

<b>ITEM:</b>		<b>RECOMMENDATION:</b> Allowed
<b>REF NO:</b>	3OB/2019/0011/OB	<b>CASE OFFICER</b> Rebecca Collins
<b>LOCATION:</b>	MATTISHALL Poplar Farm 41 South Green Mattishall	<b>APPNTYPE:</b> Planning Obligation <b>POLICY:</b> Part In Set Bndry <b>ALLOCATION:</b> N <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr Edward Bales The Watermill Deopham Road	
<b>AGENT:</b>	BD+M(UK)Limited 52 Buckenham Road Aylsham	
<b>PROPOSAL:</b>	Modify planning obligation on pp 3PL/2016/0395/O - to reduce provision of affordable housing	

#### REASON FOR COMMITTEE CONSIDERATION

Variation to a s.106 agreement for a major planning application and is therefore referred to Planning Committee for this reason.

#### KEY ISSUES

Whether the variation is acceptable

#### DESCRIPTION OF DEVELOPMENT

Modify planning obligation for planning application reference 3PL/2016/0395/O - to reduce provision of affordable housing

#### SITE AND LOCATION

The application site is located to the south of Mattishall on the eastern side of South Green and behind the row of existing properties which front this road. The north of the site bounds the rear of properties fronting onto Thynne's Lane. The surrounding area is predominantly residential in character, but does include some commercial and community uses such as a motor engineers to the south eastern boundary of the site and a memorial hall and bowling green to the south of the site. Agricultural land including a large poultry building lies to the west of the site.

The site extends to around 1.7 hectares in total. It is broadly rectangular in shape and comprises mainly open scrub grassland to the north of the site, together with some areas of hard standing and former farm buildings including the farm house to the south. There are a large number of trees within and bordering the site.

The Grade II Listed Mattishall Hall lies approximately 100m beyond the Southern boundary of the site, separated by the existing playing fields.

The site is bounded by a row of houses facing Thynne's Lane to the north and South Green to the east.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2016/0395/O                      Permission                      25-07-17

Erection of 15 market homes (including one existing farmhouse) and 8 affordable dwellings, access road and driveways and a public footpath link to the sports ground

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**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.05	Developer Obligations
DC.04	Affordable Housing Principles
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**OBLIGATIONS/CIL**

To reduce the affordable housing provision from 40% to 10%, as per the submitted viability assessment and add the relevant viability review clauses.

**CONSULTATIONS**

**MATTISHALL P C**

The Parish Council gave qualified support to the original application 3PL/2016/0395/O when reviewed against the then draft Neighbourhood Plan, even though it did not reach the threshold of Policy HOU3 for affordable housing. The removal of provision for affordable housing means that the PC objects to this revision.

**ENABLING OFFICER JH**

The economic viability analysis should be subject to external scrutiny by the district valuer to determine the maximum percentage that can be provided as affordable housing. This should examine the whole of the submission, but in particular this should cover matters such as the levels of abnormal and additional works and the appropriateness of the land value figure suggested. Once this has been completed, we would withdraw our objection in the event the level of affordable housing demonstrated by the DV's determination equalled the level being offered. In the event the level offered was lower, the objection would be sustained. In

either event, a clawback clause will be required.

## REPRESENTATIONS

One letter of representation has been received, their comments have been summarised as follows:

Enough of developers conning the public, the planners, councils and government. This country apparently needs Affordable Housing, its why the % requirements are set. Developers are raking in profits by getting planning permission based on a level of affordable housing and then coming up with the fact that THEIR plans are not apparently viable. The Councils should have caught on to this by now and either enforce the original plan or rescind the original planning permission. The scheming developers are running rings around the Council/planners and conning everybody.

## ASSESSMENT NOTES

### 1.0 Assessment

1.1 The application seeks a reduction of the affordable housing from 40% to 10% from that agreed under the s.106 agreement dated 20th July 2017 in connection with planning application reference 3PL/2016/0395/O for the 'erection of 15 market homes (including one existing farmhouse) and 8 affordable dwellings, access road and driveways and a public footpath link to the sports ground'.

1.2 Policy DC4 requires the provision of affordable units. Paragraph 54 of the NPPF states:

*Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.*

1.3 The applicants submitted a viability assessment, which has been independently reviewed by the District Valuers. The DV has reviewed this position and concluded that 'the scheme can afford to support the provision of the Section 106 contributions but cannot afford to provide affordable housing on a Policy Compliant basis (at a level of 40%). However, as there is a surplus on the all private scheme, we would suggest that a viable scheme could provide some affordable housing units . . . but with an approximately 10% affordable housing provision (2 units, both on a shared ownership tenure basis). This produces a land value which is a small surplus against our BLV and suggests that a scheme with this level of affordable housing is viable. This is clearly a difference to the conclusions arrived at by PDC and the main differences between our appraisals is the level of developers profit applied'.

1.4 The applicants have been approached on this basis and are accepting of the requirement to provide 10% affordable dwellings (two units).

1.5 The current Core Strategy, Policy DC4 dates from 2009. The Councils own viability assessment in

support of emerging policy HOU7 in the emerging Breckland Local Plan indicates that 40% affordable housing is not viable. The applicants have demonstrated via their own viability appraisal, independently reviewed, that 40% is not viable. The applicants are however, in agreement to provide a viable level of affordable housing (10%).

The proposal is therefore considered in accordance with Paragraph 54 of the NPPF, subject to the signing of a deed of variation to secure 10% affordable housing provision the relevant viability review clauses.

1.6 It is noted that the Parish Council and local representations are against the reduction of affordable housing, however, the applicants have demonstrated that it is not viable to provide and the proposal is acceptable for the reasons given above.

**RECOMMENDATION**

Recommend approval, subject to a deed of variation to secure 10% affordable housing provision.

**CONDITIONS**