

**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**

**14<sup>th</sup> August 2018**

**Agenda item**     13

**Application Ref. 18/00122/FUL**

**Land at New Farm, Alsager Road, Audley**

Since the publication of the main agenda report, the applicant has indicated that the trigger point of 12 months by which time substantial commencement of the development would need to have been achieved, otherwise a review mechanism for the financial viability of the scheme, is too challenging and that 24 months would be more appropriate in this instance.

The reasons set out by the applicant are that both demolition of existing buildings and a footpath link (with the highway boundary) are required which would delay the construction of the dwellings.

Officer Response

The Council's practice has generally been to seek financial viability reappraisals if substantial commencement has not occurred within one year of the date of the planning permission – this being on the basis of the consistent advice of the District Valuer on this matter. However, there have been a number of cases whereby this period has been extended to 18 months because certain constraints would delay construction and subsequently substantial commencement. The reason for setting a trigger for reevaluation is to ensure that if there is a significant delay in progressing the development the financial circumstances that prevail when it is eventually undertaken can be taken into account. As members will be aware it is possible to keep alive a an extant full planning permission by relatively minor works.

In this instance, your officers accept that the requirement to demolish existing buildings on the land would delay construction. However, whilst a footpath extension within the highway will firstly require approval from the LPA, by way of a condition approval application and secondly from the Highways Authority, via a highways agreement under Section 278, it is not considered that this should delay the development significantly and the 24 months requested by the developer appears excessive.

Therefore, your officers are willing to accept that an extended 18 month period can be given in this instance. It is considered that the definition of “substantial commencement” in this case should be the completion to damp proof course level of 3 dwellings and the construction to base course level of the access and footpath extension. This would ensure that the LPA is consistent in its approach when considering financial viability matters.

**Revised Recommendation**

Subject to the applicant first entering into a Section 106 agreement by 18th September 2018 to secure a review mechanism of the scheme's ability to secure

policy compliant on-site affordable housing and a contribution towards off site public open space, if the development is not substantially commenced (completion to damp proof course level of 3 dwellings and the construction to base course level of the access and footpath extension) within 18 months from the date of the decision, and the payment of such a contribution and the provision of such affordable housing 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. Facing and Roofing Materials
4. Boundary Treatments
5. Finished Ground and Floor Levels
6. Access, Internal Road and Parking to be provided prior to occupation
7. Visibility Splays
8. Surfacing and Drainage (roads, access and parking)
9. Footway Provision on Alsager Road (to the site)
10. Garages Retained for Parking and Cycles
11. Approval of Tree and Hedgerow Protection Proposals
12. Arboricultural Method Statement to BS5837:2012
13. Landscaping
14. Construction Environmental and Highways Management Plan
15. Land Contamination
16. Foul and surface water drainage details

B. Should the matters referred 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 circumstance, and, in such circumstances, the potential provision of policy compliant financial contribution towards public open space and onsite affordable housing.