

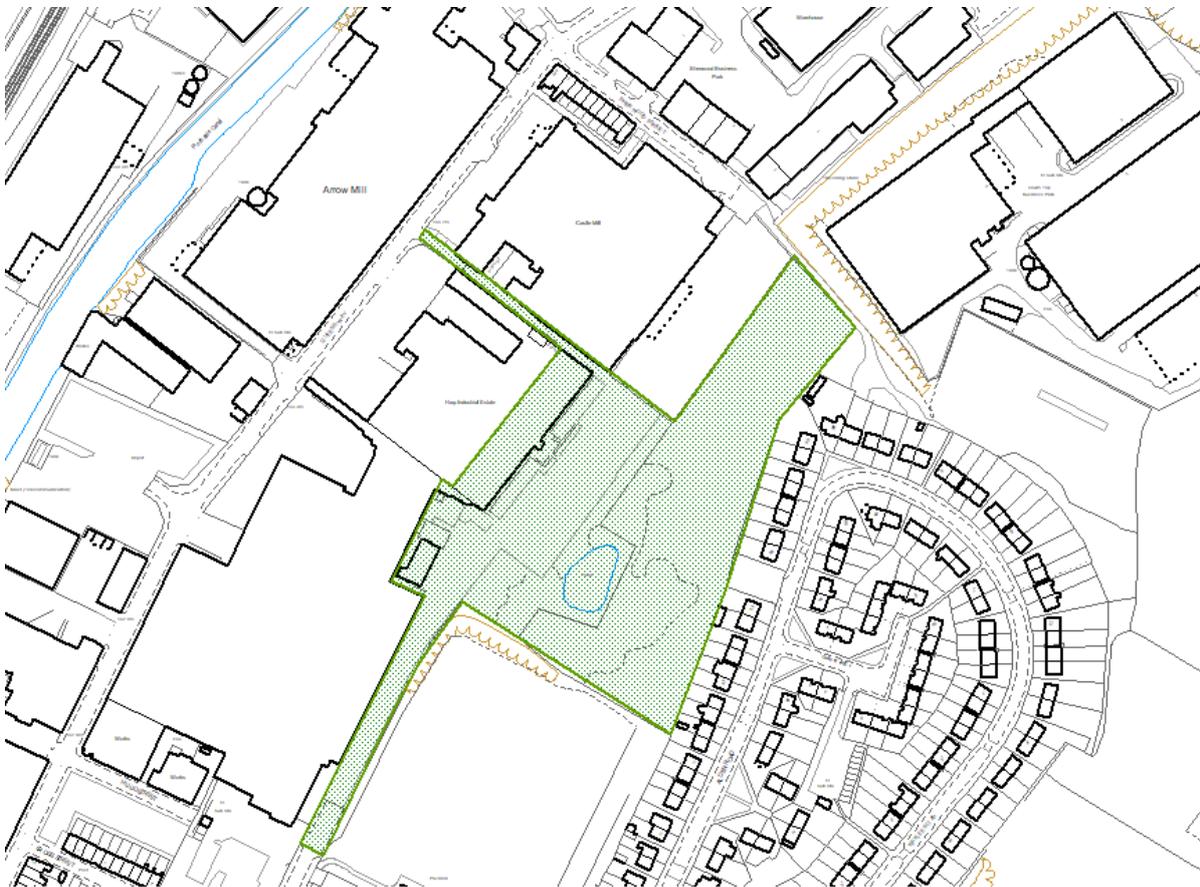
Report to Planning and Licensing Committee



Date of Meeting	5 March 2020
Portfolio	Councillor Wardle Cabinet Member for Planning, Development & Housing
Report Author	Emma Heron
Public/Private Document	Public

Application: 19/00628/OUT	Township: Pennines	Ward: Castleton
Applicant: C/O Agent	Agent: Indigo Planning	
Site Address: Farrel Ltd, Queensway, Rochdale, OL11 2NY		
Proposal:	Outline application (including means of access) for the demolition of redundant buildings and residential development for up to 100 dwellings	

SITE LOCATION



DELEGATION

- 1.1 The application falls to be determined by the Planning and Licensing Committee as it comprises major development and is a departure from Development Plan policy

PROPOSAL SUMMARY

- 2.1 Demolition of redundant buildings, and residential development for up to 100 dwellings. Outline application (including means of access)

RECOMMENDATION

- 3.1 It is recommended that the Planning and Licensing Committee resolves it is minded to **GRANT Planning Permission subject to conditions and subject to the prior signing of a S106 legal agreement to include:**

1:

- (i) Financial contributions of £308,000.25 towards Primary education;**
- (ii) Where ‘no net loss’ of biodiversity cannot be demonstrated through the reserved matters submission and mitigation strategy, a payment for a financial contribution towards biodiversity off-setting, shall be triggered, the formula for which shall be based on the DEFRA off-set matrices;**
- (iii) The provision and future maintenance of recreational open space within the site, in accordance with the Council’s policies;**
- (iv) Financial contributions towards off-site highway improvement:**
 - £3,000 – dropped crossings / tactile paving at access points
 - £20,000 – raised tables and extended 20mph zone on Newchurch Street
 - £6,000 – Footway reinstatement at junction with Queensway and lighting
 - £4,000 – TRO review along Newchurch Street

2:

- (v) A mechanism to ensure any affordable housing is to be provided on site; details shall first be submitted to and approved in writing by the Local Planning Authority.**

3: Clause that if the housing site is delivered but there is no investment in Farrel’s:

- (vi) Contributions towards Outdoor Sports Provision, in accordance with the Council policies,**
 - (vii) A financial contribution of £154,000.10 towards Secondary education or the investment,**
 - (viii) Where affordable housing is not secured through a reserved matters submission, a commuted sum payment made, in accordance with the Council’s policies;**
- to be paid.**

And that the Head of Planning Services is authorised to GRANT planning permission upon execution of the above S106 agreement subject to conditions.

REASON FOR RECOMMENDATION

- 4.1 The proposal is acceptable in principle, the access details are acceptable, and the site is capable of accommodating a residential use. Issues relating to design, neighbour amenity, and biodiversity mitigation can be considered in detail at reserved matters stage. Contaminated land, drainage and other matters are the subject of conditions of planning permission. The significant employment benefits arising from off-setting the costs for outdoor sports provision, secondary education and affordable housing weigh significantly in favour of the scheme.
- 4.2 Whilst the development does not comply with Core Strategy policies pertaining to infrastructure contributions, the proposal accords with other Core Strategy policies and the National Planning Policy Framework. The contributions would be used to maximise funds to invest back into the business, leading to significant local employment benefits. Such benefits satisfy the National Planning Policy Frameworks requirement to have significant regard to support economic growth and productivity (paragraph 80).

SITE

The application relates to land at the rear of Farrels Ltd, an industrial premises on Queensway, Castleton. To the west of the site is the main Farrel Ltd building complex, to the south is Castleton Primary School playing field and further south and to the west is a residential area.

The application site comprises the existing staff car park of Farrel, a small staff amenity area consisting of grass, seating and a pond, the site of an existing large building within the premises (named in the application as ‘Harp Mill’) another smaller plant building, and a large area of fenced off land to the rear of Farrel which is significantly overgrown. This land has been fenced off for many years and is previously undeveloped.

BACKGROUND

Farrel Ltd is a large-scale manufacturing company providing machinery for rubber and plastics processing for the tyre industry. The company is a significant local employer, with an existing workforce of 166 staff, supporting a further 45 jobs through their local supply chain. Staff training and development is a significant factor in the business philosophy.

The applicant has advised that millions of pounds have been invested in machinery and technology over recent years, however there is a need to invest in the physical fabric of the buildings and adapt them to provide the right quality of space in order to operate efficiently and justify remaining on site, in Rochdale and the UK.

Some of the buildings on site are in a poor state of repair with one in particular that dominates the Queensway frontage being unusable due to damp ingress and a failing roof. Other buildings are not utilised to their full potential or are problematic due to differing floor levels. The applicant advises that the company must therefore invest in the existing facilities or find an alternative site which better suits the operational needs. They advise that there are substantial incentives for Farrel to relocate to low cost markets, yet at the same time Castleton offers a skilled and local workforce and a relocation would involve substantial costs. The investment in the premises, (comprising refurbishment and a modern office extension amongst other things would amount to over £8m, and would enable Farrel Ltd to recruit even more staff, offer 4 new apprenticeships per year, and increase the quality of staff training and development.

The refurbishment works that Farrel must invest in, and briefly described above, form part of a separate planning application (19/00629/FUL). However, in order to part-fund those works, the applicant has advised that they need to release value from the surplus land within their ownership (ie. this application site) through seeking consent for residential use. That is the basis for this application.

A similar enabling case was proposed in 2008, and subsequently approved in 2011 (08/D51129), with a S106 legal agreement allowing either the S106 affordable housing contribution to be paid, or the equivalent sum reinvested into the business premises. Since that time however, the planning permission has expired, a new Core Strategy has been adopted setting out clear expectations in respect of planning

obligations, including the need for education contributions. These matters are covered within the main assessment.

PROPOSAL

The proposal is an outline planning application, for the demolition of a building currently used as offices and indicated within the planning application as ‘Harp Mill’, plus a smaller plant building, and residential development for up to 100 dwellings. Access is detailed, and all other matters are reserved. The access is proposed to be taken from Newchurch Street via the existing service road that serves Farrel Ltd. A secondary access for emergency vehicles only, would be taken from the narrow lane to the north of Farrels Ltd.

The submitted Parameters Plan indicates a residential area of 2.1 hectares.

Part of the site comprises staff car parking. The parking area would be re-located to a derelict piece of land within the applicant’s ownership, to the south of the premises. The staff car park is included in the separate planning application, 19/00629/FUL.

DEVELOPMENT PLAN

Adopted Rochdale Core Strategy (CS):

- SD1 Delivering Sustainable Development
- SP1 Rochdale Borough’s Role in the City Region
- SP2 The Spatial Strategy for the Borough
- SP3/R The Strategy for Rochdale
- DM1 General Development Requirements

- E2 Increasing Jobs and Prosperity
- E3 Focussing on Economic Growth Corridors and Areas

- P1 Improving Image
- P2 Protecting and Enhancing Character, Landscape and Heritage
- P3 Improving Design of New Development

- G1 Tackling and Adapting to Climate Change
- G2 Energy and New Development
- G7 Increasing the Value of Biodiversity and Geodiversity
- G8 Managing Water Resources and Flood Risk
- G9 Reducing the Impact of Pollution, Contamination and Land instability

- T2 Improving Accessibility

Unitary Development Plan (UDP):

- G/D/1 Defined Urban Area
- EC/2 Primary Employment Zone

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note ‘Guidelines and Standards for Residential Development’ (June 2016).

NATIONAL PLANNING POLICY AND GUIDANCE

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

RELEVANT HISTORY

08/D51071 – Alterations to factory elevations and servicing and access arrangements and construction of new car park. Approved 12 November 2008.

08/D51129 – Outline application (including means of access) for residential development (128 dwellings). Approved 28 July 2011 subject to a legal agreement.

11/D54814 – Application for a new planning permission to replace extant planning permission D51071 for alterations to factory elevations, servicing, access arrangements and construction of new car park. Approved 21 November 2011.

CONSULTATION RESPONSES

Rochdale Development Agency - Farrel have been based on Queensway since 1906 and are now under German ownership. They are the leading manufacturer of mixing systems for processing tyre components, exporting more than 95% of their products overseas.

The current building is no longer fit for purpose and the proposed new development will help them maintain their competitiveness and grow their market share still further. The site is within an established employment area which has good transport links and the company is keen to remain here. They currently employ 166 staff across the site, as well as supports a further 45 jobs through their local supply chain. The investment of over £8m in the new building will enable them to recruit new staff, and offer 4 new apprenticeships per year across all levels (including one at university level). They have a skilled workforce and invest heavily in staff training and development.

The current site is very close to a residential area, and the proposed development will enable HGVs to be taken away from the local streets improving road safety. It will also help with access to the adjacent primary school.

The RDA supports the proposed plans as part of our ongoing desire to see a centre for advanced manufacturing in the borough.

We are aware the company is considering other sites overseas which would result in significant job losses in the area. This would have a detrimental effect both in the immediate area – and also for some of the businesses within the supply chain.

The Canal and River Trust - No comments to make

Conservation And Design - The application is supported for approval. The proposal will have a neutral impact on the designated and non-designated heritage assets (NPPF, paragraph 192).

Env Health - Air Quality - No public rights of way or Air Quality impacts that prevent this development from being approved, subject to a Dust Management Plan and installation of electric vehicle charging points.

Env Health - Noise/Odours - Satisfied that the internal noise levels can be achieved through mitigation (conditioned with post completion verification). However, the lowest practicable noise levels in external areas of 58dB9 (A) have not been demonstrated so this section cannot support the proposal in its current form. This is in line with guidance BS 8233 2014.

Environmental Control (Landfill Gas) - Groundwater contamination has been identified. EA should be invited to comment. Report is acceptable. A site investigation condition is appropriate.

Environment Agency - Our advice is to address the issue of PCBs, and this can be done either prior or after approval. The submitted technical reports provide the EA with confidence that it will be possible to sustainably manage the risk to controlled waters by this development. Conditions are recommended in relation to site investigation, no ground infiltration of surface water unless supported by a risk assessment, no piling without express consent of the LPA. Advice is also set out with regards to Waste.

Gtr Manchester Ecology Unit - the outline proposal will result in a net loss of biodiversity on-site. Further discussion is required regarding how no net loss will be achieved. Other issues relating to bats, nesting birds and invasive species can be resolved via condition and/or informative.

Natural England - No objection

GMP - Design For Security - No comments to make.

GM Fire Service - the proposal should meet the requirements for Fire Service access. Advice is given with regards to layout and access for fire appliances. Domestic sprinklers would be supported.

Highways And Engineering - No objection to this proposal and recommend approval subject to a contribution of £4,000 towards a TRO for waiting restrictions on Newchurch Street and a 20mph zone on the new residential roads.

Transport For Greater Manchester - It is accepted that several mitigation measures set out by TfGM cannot be justified in planning terms.

Lead Local Flood Authority/Drainage – No objection subject to conditions.

United Utilities - Standard conditions are recommended with regards to surface water drainage. Additional standing advice is also included.

TOWNSHIP PLANNING PANEL

The application was presented to the Rochdale Township Planning Panel in September 2019; Members requested the negotiation of S106 money, then they would have no objections.

MEMBER REPRESENTATIONS

No representations have been received from Members.

PUBLIC REPRESENTATIONS

Objection Reps	3	Support Reps	0	Neutral Reps	0
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Public representations are summarised as follows:

- The green area is the best example of urban nature conservation. Development would result in loss of habitat, wildlife and trees.
- Development would exacerbate issues of overpopulation, rise in criminal incidents.
- Increased flood risk
- Increased traffic
- Noise and disturbance from construction
- Neighbour amenity concerns (proximity to existing homes).

ANALYSIS

Principle of Development

1. The site is located in the Defined Urban Area (saved policy G/D/1) in the Rochdale Unitary Development Plan (UDP). G/D/1 establishes that new development should be located in the urban area, so as to support urban regeneration and protect the open countryside.
2. With the exception of the Farrel Ltd staff car park, and 'Harp Mill' site, the majority of land proposed for residential development is previously undeveloped 'greenfield' land, within the Primary Employment Zone as defined in the Unitary Development Plan. Residential development is therefore a departure from local plan policy.
3. Whilst the site is included in the Allocations DPD for housing, this document carries limited weight at the current time given its draft status. Also, the previous planning permission for housing has lapsed, and carries no weight in consideration of the application. For these reasons the proposal must be considered afresh, taking account of updated Local Plan policies, and a case must be made to demonstrate the sites suitability for housing rather than employment.

4. The spatial strategy for the Borough (CS Policy SP2) seeks to focus housing delivery within the south of the borough in the Manchester fringe. The Council's housing priority for the south of the borough is to maximise the opportunities that exist to provide new housing in sustainable locations; deliver homes in regeneration areas and focus new housing in or close to economic growth corridors/areas and town centres (Core Strategy policy C1). Policy C1 also recognises that the development of appropriate greenfield sites within the urban area can constitute sustainable development and that such proposals will be considered flexibly provided that the sites have limited green infrastructure value and their development would not adversely impact on amenity. Green infrastructure is detailed in Core Strategy policy G6 and includes green spaces, existing trees and water bodies.
5. With regards green infrastructure, whilst the majority of the site is enclosed, inaccessible and overgrown, the trees within the site have clear amenity value when viewed from the wider area, as a respite from the surrounding development and as an attractive green border to the well-used track to the north that provides a link between the residential area and Queensway. The pond is also an area of note.
6. The retention of some trees, and mitigation for the loss of green infrastructure can be considered as part of a comprehensive landscaping scheme at reserved matters stage. Additionally, the site is in a sustainable location, reasonably well served by public transport and local facilities. As such it is considered that the site is capable of complying with Core Strategy policy G6 and the spatial strategy for the borough and is acceptable in principle.
7. A key issue which must be considered in detail is the enabling case and development viability, which is discussed below.

Enabling case and viability

8. The NPPF states that where up-to-date policies have set out the contributions expected from development planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.
9. In the circumstances of this application, it is considered that a pragmatic 'lighter touch' review of viability is appropriate, given the enabling case presented, that contributions must be re-invested into the refurbishment and extension works proposed under application 19/00629/FUL. This is in order to maximise the finances available to undertake the work, and in so doing retain and expand a significant local workforce.

10. The costs to deliver the business improvement scheme (application 19/00629/FUL), would be £8,186,711. The viability appraisal shows a -9% profit if all contributions required by Core Strategy policy are required to be paid. The applicant advises that 50% of the funding for the scheme needs to be secured through the sale of the land proposed for residential development, with reduced contributions. Specifically, no secondary education, outdoor sports provision, or affordable housing contributions.
11. If approved, with reduced contributions, the proposed development would enable the applicant to raise funds to undertake the major upgrading and refurbishment works to the main employment premises. Supporting 166 existing jobs and helping to create new jobs. Without these upgrades the applicant may need to relocate outside the borough, and potentially outside of the UK to lower cost markets.
12. The required contributions that will be incorporated in the S106 agreement are, primary education, funding for highway works, potential biodiversity off-setting, and on-site public open space.
13. At the current time, there is a significant need for primary school places, with Castleton being a priority area. Additionally, the residential scheme must deliver off-site highway works in order to be accepted by the Highway Authority. The proposal therefore provides contributions in respect of these infrastructure requirements, to offset harm. The local planning authority also requires no net loss of biodiversity (a requirement of the NPPF), which must be provided as an off-site contribution or provided on site at reserved matters stage. Public open space would be provided on site. It is acknowledged that affordable housing may ultimately be provided on site, but this cannot be taken into account at this stage, as the applicant is not in a position to commit to funding affordable housing.
14. Officers have taken into account the significant employment benefits that would arise from the scheme in recommending that the remaining contributions can be foregone providing the investment is made in Farrel's. Members may also wish to note that Farrel's previously secured planning permission in 2011 for a similar proposal (outline planning permission 08/D51129), and which was subject to a similar legal agreement as that now proposed. This prioritised affordable housing, as that was the greater need for the area at that time. The 2009 market collapse followed, the scheme was 'shelved' and the planning permission lapsed.

Conclusion on enabling case and viability

15. On the basis of the above viability and enabling case, it is considered that the scheme can be recommended for approval despite the lack of outdoor sports and secondary education contributions, and affordable housing provision

given the importance of retaining a key local employer and advanced manufacturing company.

Access and highway safety

16. The proposal would utilise the existing access at the end of Newchurch Street for all residential properties, with a secondary access to Queensway for emergency vehicles only (restricted by way of bollards). The proposal and submitted Transport Statement is acceptable to the Highway Authority, providing that a legal agreement funds a Traffic Regulation Order for waiting restrictions on Newchurch Street in the interests of highway safety. This is due to the increase in traffic the development would cause, particularly during the school drop-off and pick-up. Other issues such as parking ratios would be considered at reserved matters stage.
17. Transport for Greater Manchester have requested a number of measures in the vicinity of the development, some of which the applicant has agreed to. The costs of these measures are outlined in the Contributions section of this report. Financial contributions would be obtained by way of S106 agreement, with the works carried out through a S278 agreement.
18. The re-surfacing of the junction of Queensway/Manchester Road, dropped crossings and tactile paving at surrounding junctions are not considered necessary to mitigate the impacts, or related in scale or kind to the development proposed, and as such TfGM has conceded that these are not necessary.
19. With regards to connectivity, it is considered important to incorporate a footpath/cycle pedestrian link to the well-used informal lane to the north of the site. This would negate the need for a long route round to Queensway from the Newchurch Street side. As layout is yet to be determined, this will be required as a condition of any planning approval.
20. Overall, the outline proposal is considered to be in accordance with Core Strategy policy T2 and the NPPF.

Design and layout

21. All detailed design elements fall to be determined at reserved matters stage. The detail submitted with the outline application is a parameters plan. It is considered that the site is capable of accommodating a residential scheme of up to 100 homes or less. Given the green infrastructure value of the site, any layout proposal must incorporate public open space, good quality landscaping and tree retention, together with connectivity to existing paths as described in the 'Access and Highway Safety' section above. Where retention of trees is not possible, at least 2 for 1 replacement will be required by condition of any planning approval. The above requirements would have a bearing on the

number of houses capable of being built on the site, and would be a reserved matters consideration.

22. It is considered that the development is capable of compliance with Core Strategy policies DM1, C1 and G6 and the NPPF in this regard.

Neighbour Amenity

23. The detailed reserved matters scheme must demonstrate that the homes will not impact adversely on the amenities of existing residents on Alder Road and that the industrial use of Farrel Ltd, will not have an adverse impact on the occupiers of the homes by way of noise and disturbance. Concern has been raised by the Council's Environmental Health Officer in respect of the noise impacts to external areas within the proposal site. The detailed scheme must include a Noise Impact Assessment that can satisfactorily demonstrate that noise levels can be mitigated, in a manner that is also visually acceptable.
24. On the basis of the above it is considered that the proposal is capable of complying with Core Strategy policy DM1 and the NPPF.

Biodiversity

Impacts

25. With regards to bat protection, no evidence of bats was found in the buildings to be demolished and it was found to have negligible bat roosting potential. GMEU supports this conclusion and recommends an informative to remind the applicant of the Habitats Regulation requirements. A further bat survey would also be required if demolition were to occur after 30th April 2021 (which would then render the submitted bat survey out of date).
26. In respect of the proposed removal of the existing pond, the Phase 1 ecological survey identifies this asset as low risk for Great Crested Newts. Further survey work, and mitigation would be required as part of any subsequent reserved matters application, to ensure adequate protection is accorded to such species as marginal and aquatic plants, amphibians, nesting birds and invertebrates.
27. Additional conditions would also be required in relation to a nesting bird survey prior to any tree removal, and a methodology for eradication / control of invasive species (rhododendron and monbretia).
28. With regards to trees, GMEU accepts that the majority of trees have limited merit, with the exception of a large oak and two mature birch trees, which are likely to be lost as a result of development. The layout of any new development should therefore be such that sufficient tree and shrub planting can compensate for the losses. The above would be required as part of the landscaping reserved matter.

Net Gain

29. Section 170 of the NPPF 2019 states that the planning system should contribute to and enhance the natural and local environment. Approximately half the site is semi-natural consisting of widespread and common habitats assessed as being of moderate ecological value. The only higher value habitat is the pond. It is likely that the majority of these habitats are in poor condition. The rest of the site has negligible to very low ecological value. GMEU is of the opinion that the development would result in a net loss of biodiversity as a result of development. This would not accord with the NPPF requirement of no net loss.
30. Given the above concern, a mitigation strategy was submitted by the applicant, setting out proposals for on-site mitigation. This includes 15 bird nest boxes, 20 bat bricks, a scheme for 2 species rich native hedgerows, the details of which would be secured by condition. GMEU conclude that the proposal still represents a loss of biodiversity, even with the proposed mitigation measures, and advise that an estimated contribution towards off-site mitigation of between £17,000 and £25,000 would be required. The applicant does not concur with this view, and advise that they consider that the strategy ensures no net loss of biodiversity.
31. As this application has been submitted in outline, it is considered that a detailed mitigation strategy is capable of being incorporated into a reserved matters application, for example through the landscaping scheme, with a proviso written into the S106 legal agreement, that a contribution towards off-site mitigation is required if no net loss cannot be demonstrated.
32. On the basis of the above mechanism, the proposal is considered capable of according with Core Strategy policy G6 and the NPPF.

Contaminated land

33. The application is accompanied by Phase I and II risk assessments, which are accepted by the Council's Environmental Protection Officer and Environment Agency, subject to a condition of planning permission, requiring a suitable completion report that also addresses the issue of Polychlorinated Biphenyls (PCBs), and the risk to controlled waters.
34. Subject to the above, the proposal is considered to accord with Core Strategy Policy G8 and the NPPF.

Drainage

35. The site is within Flood Zone 1 and at low risk of flooding from other sources.
36. The Drainage Engineer is satisfied that the development will not lead to increased flood risk elsewhere, subject to conditions requiring separate systems for foul and surface water, and full details of a surface water drainage scheme to be submitted and approved, including sustainable drainage systems and suitable attenuation methods where appropriate.

37. It is considered that adequate regard has been paid to drainage and flood risk matters, subject to a detailed scheme being required by condition, and the proposal is in accordance with Core Strategy policy G8 and the NPPF.

Planning Obligations

38. Policy DM2 of the Core Strategy sets out that the Council will require developers to provide, or contribute towards the cost of providing, any physical and social infrastructure that is needed because of proposed development. For residential development, the Core Strategy specifically requires contributions towards affordable housing (Policy C4), Public Open Space and outdoor sports provision and maintenance (Policy G6) and education provision (policy C7).

39. The below sets out the full policy requirement for contributions, however members should note the commentary provided in the 'enabling case and viability' section of this report.

Affordable housing

40. In accordance with the provisions of Core Strategy policy C4 and the Council's Affordable Housing SPD, the scheme should provide 15% of homes on-site as affordable housing or 7.5% of Gross Development Value (GDV) to be provided as a commuted sum in lieu of on-site provision.

41. The applicant advises that it is likely that 7.5% gross development sales value would be affordable, and that it is more likely that the site would deliver closer to 100% affordable homes. However the provision of affordable housing cannot be taken account of as a significant benefit of the scheme as such a provision is not guaranteed, and no control over affordable housing provision is proposed. For this reason, this is contrary to development plan policy and is presented in further detail in the 'Enabling Case and Viability' section above.

Public open space and formal sports

42. The Council's Provision of Recreational Open Space in New Housing SPD states that for developments of more than 100 bedrooms, open space provision on site would be expected. The document notes however, that payment of a commuted sum towards off-site provision may be accepted, including on tight urban sites. In this case the applicant has agreed to the provision of on-site POS calculated on the basis of the number of units / bedrooms. This requirement will be included as part of the S106 legal agreement.

43. With regards outdoor sports provision, this is calculated based on the Council's standard of 1.1 hectares per 1,000 population (i.e. 1,000 bedrooms) and based on the current table of charges. The applicant is not proposing to provide an Outdoor Sports contribution, and seeks to reinvest the sum into the owner's retained property. This is contrary to development plan policy and is presented in further detail in the 'Enabling Case and Viability' section above.

Education

44. Core Strategy policy C7 seeks developer contributions for the provision of educational facilities (including new school places).
45. Education contributions are set at £12,320.01 for each Primary place and £15,400.01 for each secondary place (this is currently under review).
46. The exact contribution would be calculated on a formula bases, however based on a scheme for the maximum 100 homes, the contributions would be worked out as follows:
- 100 houses x 0.25 (primary yield factor) x £12,320.01 = £308,000.25
 - 100 houses x 0.1 (secondary yield factor) x £15,400.01 = £154,000.10
 - Total contribution based on 100 units = **£462,000.35**
47. The primary education contribution would be payable through the S106 legal agreement. The secondary education contribution is not proposed to be paid, and is considered further in the ‘Enabling case and viability’ section above.

Biodiversity Off-setting

48. As described in the ‘Biodiversity – Net Gain’ section above, the NPPF current requirement is that there should be no net loss of biodiversity. GMEU has identified a shortfall of biodiversity to the equivalent sum of between £17,000 and £25,000, taking into account the baseline biodiversity quality of the site, and the proposed mitigation strategy. The applicant disagrees. On this basis, it is considered appropriate to include a requirement within the S106 that requires contributions only where full mitigation cannot be demonstrated in a reserved matters submission.

Off-site Highway Works

49. Paragraph 102 of the NPPF requires that transport issues should be considered at an early stage so that potential impacts can be addressed. Paragraph 108 requires decision-makers to ensure that significant impacts from development on the transport network (capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Core Strategy policy T2 expects development proposals to financially contribute to transport improvements where additional traffic movements cannot be accommodated on the existing network.
50. The applicant has agreed to the following off-site highway works as part of S278 works, with costs to be required through the S106 legal agreement. This is separate to the contributions set out above.
- £3,000 – dropped crossings / tactile paving at access points
 - £20,000 – raised tables and extended 20mph zone on Newchurch Street
 - £6,000 – Footway reinstatement at junction with Queensway and lighting
 - £4,000 – TRO review along Newchurch Street.

Conclusion

51. The proposal is acceptable in principle, the access details are acceptable, and the site is capable of accommodating a residential use. Issues relating to design, neighbour amenity, and biodiversity mitigation can be considered in detail at reserved matters stage. Contaminated land, drainage and other matters are the subject of conditions of planning permission. The employment benefits arising from off-setting the costs for outdoor sports provision, secondary education and affordable housing weigh significantly in favour of the scheme.
52. Whilst the development does not comply with Core Strategy policies pertaining to infrastructure contributions, the proposal accords with other Core Strategy policies and the National Planning Policy Framework. The contributions would be used to maximise funds to invest back into the business, leading to significant local employment benefits. Such benefits satisfy the National Planning Policy Frameworks requirement to have significant regard to support economic growth and productivity (paragraph 80).

RECOMMENDATION

It is recommended that the Planning and Licensing Committee resolves it is minded to GRANT planning permission subject to a Section 106 agreement to secure:

1:

- (i) Financial contributions of £308,000.25 towards Primary education;**
- (ii) Where ‘no net loss’ of biodiversity cannot be demonstrated through the reserved matters submission and mitigation strategy, a payment for a financial contribution towards biodiversity off-setting, shall be triggered, the formula for which shall be based on the DEFRA off-set matrices;**
- (iii) The provision and future maintenance of recreational open space within the site, in accordance with the Council’s policies;**
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3: Clause that if the housing site is delivered but there is no investment in Farrel’s:

- (vi) contributions towards Outdoor Sports Provision, in accordance with the Council policies,**
- (vii) A financial contribution of £154,000.10 towards Secondary education or the investment,**
- (viii) Where affordable housing is not secured through a reserved matters submission, a commuted sum payment made, in accordance with the Council's policies;**

to be paid.

And that the Head of Planning Services is authorised to GRANT planning permission upon execution of the above S106 agreement subject to conditions.

A full list of proposed conditions will be detailed in an update report.