

Enforcement of Unilateral Undertaking relating to Royal George Mill

Registration Date: 12/02/2001

Ward:

Application Reference: PA/041019/01

Type of Application: Full Planning Permission

Proposal: Re-submission for part demolition of existing redundant buildings, part rebuilding and conversion of existing buildings and residential development to provide dwellings comprising 38 apartments and 34 houses and conversion of building to B1 use (business use).

Location: Royal George Mills, Armit Road, High Grove Road, Greenfield, Oldham

Applicant: Wiggett Construction Ltd

Background

The above application was granted planning permission on appeal on 12 April 2002. In allowing the appeal, the Inspector accepted a Unilateral Undertaking submitted on behalf of the landowner and developer which placed a number of obligations on the owner and developer.

The Unilateral Undertaking is dated 14 February 2002 and was given by Salientpoint Limited (the landowner) and Wiggett Construction Limited (the developer). The undertaking required the developer to pay the Council £17,000 towards traffic calming measures at Church Road/High Grove Road, £5,500 towards towpath improvements and £4,900 to provide a roundabout at the junction of High Grove Road/Armit Road and it required the landowner to pay £5,000 towards provision of a play area in Greenfield and Uppermill. These sums were all paid to the Council and have been spent.

In addition, the undertaking required the provision of 20% of the dwellings to be constructed pursuant to the planning permission to be affordable housing units. A contribution of 3 payments of £233,761 towards affordable housing was agreed and the first payment was received in 2013. However, as a result of the downturn in the housing market, the Planning Committee agreed in October 2013 that the final two affordable housing payments should be cancelled to make the development viable, provided the development was completed within 3 years.

Finally, the undertaking also required the landowner to lay out an area of public open space measuring 0.26 hectares and then transfer the land to the Council, together with a commuted sum for the future maintenance of the public open space.

An adjacent area of woodland and the former mill pond were to be maintained by the

developer.

As the obligation to transfer the open space land is contained in a unilateral undertaking which the Council has not signed, the Council is not legally required to accept the transfer if it does not wish to do so.

The land, which now forms an integral part of the wider residential development, has been inspected. Although the Unilateral Undertaking does not include a specific sum, in dedicating the land to the Council, the undertaking included a provision for a commuted sum to be agreed between the developer and the Council.

Whilst such monies would be expected to go some way towards initial upkeep of the area, in the longer term this is unlikely to cover the Council's costs. It may therefore become a liability, having regard to decreasing budgets available to the Council. The land forms part of the wider open space within the site and indeed forms part of the attraction of the development. A requirement on the developer to ensure the wider site remains in good condition will continue to apply, and therefore it is considered more appropriate for a single responsibility to apply to all open areas associated with the development.

RECOMMENDATION

It is recommended therefore that Members determine not to pursue the requirement to transfer the open space land to the Council, and to inform the parties to the obligation that this aspect will not be enforced by the Council..



Scale 1:2500

