OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT
LAND AT WOOLEY BRIDGE, GLOSSOP
DRAFT HEADS OF TERMS FOR SECTION 106 AGREEMENT
014/09/2012

INTRODUCTION

1. These Heads of terms are set out on behalf of the applicant to inform the preparation and negotiation of a S106 agreement with High Peak Borough Council to support an outline planning application for residential development on land at Woolley Bridge, Glossop.

2. These Heads of Terms are submitted as part of the application on a without prejudice basis and are subject to the receipt of formal consultation responses and evidence from those to whom the obligation are to be given that the obligation satisfies the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010. This requires that planning obligations set out in a section 106 agreement must be:

   i) Necessary to make the development acceptable in planning terms;
   ii) Directly related to the development; and
   iii) Fairly and reasonably related in scale and kind to the development.

3. Based on the content of the District Council's Development Plan and the information available at the time of submission of the planning application it is envisaged that the section 106 agreement may include the obligations set out below.

AFFORDABLE HOUSING

4. It is proposed that the Agreement will include an obligation for the provision of up to 30% of the total number of dwellings, based on an 80% Social Rented Housing and 20% Shared Ownership Housing tenure mix or an alternative mix as may be agreed as part of the subsequent reserved matters approval, unless a Financial Viability Assessment is submitted to the Council to demonstrate that it is not viable for the development to provide this percentage of the total number of units and / or tenure mix of affordable housing. In such circumstances the Financial Viability Assessment will set out the lower percentage of the total number of units and / or alternative tenure mix of affordable housing which is considered viable for the Development or part thereof to provide.

5. This approach is in line with the recent planning permission granted by High Peak Borough Council for the land on the south side of Glossop Road, Gamesley, Glossop (ref. HPK/2012/0026). More specifically, with the Glossop Road development the Council considered that the scheme and the associated development costs, particularly the abnormal development costs and values, could not be fixed until the subsequent reserved matters planning application is submitted. Based on the topography of the site and it's historical usage there is clear potential for abnormal development costs to be incurred in bringing the proposed development forward.

6. The applicant does not agree with the Council's position in terms of the requirement for a detailed scheme as part of a reserved matters planning application in order to debate the viability of affordable housing provision. However, in an attempt to reach agreement, as set out above it is proposed that affordable housing provision will not be fixed as part of this outline planning application, in line with the previous Glossop Road application. This will allow the affordable housing provision to be finally determined when a reserved matters planning application is submitted for the proposed development, informed by a Financial Viability Assessment submitted by the applicant, and subsequently approved by the Council.

7. This approach is in line with the NPPF which acknowledges that it may not be feasible for new development to meet all the requirements set out in local regional and national planning policies and still be economically viable. Accordingly, it is suggested that where

planning obligations are being sought, local planning authorities should be sufficiently flexible on these to prevent development being “stalled”. Achieving a financially viable balance of obligations sought is integral to this and vital to ensuring development can be brought forward.

EDUCATION

8. Subject to formal consultation responses and the provision of up to date evidence as to need and capacity, a financial contributions may be required towards local education provision.

OPEN SPACE

9. The current application is in outline with all matters reserved except access. Accordingly, Landscaping and Layout will be approved as part of the reserved matters application. It is therefore proposed that the S106 includes an obligation for either a specified on site open space provision to be made as part of the Reserved Matters application or a financial contribution to be made towards improvements of facilities in the immediate locality in lieu of on-site provision.