

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

11th September 2018

Agenda item 4

Application ref: 18/00239/FUL

Land at West Avenue Kidsgrove

Since the publication of the agenda an Air Quality Assessment has been submitted.

The **Environmental Health Division** (EHD) has responded to the submitted Air Quality Assessment and the additional acoustic information (referred to within the main agenda report) indicating that they have no objections subject to conditions relating to the following:

- Submission and approval of an assessment of artificial lighting from the adjoining industrial premises and any mitigation measures that are identified as being necessary.
- Approval and implementation of a Construction Environmental Management Plan
- Submission and approval of design measures to ensure that appropriate noise levels are achieved addressing environmental noise, and industrial and commercial noise.

The **Landscape Development Section** indicates that they have no objections in principle to the submitted Arboricultural Impact Assessment subject to the following comments:

- The tree protection fencing should be extended along the site boundary to the rear of plots 26 to 36 to protect tree group G24.
- Group G24 contains several important trees and it is likely that the Root Protection Area (RPAs) of some of the trees will extend into the gardens of plots 26 to 36. Ground protection should be included where required and there should be no changes in level with the RPAs.
- Any gaps in the tree cover resulting from tree removal should be replanted to mitigate tree loss.
- All recommendations of the Arboricultural Method Statement should be implemented.

The **Highway Authority** has no objections subject to the following conditions:

- Provision of access, internal roads, private drives and parking areas prior to occupation and retention for the life of the development
- Development not to be occupied until the visibility splays are provided. Such splays to be kept free of obstruction.
- Prior approval and implementation of the surfacing materials for the private drives, parking and turning areas and means of surface water drainage to such areas.
- Provision of a footpath link onto Knowle View.
- Private drives to remain ungated.
- Prior approval and implementation of a Construction Method Plan

In addition we have received confirmation that the independent viability appraisal was not undertaken in accordance with the new Practice Guidance and that it will need to be fully reviewed and updated. It is not known whether this will have been completed before the meeting. A further report will be prepared.

In light of the above the recommendation is amended as follows:

A. Subject to

- (a) your Officer still concluding, in the light of the July 2018 viability guidance and expert advice received, that any public open space contribution would result in the development being unviable, and
- (b) the applicant first entering into a Section 106 agreement by 9th November 2018 to secure a review mechanism of the scheme's ability to make a policy compliant contribution to public open space, if the development is not substantially commenced within 12 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. Development to be carried out in accordance with the approved plans (to be listed within the condition) unless otherwise required by condition of the permission.
 2. Prior approval of precise details of the following, and implementation of the approved details:
 - Existing and proposed levels, and finished floor levels of the dwellings.
 - All external facing materials and hard surfacing materials.
 - Boundary treatments.
 3. Implementation of the recommendations of the Arboricultural Method Statement.
 4. Tree protection fencing to be installed in accordance with the submitted details and along the site boundary to the rear of plots 26 to 36.
 5. Ground protection measures within the rear gardens of plots 26 to 36.
 6. No changes in ground levels within the RPAs.
 7. Approval and implementation of a scheme of hard and soft landscaping to include replacement tree planting in gaps in the tree cover resulting from tree removal.
 8. Surface water drainage scheme.
 9. Contaminated land.
 10. Submission and approval of design measures to ensure that appropriate noise levels are achieved addressing environmental noise, and industrial and commercial noise.
 11. Submission and approval of an assessment of artificial lighting from the adjoining industrial premises, including any mitigation measures that are identified as being necessary.
 12. Provision of a footway link from the site onto Knowle View or into the Woodland at the rear of the site.
 13. Submission and approval of a scheme of coal mining remedial works, and the implementation of such works.
 14. Prior approval of a scheme for the provision, in perpetuity, of 16 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity prospective and successive occupiers of such units and the means by which such occupancy will be enforced.
 15. Approval and implementation of a Construction Environmental Management Plan and Construction Method Plan
 16. Provision of access, internal roads, private drives and parking areas prior to occupation and retention for the life of the development
 17. Development not to be occupied until the visibility splays are provided. Such splays to be kept free of obstruction.
 18. Prior approval and implementation of the surfacing materials for the private drives, parking and turning areas and means of surface water drainage to such areas.
- B.** Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning either refuse the application on

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the grounds that without the obligation being secured, the development would fail to secure an appropriate contribution for off-site public open space which would reflect the infrastructure needs of the development and (should there be a viability case for non-policy compliant contributions) there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.