

ITEM:		RECOMMENDATION: Allowed
REF NO:	3OB/2019/0010/OB	CASE OFFICER Fiona Hunter
LOCATION:	DEREHAM Land to the rear of 35-61 Westfield Road Dereham	APPNTYPE: Planning Obligation POLICY: In Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Persimmon Homes Limited Persimmon House Bankside 100 Peachman Way	
AGENT:	Laura Townes, Persimmon Homes Limited Persimmon House Bankside 100 Peachman Way	
PROPOSAL:	Modification of S106 - 3PL/2017/0563/O - Schedule 2: 'Affordable Housing Provision' is the construction & provision of Affordable Dwellings on the site equating to 40% of the total number of dwellings (or such other lower percentage as the Council may agree in its absolute discretion)	

REASON FOR COMMITTEE CONSIDERATION

Variation to a S106 for a major development, as defined by the Council's scheme of delegation.

KEY ISSUES

Whether the variation is acceptable.

DESCRIPTION OF DEVELOPMENT

Modification of S106 dated 27/10/2017 in connection with planning permission reference: 3PL/2017/0563/O to reduce affordable housing requirement from 40% to 25%. This would be via amending Schedule 2 of the S106.

This would be in connection with the development for: "Outline planning application for residential development up to 100 dwellings including details of access".

SITE AND LOCATION

The application site is located within the Dereham Settlement Boundary, approximately 1.8 km to the south of the town centre in Toftwood. The site is situated within an area of mixed development, including housing, commercial and educational uses. The main body of the site comprises an area of open grassland and extends to around 3.6 hectares. The land is bounded to the south and west by housing and to the north and east by commercial development forming part of the Rash's Green Industrial Estate. The site is separated

from the Rash's Green by established trees and hedging; remaining boundaries are mainly delineated by fencing.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2017/0563/O Permission 15-12-17

Outline planning application for residential development up to 100 dwellings including details of access

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

DC.04	Affordable Housing Principles
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

HOUSING OFFICER

The site already has a Resolution to Grant of 40%, and we believe there is sufficient need within the district for affordable housing to be met by this.

However should members be minded to resolve to grant at 25% in line with current policies, we would expect to see a mix of 70/30 in favour of rented, in line with current policies. The intermediate housing should be provided as shared ownership or shared equity as these are the types which best meet the housing need of the district.

REPRESENTATIONS

One local representation was received and raised objection due to the rescinding of the original offered and agreed 40%, and the dishonestly and disadvantage to the public and Council.

ASSESSMENT NOTES

1.0 Assessment

1.1 The applicant seeks a reduction of affordable housing from 40% to 25% from that agreed under the S106 dated 27/10/2017 in connection with planning permission reference: 3PL/2017/0563/O for up to 100 dwellings. This reduced requirement would be in accordance with emerging Policy HOU 7. Whilst this emerging Policy is not yet adopted, it has been through Examination in Public, and the 25% requirement has not been amended as part of the current Main Modifications consultation. Whilst the Council contends that the emerging Policies have limited weight at this stage, this particular requirement has been underpinned by Council's Local Plan and CIL Viability Assessment, 2017. Furthermore, it is consistent with the NPPF 2019 and has no unresolved objections where paragraph 49 of the NPPF 2019 advised that weight should be given to the emerging policy.

1.2 The reduction in affordable housing does not affect the overall planning balance and it's acceptability. Having referred to the committee report for Outline application, this did not state that 40% affordable housing was essential to making an otherwise unacceptable development acceptable. Furthermore, it notes that the site was well located in relation to local services and facilities and would be compatible with the established character of the area. Furthermore, that the prospect of the site coming for employment use was limited.

1.3 Based on the foregoing, with consideration to paragraph 48 of the NPPF 2019, it is considered 25% affordable housing is acceptable and the modification should be allowed.

RECOMMENDATION

Application for modification of planning obligation should be allowed.

CONDITIONS