

Tabled paper no. 2 - item 3.3 Land north Canterbury Road, Dunkirk 17/500313/OUT

I can clarify to Members that the applicant has confirmed that the open space would be managed by a management company and would not be transferred to the Council. The £97,459.67 for the management and maintenance of the open space will not therefore be required.

I ask Members to refer to the first tabled item for item 3.3 where it refers Dunkirk Parish Council's request that the footpath through Bossenden Woods is designated as a public right of way. **RSPB** have provided comments in response to this. They state that they will be able to prove that the footpath has been permissive for more than 20 years and that therefore, the application by Dunkirk Parish Council will be likely to fail. They provide photographic evidence to this effect. They do however, go on to state that if the footpath cannot be closed, they would object to the application for the housing development on the grounds that the development would be harmful to the adjacent SSSI.

Members will need to consider the likelihood of the footpath closure being secured as part of the RSPB mitigation measures and the objection from RSPB, should the footpath closure be prevented. The harm that RSPB identify would be on a local level, with Natural England finding the development acceptable on a national level (national designations including SSSI) even without the mitigation measures put forward by the RSPB. Members may consider that under the circumstances, another reason for refusal based on ecological harm on a local level is necessary. However, I believe that this is not necessary given the evidence of a permissive path provided by RSPB and therefore, the likelihood that the public right of way application would be rejected by KCC.

Members will have noted at paragraph 9.40 of the report that the application has sought to demonstrate that the scheme cannot support a policy compliant scheme in respect of the provision of on-site affordable housing. They are offering 30% (15 units) affordable housing as opposed to the policy compliant 40% (20 units). I have summarised the conclusions of our **independent advisor on the submitted Viability Assessment**:

Based on the current schedule of accommodation provided by the applicant (which is indicative at this stage), there is scope for a higher level of affordable housing within the development and/or a change of tenure mix which might increase the number of affordable dwellings on site. There is a difference of £130,960 between Benchmark Land Value and the Residual Land Value. This could be used towards the provision of a small amount of additional affordable housing, along with the change to the tenure mix (i.e. more shared ownership and less social rented accommodation might boost the % of affordable housing on site, as social rented accommodation has less of a return). It is also noted that the proposed offices would cost more to construct than they would get a return for and it is questionable whether they would be built without being specifically required by a condition. Having spoken to our consultant, he confirms that by simply removing the offices from the development, an additional approx. £541,000 would become available for affordable housing. Furthermore, if additional houses were built upon the area within which the offices were to be provided, this would improve the viability further still. This could make the difference between the provision of 30% affordable housing and the policy compliant

40% affordable housing. Members would have to weigh-up the desire for the office units against the desire for additional affordable housing on the site. If Members considered that affordable housing was the priority over the jobs that the office units would provide and/or they were of the view that the offices are unlikely to come to fruition, it would be possible for Members to seek an amendment for the offices to be removed from the scheme.

The applicant is disputing certain assumptions that our consultant makes in his report to us on viability. **I seek delegation to continue negotiations with the applicant on this matter in an effort to reach a position that both parties are agreeable to. Should an agreed position on affordable housing not be reached, I seek delegation to include this as a reason for refusal based on the failure of the proposal to provide 40% affordable housing, with the wording of the reason to be finalised by Officers.** For clarification, I continue to recommend that the application is refused on the grounds set out in the main report, regardless of what agreements are made in respect of affordable housing.