

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

17th July 2018

Agenda item 8

Application Ref. 18/00239/FUL

Land at West Avenue, Kidsgrove

Since the publication of the main agenda report, the independent viability appraisal referred to in paragraph 6.16 of the main agenda report has been received and considered.

The report has been prepared on the basis that the applicant considers the public open space contribution requirements requested by the Council will render the scheme unviable. Presently it is recommended that the application is permitted subject to the receipt and consideration of further highway, environmental and tree information and subject to the applicant entering into a Section 106 agreement to secure a contribution of £235,493.

The independent viability appraisal concludes that due to the cost of ground remediation, the scheme cannot support any level of policy compliant Section 106 contributions.

Officer Response

Your Officer accepts the conclusion of the independent appraisal.

Paragraph 173 of the National Planning Policy Framework (the Framework) indicates pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. 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 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. The NPPF also states that where obligations are being sought or revised, LPAs should take account of changes in market conditions over time, and where appropriate, be sufficiently flexible to prevent planned development being stalled.

The evidence received for this planning application to substantiate the applicant's claim, that the Council's requirements render the scheme unviable, needs to be read in the context of National Planning Policy Framework as indicated above, and also in the context of an identified housing land delivery shortfall. If a scheme is unviable it will not proceed and there will be no contribution to the supply of housing in a sustainable location where there is an insufficient supply. In addition, as noted at paragraph 2.2 of the main agenda report, this development provides more affordable housing than is necessary to satisfy policy and as such will make a contribution towards addressing the shortfall in affordable housing provision on other developments within the Borough. These are material considerations and in light of

such considerations it is considered it would not be appropriate, if granting planning permission, to insist upon the payment of the public open space contribution.

As indicated within the main agenda report there are a number of outstanding issues regarding highway safety; the acceptability of the living conditions of the occupants of the development (environmental issues); and impact on trees. It was anticipated that additional supporting information and amended plans would be submitted to address such issues however the deadline has passed without any further information/plans being received.

Whilst the principle of residential development on this site remains acceptable as yet it has not been demonstrated that the specific proposals are acceptable with regard to highway safety, living conditions and impact on trees. Your officer is not able, therefore, to recommend that planning permission be granted on the basis of the submission to date.

The applicant has agreed to extend the statutory period until 24th August (within which they could not lodge an appeal against the Council's failure to determine the application) and they have requested that the Committee defer its decision on the application until the next meeting of the Committee. Acknowledging that LPAs are encouraged to be timely in making decisions, but recognising that there is no reason to consider that neighbouring interests here would be materially prejudiced by the uncertainty associated with such a deferment, it is considered that it would be appropriate to defer the decision for just a further 4 weeks to allow additional time for the outstanding issues to be resolved. – noting that the applicant has agreed to extend the statutory period

Revised Recommendation

A decision on this application should be deferred to given additional time for the outstanding matters to be resolved.