

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th October 2018

Agenda item 9

Application Ref. 18/00329/FUL

Former Halmerend Working Mens Club, Co-Operative Lane

Since the publication of the main agenda report the financial viability appraisal report received from Butter John Bee (BJB) has been considered.

The report has been prepared on the basis that the applicant considers that the public open space (POS) contribution requirements requested by the Council will render the scheme unviable. The request of the Landscape Development Section was for a financial contribution towards POS of £39,053 which would be applied to a play area at Harrison Close which is a 410m walk from the application site.

The report of BJB concludes that the scheme is not viable with policy compliant financial contributions, and when asked to confirm what, if any, financial contributions the scheme could support, they have confirmed that the scheme would be unviable if any level of contribution were to be secured. This is mainly due to the amount of abnormal costs associated with developing this particular site – the earthworks, remediation works for potential coal mining and dealing with land contamination

Information has also been received from the applicant's agent seeking to demonstrate that no significant overlooking from plots 3 & 4 would be caused to no. 266 Heathcote Road. This includes boundary fence details and soft landscaping. This information can be displayed at the meeting if necessary.

Officer Response

The new NPPF marks a significant change in the approach to be adopted to viability. It indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. However in the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until the Joint Local Plan is finalised.

The conclusions of BJB, an independent appraisal, are clear and confirm that the development cannot support any financial contribution. If a scheme is unviable it will not be delivered and the benefits arising from that development will not be achieved. Such benefits include the contribution it makes towards housing supply and the redevelopment of a site which has been derelict and untidy for a number of years. These are material considerations and in light of such considerations it is concluded

that it would not be appropriate, if granting planning permission, to insist upon the payment of the public open space contribution, provided the appraisal has been undertaken in accordance with the new required methodology.

Revised Recommendation

A. Subject to the applicant first entering into a Section 106 agreement by 20th 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 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, including retaining walls
5. Finished Ground and Floor Levels
6. Removal of permitted development rights
7. Visibility splays prior to occupation (and kept free from obstruction)
8. Road, parking and turning areas prior to occupation
9. Surfacing, surface water drainage and delineation of car parking spaces;
10. Existing site access made redundant to be closed and the crossing reinstated to footway;
11. Garages retained for parking;
12. Construction management plan
13. Tree protection plan
14. Arboricultural Method Statement
15. Detailed Landscaping Scheme, including tree retention, replacement tree planting, and tree and hedge planting at the rear of plots 3 and 4.
16. Land Contamination
17. Construction Hours
18. Design measures to minimise noise on future occupiers
19. Foul and surface water drainage details
20. Ecology mitigation measures

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.