

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

10th October 2017

Agenda item 6

Application ref. 17/00552/FUL

Corner of Heathcote Street and Kinnersley Street, Kidsgrove

Since the main agenda report a draft viability assessment has been received from the District Valuer (DV).

The DV concludes that the scheme is financially unviable with any level of financial contribution towards public open space.

Officer Response

Your officer has considered the conclusions of the DV and it is evident that because what is termed the residual land value of the scheme is significantly lower than the "existing use site value" that the scheme is financially unviable with the requested POS contribution of £78,106.

Your officers have also explored with the DV whether any level of contribution can be supported and whether delaying the payment of a financial contribution would help. In both instances the present financial viability of the scheme would not be improved sufficiently enough to support a contribution.

The benefits both to the Borough as a whole (in terms of housing delivery) and to the regeneration of a piece of land that has been vacant for a number of years, in a prominent town centre location, are proper material planning considerations. As was indicated in paragraph 6.6 of the main agenda report the NPPF states 'to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking in account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.' It also states at paragraph 205 that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

There are therefore it is considered grounds for permitting the development to proceed without the public open space contribution which policy would indicate would be appropriate.

There will still need to be the subject of a planning obligation which would secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within a specified period. An appropriate period (as advised by the DV) is usually 12 months from the date of the decision but in this instance there are a number of site constraints that need to be considered. Most notably the engineering works and likely remediation works for contaminated land and coal mining. These matters will require further investigations and significant construction works which will probably delay the implementation of the scheme and your officers recommend that the appropriate reappraisal mechanism trigger should be if substantial commencement is not achieved within 15 months from the date of the grant of the planning permission.

Revised recommendation

A. Subject to the applicant first entering into a Section 106 agreement by 14th November 2017 to secure a review mechanism of the scheme's ability to make a policy compliant financial contribution of £78,106 (index linked) towards the provision towards public open space, if the development is not substantially commenced within 15 months from the date of the decision, and the payment of such a contribution if

found financially viable, PERMIT the application subject to conditions relating to the following matters:-

1. Standard Time limit for commencement of development
2. Approved Plans
3. Materials
4. Gabion wall details
5. Tree retention and protection
6. Full landscaping details
7. Future protection of trees in the south east corner to further protect privacy levels.
8. Alignment of proposed services
9. Submission and approval of noise report. Mitigation measures
10. Design Measures to Secure Noise Levels
11. Construction hours
12. Contaminated land treatment
13. Construction Vehicle Management Plan (CVMP)
14. Visibility splays
15. Surfacing details for access road and parking
16. The access and access road being completed prior to occupation
17. The existing access permanently closed and footway reinstated
18. Waste collection and storage arrangements
19. Surface water discharge mitigation details
20. Foul drainage
21. Proposed coal mining precautionary measures
22. Intrusive coal mining site investigations and remedial works implementation

B. Should the obligation to above not be secured within the above period that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstances, and, in such circumstances, the potential financial contributions towards public open space; or if he considers it appropriate to extend the time period within which the obligation referred to above can be secured.