

**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**25<sup>th</sup> April 2017**

**Agenda item        8**

**Application ref. 17/00174/FUL**

**Site of Former Savoy Cinema /Metropolis Nightclub, The Midway**

Members will have noted the main agenda report (in the recommendation section and para 6.4) indicated that a further report would be provided on what sum it might be appropriate to require to be paid with respect to public realm improvements, its purposes and whether or not such an obligation would meet the statutory tests (and thus be lawful)

As was indicated in the report the environment along the Midway, particularly under the Roebuck Centre is dominated by service yards and is currently rather unattractive to users as it is dark and secluded (in parts). The development itself will help “lift the area”, but it is considered appropriate and necessary to go further. Lighting under the Roebuck overbridge could and should be improved, dropped kerbs provided to assist movement across and along the Midway, and there is an opportunity to also improve the appearance of the immediately adjacent site – thus also providing better residential amenity for the occupants of the new development. On the basis of advice received a figure of £32,000 would either cover or make a significant contribution towards such works.

In terms of the wider public realm within or adjoining the town centre the current focus of working with the County Council is on improving the pedestrian experience. There are two subways on Lower Street which are very likely to be used by occupants of the development and your officer has been advised that whilst improvements have been made to the entrances walls the “barrels” of the underpass continue to be a challenge in terms of the maintenance of their appearance. A contribution of £15,000 would enable one to be prepped (for painting).

Would such contributions meet the statutory tests and thus be lawful?

The tests are that planning obligations should be

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development

Your officer considers that the above contributions do meet the above tests and accordingly inclusion of them is now recommended

**The recommendation remains as per the main agenda report except that reference is now made to the above contribution figures**