

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 11 January 2017

AGENDA ITEM NO	3
APPLICATION NO	4297/16
PROPOSAL	Application for the Modification of a Section 106 Planning Obligation of planning permission 0210/15
SITE LOCATION	Land between Kingfisher Drive & Chequers Rise, Great Blakenham IP6 0NG
SITE AREA (Ha)	0.76
APPLICANT	Mid Suffolk District Council
RECEIVED	October 19, 2016
EXPIRY DATE	January 19, 2017

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons :

- Mid Suffolk District Council are the applicant

PRE-APPLICATION ADVICE

1. Pre-application advice was sought in respect of the proposal, which was considered to be acceptable in principle, subject to design changes.

SITE AND SURROUNDINGS

2. The application site is within the Key Service Centre of Great Blakenham, forming an area of land between Kingfisher Drive and the rear of properties in Chequers Rise and Chalk Hill Lane.

The site is currently an area of open scrub land. The site has been used to provide an informal pedestrian cut through between Chequers Hill and Kingfisher Drive, although no adopted footpath runs through the site.

The surrounding area is predominantly residential, with a mix of two storey and bungalow dwellings. The properties in Kingfisher Drive are detached, whilst properties in Chalk Hill Lane are a mix of semi-detached bungalows and two storey dwellings. Chequers Rise has a mix of single and two storey properties, as well as some part single and part two storey properties, making use of the change in ground levels.

HISTORY

3. The planning history relevant to the application site is:

1223/16	Non Material Amendment sought following grant of planning permission 0210/15. Removal of roof lights; omission of louvres;	Granted 11/05/2016
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addition of gallows brackets to canopies;
Alterations to windows, dark brick string
course in lieu of metal channel detail,
omission of PV panels.

0210/15	Erection of 10 no. 2-bed semi-detached 2 storey affordable houses, 9 no. 2-bed detached and semi-detached affordable bungalows, 4 no. 1-bed affordable flats, construction of new vehicular access roads, new public open space and erection of 21 garden sheds.	Granted 24/11/2015
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PROPOSAL

4. This application seeks to vary the unilateral undertaking agreed under planning permission 0210/15.

The 0210/15 undertaking secured 23 dwellings to be provided as rental dwellings and which were to be occupied by means of the Choice Based Lettings Scheme.

This undertaking further secured £12,181.00 for Early Years, £60,905.00 for Primary Education, £50,000.00 for a zebra crossing and an area of public open space within the site.

The proposal is to vary the tenure of the affordable units, to provide 12 rental dwellings and 11 shared ownership dwellings. The requirement for the local connection in respect of the rental dwellings. The proposal for the shared ownership dwellings is that this would be subject to a clause which seeks a local connection for a period of one month, if there are no qualifiers within this period then the local connection criteria falls away and subsequently with respect of the re-sale of the property there would further be no local connection criteria.

The other aspects of the undertaking would remain unchanged.

Strategic Housing are the applicant in this case and so have not commented in their role as consultees. However for information the statement included within their planning application forms is set out below:

"MSDC are making this application as the changes are required for HRA business planning purposes.

With the impact of the Housing and Planning Bill on the HRA in Mid Suffolk (1% rent reduction for four years); we explored the option of a tenure change. Introducing shared ownership does not reduce the initial build costs (there is also a slightly better spec/finish on these) but it will bring in capital from the sale of the shares, this will help to provide future invest potential.

The HRA Accountant advised that this tenure change would have a positive impact on the capital in the HRA business plan and only have a minimal effect on the HRA revenue streams."

POLICY**5. Planning Policy Guidance**

See Appendix below.

CONSULTATIONS**6. Great Blakenham Parish Council**

No comments received.

LOCAL AND THIRD PARTY REPRESENTATIONS**7. This is a summary of the representations received.**

None received.

ASSESSMENT

8. Section 106A of the Town and Country Planning Act 1990 allows for modification or discharge of a planning obligation. Obligations can be renegotiated at any point where the Local Planning Authority and the developer wish to, or after the obligation is over 5 years old.

There is no requirement to re-negotiate until the obligation is over 5 years old, however in this instance given that the modification proposed seeks to alter the type of affordable housing rather than remove any obligation, that it retains all other obligations and furthermore would have been agreeable at the time the original obligation was proposed it is not considered that there is a reason for the Local Planning Authority to object to the renegotiation in this respect.

Where an application is made to modify or discharge an obligation the Authority may determine:

That the obligation shall continue to have effect without modification

If the obligation no longer has a useful purpose, that it shall be discharged, or

If the obligation continues to serve a a useful purpose, but would serve that purpose equally well if modified then to modify the obligation.

In this case the obligation would still serve to secure the affordable housing on the site, amending the types of housing and the local connection only.

Given that the obligation would continue to secure the affordable housing as a useful purpose and that the other obligations would maintain it is not considered that the modification would risk harm, or be contrary to Local Plan Policy.

RECOMMENDATION

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Professional Lead - Growth and Sustainable Planning to secure:

- Affordable housing - 11 shared ownership and 12 affordable rental
- Zebra crossing £50,000
- Education contribution £73,086
- Open Space and Social Infrastructure £97,475
- Provision and management of on-site public open space
- Legal and Monitoring costs

(2) That the Professional Lead - Growth and Sustainable Planning be authorised to grant the modification of the agreement.

Philip Isbell
Professional Lead - Growth & Sustainable Planning

Gemma Walker
Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Local Plan

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT

H17 - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION

HB13 - PROTECTING ANCIENT MONUMENTS

2. Planning Policy Statements, Circulars & Other policy

NPPF - National Planning Policy Framework