

Planning Committee

Supplemental Agenda

Meeting date	4 th November 2020
Officer	James Chettleburgh
Agenda Item	Symonds Green Neighbourhood Centre, Filey Close, Stevenage.
Proposal	Variation of conditions 1 (Approved Plans), 12 (Car Parking Provision), 13 (Cycle Parking Provision), 17 (Business Retention), 18 (Restriction on Retail) and 19 (Restriction on Retail) attached to planning permission reference number 16/00395/FPM.
Reference	20/00483/FPM
ADDENDUM INFORMATION	

The Planning Committee is requested to note the following amendments and updates to the committee report.

7.3 Affordable housing and developer contributions

Following the undertaking of recent monitoring of the S.106 legal agreement it has been identified that there are outstanding financial obligations which need to be paid. Further details of the outstanding obligations are detailed below:-

Affordable Housing

Principal Sum (indexed at RPI 267.10)	£10,000	£50,000	£150,000	£100,000
Due Date	25.5.18	25.3.19	6 months after second payment (25.9.19) or 16 th occupation	6 months after 3rd payment (25.3.20) or 21 st occupation
Paid	£10,674	£53,369	-	-
Paid Date	24.7.19	24.7.19	-	-
Due	-	-	£163,421.94	£109,546.97
RPI indexation	RPI 285.1	RPI 285.1	RPI 291.0	RPI 292.6

Children's Playspace:

Pre-commencement

£782.64 indexed @ RPI from 267.10

£862.34 due

Library Contribution:

Pre-commencement

£1,906 indexed @ RPI from 267.10

£2,100.10 due

Open Space / Outdoor Sport Contribution:

Pre-commencement

£866.88 indexed @ RPI from 267.10

£955.16 due

(using September 2020 RPI = 294.3)

Following discussions with the applicant they have advised that their bank has advised them that, owing to the current economic turbulence caused by the pandemic, it has suspended funding of the construction stage of this development project. However, the bank will transfer the balance of funds at Practical Completion. This unfortunately, due to the bank's current stance, has created a cash flow issue, requiring funds previously allocated to the payment of the S.106 monies to be diverted to essential construction work in order to complete the development.

Therefore, the applicants have submitted a request to the Council to seek an agreement to amend the triggers of the outstanding S.106 monies to prior to the first occupation of the 22 apartments being constructed at the development. The applicants have advised that if this acceptable to the Council, then the S.106 legal agreement will need to be modified accordingly. In terms of timeframes, as the development is nearing completion, in approximately 2 months' time (as advised by the applicant), it will not be a significant period of time before the Council receives the outstanding S.106 liability.

Given where we are, combined with the current pandemic, this is a reasonable compromise to ensure the Council ascertains the outstanding financial obligations. Government itself has published guidance during the pandemic to encourage Local Planning Authorities to grant flexibility in their collection of financial obligations where cash flows have been affected by the pandemic. As such, a number of clauses will be imposed as part of any modified S.106 legal agreement to ensure the Council does receive all outstanding financial obligations prior to first occupation of any of the apartments.

In terms of the detailed wording of these clauses, it is recommended this is delegated to the Assistant Director of Planning and Regulation in conjunction with the Council's appointed Solicitor.