

Member of the Planning Committee
East Staffordshire Borough Council

Your ref: Your ref
Our ref: 12008796.1.GANDERS1.GLYONS
Date: 18 January 2019

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Dear Councillor

Re: **B Uttoxeter Property Holdings Limited - Former Bamford Works, Pinfold Street, Uttoxeter
Planning Application Ref: P/2017/01307**

We act on behalf of JCB in respect of the above matter. You will be aware from the officers' report to Planning Committee on 22 January that there is a difference of opinion between officers and JCB as to how affordable housing should be dealt with as part of this outline planning application. Officers consider that determination of the level of affordable housing to be provided should be deferred to reserved matters stage. Having spent considerable time and money on an extensive viability exercise, JCB consider affordable housing should be fixed at this stage.

JCB are keen to try and reach agreement to resolve this matter as it is not in anybody's interest for the development of this important site to be further delayed through a refusal and potential appeal.

We have today written to the officers again to try and reach a solution to the current impasse and we attach a copy of that correspondence for your information. We would draw your attention in particular to the following:-

- The written advice of Leading Counsel which confirms that deferring affordable housing to the reserved matters stage as recommended by officers would be unlawful.
- Evidence from JCB's agents (Savills) which confirms that the extensive marketing campaign for the higher density scheme which has been undertaken since May 2016 has been unsuccessful in attracting a development partner/purchaser.
- Despite the viability appraisal for the policy compliant scheme demonstrating that 2% affordable housing would be appropriate, to try and resolve the current impasse, JCB is prepared (on a without prejudice basis) to increase the affordable housing provision to 5% on the basis this would provide a contingency/buffer for any variations to the abnormal foundation costs. This was the figure accepted by the Council on the previous permission for the site.

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The Hill Dickinson Legal Services Group has offices in London, Piraeus, Singapore, Monaco, Hong Kong, Liverpool, Leeds and Manchester.

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- JCB has also suggested a planning condition limiting the scheme to 138 dwellings to prevent a higher density scheme of 148 dwellings coming forward.

We would ask members of Planning Committee to have regard to this offer as part of the determination of the application.

We confirm that a copy of this letter has been sent to officers and to all members of the Planning Committee.

Yours faithfully.

Hill Dickinson LLP

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