

ITEM:		RECOMMENDATION: Allowed
REF NO:	3OB/2018/0009/OB	CASE OFFICER Julie Lawson
LOCATION:	THETFORD Tanner House Tanner Street Thetford	APPNTYPE: Planning Obligation POLICY: In Settlemnt Bndry ALLOCATION: N CONS AREA: Y LB GRADE: N TPO: N
APPLICANT:	Mr Richard Lines Pear Tree House Station Road	
AGENT:	Mr Richard Lines Pear Tree House Station Road	
PROPOSAL:	Removal of the Affordable Housing Provision under 3PL/2015/0910/F (Conversion of Existing Building into 9 one bedroom Flats)	

KEY ISSUES

Whether to continue to apply the existing requirement for an affordable housing contribution.

DESCRIPTION OF DEVELOPMENT

The approved scheme relates to the conversion of an existing building into 9 one bedroom flats, approved under reference 3PL/2015/0910/F. The applicant is seeking to remove the requirement for affordable housing provision as the development is less than 10 units and less than 1000sqm.

The S106 associated with the original consent required a sum of £27,533 to be paid to be paid to the Council for an affordable housing contribution for the Council to use towards the provision of affordable housing in Breckland.

SITE AND LOCATION

Tanner House, Tanner Street, Thetford is a Grade II listed building currently unoccupied and has been previously used as an office/educational facility. The site is located within the Thetford Conservation Area. Access to the site is gained via Tanner Street, with the surrounding area characterised by A1, A2 and B1 uses. The site is bounded by shops to the west, professional services to the east beyond the access, with a car park immediately to the south.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2015/0910/F - Conversion of existing building to form 9 flats permitted 23.03.16

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.09	Proposals for Town Centre Uses
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

HOUSING ENABLING OFFICER

Confirm no AH if it meets all of: 10 or fewer units, less than 0.5ha and less than 1,000m2 GIA. If any of these are triggered please advise us.

REPRESENTATIONS

None

ASSESSMENT NOTES

This is an application under S106A of the Town and Country Planning Act 1990. The application seeks to modify the obligations contained within the S106 Agreement relating to application 3PL/2015/0910/F. This application seeks to remove the affordable housing obligation from the S106 agreement. The original scheme was considered at a time when Adopted Core Strategy Policy DC4 applied and schemes of 5no. dwellings or more were required to make a contribution to affordable housing provision, in this case in the form of an off site contribution of £27,533.

National policy on planning obligations has been amended since the planning permission was granted both in 2014 as set out in the Ministerial Statement on affordable housing and this year with the revised NPPF. The Ministerial Statement set out that developments less than 10no dwellings or 1000 sq m GIA are not required to make a contribution towards affordable housing. This remains referenced in the current National Planning Practice Guidance (NPPG).

The applicant states that the development is less than 10 units and less than 1000sqm floor space

The revised NPPF, published in July 2018 and particularly in paragraph 63 states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. Breckland DC has no designated rural areas. The NPPF defines major developments as site that propose 10no. dwellings or more, are more than 0.5 ha in area or create in excess of 1000 sq m of floor space.

The Housing Enabling Officer has advised that no affordable housing is required if the development is fewer than 10 units, less than 0.5 hectares and less than 1,000m2 GIA. The site exceeds 0.5 ha in area but at present national guidance is unclear on the absolute definition of a major development and as such Officers have reverted to the definition set out in the Statutory Instrument (The Town and Country Planning (Development Management Procedure) Order 2015) and the NPPG which identifies developments in excess of 10no. dwellings or 1000 sq m. It is on this basis that the scheme is not considered to attract a requirement for affordable housing.

As there is now no current requirement in terms of policy for the approved scheme to provide affordable housing and there is no basis on which to secure the affordable housing imposed by the legal agreement, this application is recommended for approval and it is agreed that the S106 is no longer required.

RECOMMENDATION

Allowed

CONDITIONS