

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 main agenda and the advance supplementary report, the independent viability appraisal has been revised and is now compliant with the new Planning Guidance on the consideration of the issue of viability. The recommendation remains that based upon a development of 100% affordable housing the development cannot support any level of policy compliant financial contribution.

As set out in the main agenda report, 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 has been under-delivery. In addition, as noted within that 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 remains the conclusion that it would not be appropriate, if granting planning permission, to insist upon the payment of the public open space contribution, .

As policy requires provision of 25% affordable housing a condition has been recommended specifying that 16 units (25%) to be retained, in perpetuity, as affordable housing. As such the developer is not required to build a development that is fully affordable housing. Whilst there is no reason to believe that this will happen it would be appropriate to require within the wording of the required planning obligation a further appraisal on viability to be undertaken, as it is not known whether that form of development could support any financial contribution.

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

- A. Subject to 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, and to require a further viability appraisal to be undertaken if the development as constructed is not 100% affordable housing and the payment of a policy compliant 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 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.