DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H02-0075-19** | **Applicant:** | **Woodgate Developments Ltd** |
| **Proposal:** | 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 | | |
| **Terminal Date:** | 31st July 2019 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

| | |
|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |
| 06 | Developer Contributions |
| 10 | Meeting Assessed Housing Requirements |
| 11 | Distribution of New Housing |
| 17 | Providing a Mix of Housing |
| 18 | Affordable Housing |
| 28 | The Natural Environment |
| 29 | The Historic Environment |
| 30 | Pollution |
| 32 | Community, Health and Well-being |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 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

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| WARD MEMBER | 0 | 0 | 0 | 0 |
| SHDC INTERNAL | 0 | 0 | 0 | 1 |
| RESIDENTS | 1 | 0 | 0 | 0 |

## CASE OFFICER ASSESSMENT

### Proposal

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

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.

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.

The application, as originally submitted, sought the removal of the requirement for affordable housing 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 3 x affordable rent units and 2 x discount market sales units. This would represent a 23% (approx.) on-site affordable housing contribution and a split of 60% affordable rent and 40% intermediate for sale.

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.'

### Site Description

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.

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.

The site borders the Crowland Conservation Area on two sides at the northern part of the site along Reform Street.

### History

H02-0448-18 Reserved Matters application for the erection of 22 dwellings (approved 22nd August 2018)

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.

### Consultation Responses

Crowland Parish Council

No comments.

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)

## Planning Considerations

Affordable Housing

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).

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

This application, as originally submitted, sought the removal of the requirement to provide affordable housing on the site 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 3 x affordable rent units and 2 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 23% (approx.) on-site affordable housing contribution and a split of 60% affordable rent and 40% intermediate for sale. Given that Policy 18 of the Local Plan requires 'about 25%...affordable housing' and specifies a mix of 'about 70% affordable for rent and about 30% intermediate housing for sale', and that discount market sales are classed as an intermediate product in the NPPF, the proposed mix is considered acceptable on balance.

SHDC Strategic Housing have been party to discussions and are content with the proposed mix.

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.

Other planning considerations

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.

## Additional Considerations

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.

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.

**Conclusion**

The provision of 3 x affordable rent units and 2 x 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.