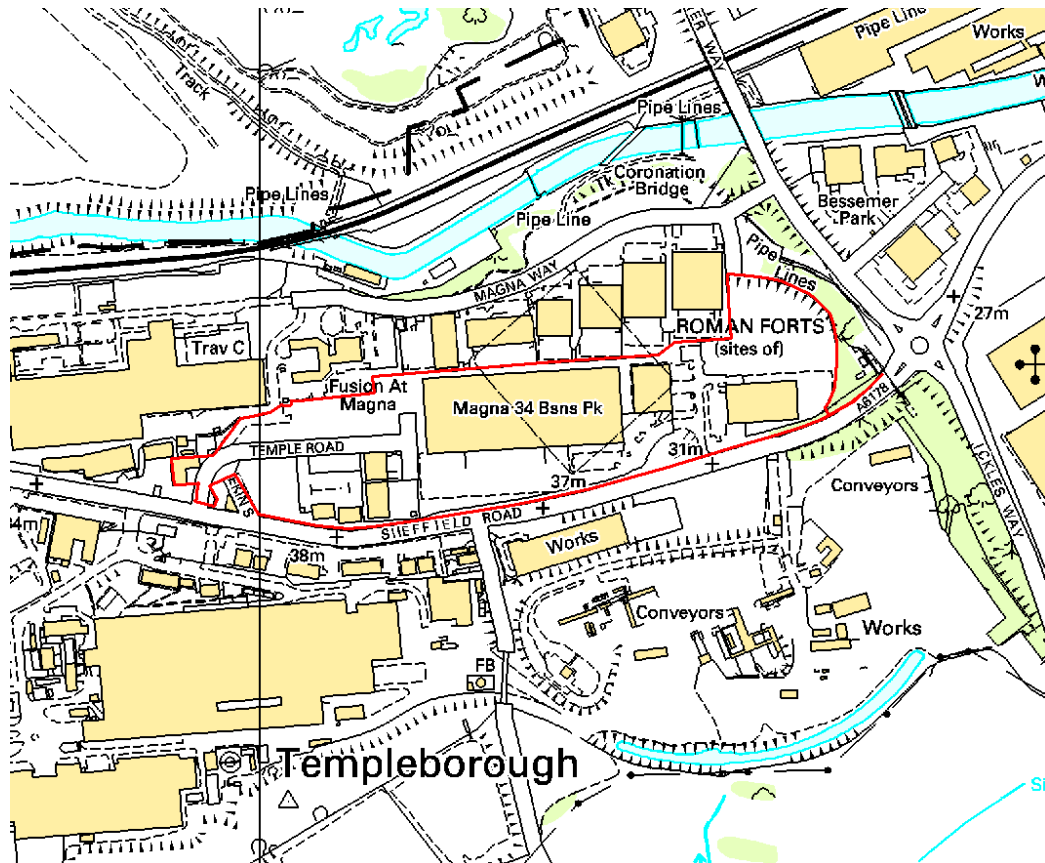
POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

Item 2

Ref: RB2014/0426

Application to modify a Section 106 Agreement imposed by Planning Permission RB2006/0943 to reduce the amount of contribution in accordance with the floorspace developed and to relinquish to remaining permission which has not been implemented.



Recommendation:

That the Section 106 Agreement is amended to allow for a reduction in the contribution relative to the constructed road and proposed floorspace and also to add a clause to relinquish the remainder of the permission which has not/will not be implemented.

Background

RB2006/0943 - Erection of 10 buildings to form 20 units for use within class B1 (Business), 8 buildings to form 16 units for use within classes B2 (General Industrial) and B8 (Storage & Distribution) with associated car parking, landscaping with new vehicular access and alteration to existing vehicular access's off Sheffield Road Granted Conditionally subject to a Section 106 Agreement.

Site Description & Location

This application relates to the site of Magna 34 Business Park, off Sheffield Road at Templeborough.

Planning permission was granted in 2007 for 18 buildings comprising of 36 units for use within Use Classes B1, B2 and B8 of the Use Classes Order, however, only part of the permission has been developed on site.

Proposal

The above planning permission was subject of a Legal Agreement which required the payment of contributions of £15,000 towards the cost of adjusting the signal timings on M1 J34 north and south and M1 Junction 33; and a contribution of £16,226 towards improvements of the A1 bus service. The payments were due upon the first occupation of the buildings but the full contributions have not been paid.

This application seeks to recalculate the contributions based on the floorspace which has been developed out on the site and that which it is intended to build out. It is not the intention of the applicant to develop out the full quantum of development for which planning permission was received due to changes in the economic climate and lack of demand for some of the types of floorspace for which planning permission was granted. On this basis a proposal to relinquish the remainder of the permission is also included within the amended Section 106 Agreement.

Appraisal

As set out above, the full permission has not been developed out, and in fact the total floorspace which has been developed together with an additional number of units for which it is intended to retain planning permission for equates to 63% of the total floorspace previously granted permission (a plan is attached at Appendix One to show those units which have been constructed and for which planning permission is proposed to be retained). The remainder of the units (i.e. 37% of the development) is not intended to be constructed and it is therefore proposed to relinquish the permission relating to those units as a part of the amended Section 106 Agreement.

The original contributions were calculated on the amount of floorspace proposed at the time of the original application. The reduction in the amount of floorspace to now be developed on the site accordingly results in a reduction in the amount of contribution required.

The total original amount was £31,226 and 63% of this figure is £19,672.

As the payment was due upon the first occupation of the buildings the S106 required the contribution to be index linked from the date that the agreement was originally signed to the date of first occupation. Supporting documents have been received to demonstrate that the first occupation of the building was on 1st November 2008 and the indexation results in the amount of contribution being increased from £19,672 to £21,029.77 (appropriate RPI Index from Quarter 1 of 2007 to Quarter 4 of 2008 equates to 6.9%).

In terms of the individual elements of the contribution this is broken down as follows:

- £10,102.05 towards the cost of adjusting signal timings on the M1 J34 north and south and M1 J33;
- £10,927.72 towards improvements to the A1 bus service.

Conclusion

It is considered that as the full quantum of development approved under application RB2006/0943 will not now be developed out, the full contribution which was secured by Legal Agreement in 2007 should be reduced to reflect the floorspace which has been/will be developed on this site. To ensure that no further development will take place on this site following the reduction in the amount of contribution, it is proposed to relinquish planning permission for the areas of the site shown on the plan contained within Appendix One which equates to 37% of the total approved floorspace.