

Mark Simmonds
South Holland District Council
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

7 June 2016

Dear Mark

RE: Section 73 Application: Land adjacent to 72 Station Road, Surfleet.

Further to the grant of outline planning permission for residential development at the above site permitted under reference H17-0798-15 on 2nd March 2016 we seek removal of condition 6 which states:

No development shall be commenced until a scheme for the provision and phasing of a minimum of one third of the total residential units as affordable housing on the site to meet local housing needs has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify how the affordable housing is to be provided in each phase, whether by means of a non-profit registered provider or otherwise, and the timing of delivery. In the submission of the details of the design and layout of each phase, the location of each affordable housing unit shall be indicated, along with the size and tenure, the type of affordable housing, and arrangements for ensuring that the affordable housing to be provided meets identified local housing need. Not more than 50% of the total number of the approved dwellings within each phase, excluding the affordable element, shall be occupied until there has been a material commencement on the affordable

housing units in that phase and not more than 90% of the approved dwellings, excluding the affordable element, shall be occupied until all the affordable housing units have been completed.

Note: In order to comply with this condition, it may be necessary for the applicant/developer to enter into a planning obligation and/or agreement. You are therefore asked to bear this in mind when determining the timing of your submissions.

Reason: To ensure that affordable dwellings are provided to meet identified local need, and remain affordable in perpetuity. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is

imposed in accordance with Policy HS8 of the South Holland Local Plan 2006.

This letter sets out and forms our justification for this request.

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A Written Ministerial Statement made by Parliament on 28 November 2014 set out that development of 10 or more units or 1000 sq m or less (including annexes and extensions) would be *excluded* from affordable housing levies and tariff based contributions. The NPPG was amended in the same day and subsequently revised on 27 February and 26 March 2015. This Statement was however quashed as unlawful in August 2015.

In July 2015 a Challenge was made by Reading Borough Council/West Berkshire District Council which was heard in the High Court in March 2016. On 11 May 2016 the Judgement (Case No. C1/2015/2559) was handed down which found on schemes of 10 units or less and which propose to provide less than 1,000m² of floorspace there is now no requirement to provide affordable housing. This leaves the way clear (subject to any challenge to the Supreme Court) for the Government to reintroduce the 2014 exemptions. This Judgment forms the basis of this section 73 application which requests that condition 6 is removed.

In addition to this supporting letter the application comprises:

- Completed Application forms and ownership certificate.
- Site Location Plan
- Indicative Block Plan
- High Court Judgement Case No. C1/2015/2559
- Application Fee of £195.00.

We trust this application is complete and can be registered without delay.

Yours sincerely,

J Pope

Jon Pope BSc (Hons) MSc MRTPI
Chartered Town Planner