

TABLED UPDATE FOR PLANNING COMMITTEE – 12th NOVEMBER 2020

ITEM 2.9 -LAND TO THE EAST OF HAM ROAD, FAVERSHAM – 19/503278/REM

Pathfinder Development Consultants' report

Members will note the tabled independent Viability Appraisal of the applicant's viability report, which concludes that:

- A viable scheme is one which includes £52,267 of additional energy efficiency works above the standard set in the Building Regulations.
- The report states that this would equate to a realistic 12% -15% of additional energy efficiency works above the standard set in the Building Regulations.
- As such, the conclusions are very broadly in line with the applicant's Viability Report.

Information from applicant

- Combined costs of additional energy efficiency works to 10% over Part L and the installation of EV charging points would be £140,035 [I have not included their figures for layout re-design and design changes costs, as these do not contribute towards the energy efficiency issues]
- Whilst a formal calculation for the costs for 50% increase has not been provided, the agent gives an approximate indication as follows:

'The cost for 50% could be fairly accurately calculated by taking a pro-rata of the Part L improvements, so:

Re-design costs £14,500.00 (Please see previous point)

Layout Changes £31,600,00 (Please see previous point)

Electric Car Charging Points £76,635.00

Part L Improvements £317,400.00 [Members will note that the agent has stated that an uplift of 10% above regulations will equate to £63,400.00 X 5]

Total £440,135.00' [Or £394,035, when re-design costs and layout changes are removed, as these are not an energy efficiency issue]

- Members will note that a letter from Hyde Housing includes the following information:

'As this is a Reserved Matters application the Council cannot lawfully add to the conditions imposed upon the Outline Consent (16/50475/OUT) more onerous requirements which affect the principle of development or take away from its scope.

Further, and, in any event, in order to satisfy the legal as well as the NPPF policy tests the proposed condition must serve a planning purpose, fairly and reasonably relate to the development permitted and not be unreasonable in the public law 'irrationality' sense....

While the Council's 2019 Declaration and 2020 Resolution leading to the June 2020 Guidance are, collectively, a material consideration in the determination of this Reserved Matters application, they do not permit a blanket policy approach to be taken to all developments seeking planning approvals of whatever kind...

Accordingly, while Hyde remains willing to agree a percentage target that being pursued is unreasonable, unrealistic and unachievable if this 100 percent affordable housing scheme is to be delivered...

Finally, given that the Council cannot demonstrate a 5-year housing land supply, and, has a pressing need for more affordable housing it would not be in the public interest to, in effect, prevent this scheme from being constructed at the present time.

Furthermore, as Hyde is incurring considerable holding costs for the Site while this Reserved Matters Approval remains unresolved it is an inefficient use of limited resources for the financial costs of the current delay to be met by a social housing provider which has been able to secure funding from Homes England for this specific project under its 16-21 grant scheme, which is time limited and requires actual construction of the funded development.'

Conclusions

Whilst there are some calculation differences between the Viability Report submitted by the applicant and the independent Viability Appraisal carried out by Pathfinder Planning Consultancy, Officers are of the view that the Viability Report demonstrates that the viability of the scheme would not be achievable if energy efficiency levels of 50% above Building Regulations requirements were demanded, and it is therefore reasonable to support the 10% uplift, as backed by Condition 13 in the Committee report.

Hyde Housing has now purchased the land, and the scheme will now, if approved, consist of 100% affordable housing, rather than the 35% agreed under the s.106 agreement. This is a material planning consideration and would bring a planning benefit which Officers believe weighs in favour of granting permission for the development.