

FAO Sherrie Grant  
East Staffordshire Borough Council

Your ref: Your ref  
Our ref: 12008796.1.GGA.bdr  
Date: 8 April 2019

Doc Ref: 156836860\_1

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Dear Sherrie

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

Alan Harvey has kindly forwarded to us CPV's letter of 3 April 2019 commenting on the marketing campaign undertaken by JCB in respect of the site. CPV's response is disappointing and appears to have been written with a view to continuing a "tit for tat" dialogue. In the light of the positive discussion at our last meeting, JCB see little benefit to either the Council or JCB from continuing a protracted dialogue involving CPV. I do not therefore propose to respond in detail on the points raised by CPV other than the following key points.

What is unarguable is that JCB instructed JLL, an international firm of standing with a specialist and recognised residential land agency team to advise it on the marketing process which has been undertaken in respect of the site. JCB has also now retained Savills, another international firm with a specialism in residential land agency, to advise on the marketing of the site moving forward. As you will be aware from the Savills letter dated 18 January 2019, they have advised in the light of the marketing and exposure of the site to date that the high density scheme is unlikely to come forward and that a policy compliant scheme is far more likely to form their basis of development delivered on the site.

We think the views of those two specialist firms should carry significantly more weight on marketing issues than the views of CPV who, originally appointed to advise on viability issues, now appear from the comments in their letter to also be claiming expertise in relation to residential agency, the residential market and also planning policy.

The other point that CPV repeatedly fail to appreciate is that there is no policy requirement for JCB to pursue a high density scheme on this site. The Council has an approved policy in its Housing Choices SPD which sets out the housing mix/densities that development is expected to achieve to comply with policy. It is both unreasonable and unsustainable for CPV to suggest that JCB should not be entitled to pursue a policy

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compliant scheme on the site or that JCB should only be entitled to pursue such a scheme if it is able to demonstrate to CPV's satisfaction that a high density scheme cannot be delivered.

Notwithstanding the above, JCB are keen to work with officers to find a solution to resolve this matter and I have set out below a proposal for officers' consideration.

For the reasons outlined above, there is no reason why JCB should not pursue a policy compliant scheme for the site. For the policy compliant scheme, the viability appraisal shows that 2% affordable housing is appropriate.

As stated in Savills letter, they consider a policy compliant scheme by far the most likely scheme to come forward. Ultimately, however, it will be the market which will determine which scheme comes forward. If a high density scheme comes forward then JCB accepts that the level of affordable housing may be different to a policy compliant scheme. The viability appraisal undertaken demonstrates for the high density scheme that affordable housing can be achieved at a level which achieves 8.7% on site with an offsite contribution of £625,000.

In order to provide some certainty for JCB (for the reasons outlined at our meeting) but at the same time ensure there is flexibility to cater for whichever scheme comes forward, we propose that a range of affordable housing for the site is set at the outline stage. This is an approach which has been used by the Council elsewhere. That range would be between 2% and 8.7% on-site provision plus £625,000 off-site contribution reflecting the policy compliant scheme and the high density scheme. The range would set the lower and upper parameters for the level of affordable housing to be provided by the site. That could be set out in a section 106 agreement.

We would also propose that the section 106 agreement provides that if the policy compliant scheme comes forward then the affordable housing will be set at 2% but that for any scheme proposing a higher density then the affordable housing will be determined at the reserved matters stage within the approved range.

We would welcome the opportunity to discuss this proposal with officers with a view to enabling the application to be reported back to the April Committee with a positive recommendation.

I look forward to hearing from you.

Yours sincerely



**Grant Anderson**  
**Partner**  
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