

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 04 September 2019

(Author: Lucy Buttery - Principal Planning Officer)

Purpose: To consider Planning Application H02-0075-19

Application Number: H02-0075-19

Date Received: 22 January 2019

Application Type: SEC 73 MODIFICATION

Description: Residential development - erection of up to 22 dwellings - approved under H02-0405-17. Removal of Condition 4 relating to affordable housing

Location: Former South View Primary School Albion Street Crowland

Applicant: Woodgate Developments Ltd **Agent:** Swann Edwards Architecture Ltd

Ward: Crowland and Deeping **Ward Councillors:** Cllr B Alcock
Cllr J R Astill
Cllr N Pepper

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0075-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Policy issues merit Committee consideration.

2.0 PROPOSAL

2.1 This application is seeking to remove Condition 4 of H02-0405-17 relating to affordable housing.

2.2 Condition 4 of that permission requires a minimum of 15 no. of the total residential units (22 no.) on the site to be Starter Homes to meet local needs.

2.3 In short, the condition is to be removed in order that an alternative affordable housing scheme can be delivered, which would be secured via s106 agreement instead.

2.4 The application, as originally submitted, sought the removal of this condition altogether. However, following the independent testing of viability evidence submitted by the applicant, a compromise has been reached which would result in the delivery of 6 discount market sales units. This would represent a policy compliant level of affordable housing but would differ to the mix set out in Policy 18 (a split of 70% affordable rent and 30% intermediate for sale) as it would result in 100% intermediate for sale.

2.5 Discounted market sales housing is defined in Annex 2 of the National Planning Policy Framework (2019) as housing that: 'is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.'

3.0 SITE DESCRIPTION

- 3.1 With the former primary school having been demolished, the site is now vacant and becoming more overgrown with time. There are, however, areas of hard standing still visible within the site and several mature trees around the perimeter of the site, including a hedgerow along the eastern boundary.
- 3.2 There are bungalows to the west on the opposite side of Albion Street as well as some detached dwellings on the same side as the site. Terraced properties run all along the eastern side of Reform Street. There is a mix of bungalows and two storey dwellings on Broadway.
- 3.3 The site borders the Crowland Conservation Area on two sides at the northern part of the site along Reform Street.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 6 - Developer Contributions
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 18 - Affordable Housing
Policy 20 - The Natural Environment
Policy 29 - The Historic Environment
Policy 30 - Pollution
Policy 32 - Community, Health and Well-being
Policy 36 - Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H02-0448-18 Reserved Matters application for the erection of 22 dwellings (approved 22nd August 2018)
- 5.2 H02-0405-17 Outline application for residential development - erection of up to 22 dwellings (approved 16th August 2017) - Condition 4 of this outline application requires a minimum of 15 of the total residential units on site to be Starter Homes to meet local needs.

6.0 REPRESENTATIONS

6.1 Crowland Parish Council

No comments.

6.2 Public - One objection (summarised)

- Concerns regarding worsening traffic levels
- Lack of capacity at existing services and facilities in the town (e.g. schools, dentists, doctors surgery)

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 Affordable Housing

7.3 Condition 4 of H02-0405-17 - requiring a minimum of 15 Starter Homes on site - was imposed as a result of Lincolnshire County Council (as owner of the site at that time) obtaining funding from the Homes and Communities Agency (now Homes England) for the delivery of Starter Home units. This was above the then policy requirement of 1/3 affordable housing, as set out in the South Holland Local Plan (2006).

7.4 However, the site has since been sold and the Starter Homes programme, launched back in 2014, has not proved to be successful.

7.5 This application, as originally submitted, sought the removal of Condition 4 altogether. This was on the basis that the applicant deemed that the delivery of any affordable housing on this site would render the scheme unviable. The applicant has therefore submitted viability evidence, which the Council has had independently tested. This concluded that an affordable housing scheme comprising of 4 x affordable rent and 2 x shared ownership dwellings is capable of being viably delivered, in accordance with Policy 18 of the South East Lincolnshire Local Plan (2019). Following a meeting with the applicant to discuss various points around the appraisal, the applicant offered an alternative of 4 x discount market sales units, which the independent viability assessor advises to be justifiable in terms of viability. However, in order to maximise the number of affordable units, the Council responded with a counter offer of 6 x discount market units, which had also been found to be viable. The applicant has accepted this as a way of moving forward. This would represent a policy compliant level of affordable housing (at 27%) but would differ to the mix set out in Policy 18 (a split of 70% affordable rent and 30% intermediate for sale) as it would result in 100% intermediate for sale.

7.6 SHDC Strategic Housing have been party to discussions and are content that 6 discount market units are acceptable on the site given the other shared equity opportunities that are in the pipeline for Crowland.

7.7 Furthermore, the Peterborough Sub-Regional Strategic Housing Market Assessment suggests that Starter Homes will only be of marginal benefit in meeting overall affordable housing needs so a deviation from this is considered acceptable.

7.8 Other planning considerations

7.9 One public objection has been received which covers concerns relating to the impact on traffic levels that additional development would have and impact on the capacity of existing services in the town. In the context of the site already having approval for the construction of 22 dwellings, these matters are considered to carry very limited weight in the planning balance for this application.

7.10 **Additional Considerations**

7.11 Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.12 Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

7.13 **Conclusion**

7.14 The provision of 6 discount market sales units as the affordable housing scheme is considered to be an acceptable approach for this particular site for the reasons set out above.

8.0 **RECOMMENDATIONS**

8.1 **Authorised to Grant Permission subject to the applicant entering into a Section 106 agreement for the provision of 6 discount market sales units and those Conditions listed at Section 9.0 of this report.**

9.0 **CONDITIONS**

1. The development must be begun before 22 August 2020.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Accompanying H02-0405-17 -
Drw No 480-36 OP BP01
Drw No 480-36 OP LP01
Drw No 480-36 OP SP01
Drw No 480-36 OP SP02

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development shall be carried out in accordance with the details submitted and approved as part of reserved matters application ref. H02-0448-18.

Reason: For the avoidance of doubt.
This Condition is imposed in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

4. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings. This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

5. No dwellings shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays has been completed.

Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

6. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

7. The development shall take place in accordance with the surface water drainage scheme approved as part of condition compliance application ref. H02-1182-18.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

8. The development hereby permitted shall be carried out in accordance with the Remediation Method Statement approved as part of condition compliance application ref. H02-1182-18.

Reason: To ensure that contaminated land is satisfactorily remediated.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

9. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

10. The developers is advised to note the contents of the letter from Lincolnshire Police dated 2 May 2017.

11. This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated ***** and can only be implemented as a consequence of meeting the provisions of that Agreement

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

