

Planning Application F/TH/15/1204 – Land Adjacent and Rear of Ashbre, Manor Road, St.Nicholas

Planning Committee – 18th April 2018

Report Author **Emma Fibbens, Principal Planning Officer**

Portfolio Holder **Cllr Jason Savage, Planning (Development Control)**

Status **For Decision**

Classification: Unrestricted

Previously Considered by **Planning Committee 20th July 2016**

Ward: ***Thanet Villages***

Executive Summary:

This report concerns the planning application for the erection of 39no. dwellings on land adjacent and rear of Ashbre, Manor Road, in St.Nicholas-At-Wade, under reference F/TH/15/1204. The application was considered by the Planning Committee on 20th July 2016 where Members resolved to approve the application subject to the receipt of an acceptable Section 106 agreement securing 30% of dwellings on site to be affordable units, and financial contributions as set out within the Heads of Terms.

A request has been submitted by the developer to change the composition of the size and tenure of the affordable units, which was previously detailed within the committee report agreed by members. The planning application is therefore reported back to Members for approval following consideration of the change to unit size and tenure of the affordable units.

Recommendation:

Members approve the planning application subject to submission and approval of a legal agreement securing the financial contributions, and the 30% affordable housing, with the size and tenure of the units as amended.

CORPORATE IMPLICATIONS

Financial and Value for Money

The Planning Committee is not bound to follow the advice of Officers. However, should Members decide not to accept the advice of Officers it should be mindful of the potential cost implications in doing so.

The advice from Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.

	<p>The advice outlined is that if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.</p>
Legal	<p>The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.</p> <p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p> <p>The advice from Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellants or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.</p>
Corporate	<p>The delivery of new housing through the Local Plan and planning applications supports the Council's priorities of supporting neighbourhoods ensuring local residents have access to good quality housing, and promoting inward investment through setting planning strategies and policies that support growth of the economy.</p>
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p>

1.0 Background

1.1 The report taken to Members on the 20th July 2016 proposed the provision of 12no.

affordable housing units within the 39 house development (reference F/TH/15/1204), with the unit sizes consisting of 4no. 2-bed dwellings, 6no. 3-bed dwellings and 2no. 4-bed dwellings, and the tenure mix consisting of 8no. affordable rent units and 4no. shared ownership units.

1.2 A draft legal agreement has been submitted containing the financial contributions as set out in the report within Appendix A. Alongside the agreement, a written request has been submitted for a change to the size and tenure mix of the affordable units. The request is for a change to 6no. 2-bed dwellings and 6no. 3-bed dwellings, with a tenure mix consisting of 2no. affordable rent and 10no. shared ownership.

1.3 The developer advises that the housing association, Moat Homes Limited, has made an offer to take on the affordable units on this scheme, alongside the affordable units on the adjacent site (Land Rear of Manor Hall and Heritage Park, Manor Road - F/TH/15/0770). Moat Homes Ltd offer is on the basis of the unit sizes and tenure mix now proposed. As a result of both management and viability issues, the developer has advised that Moat Homes Ltd are unable to take on the affordable units in the size and of the tenure mix as previously agreed.

1.4 TDC's Housing Strategy and Projects Team has been consulted on the proposed amendment. They have advised the following:

"The amended mix was agreed by the Head of Housing and Strategic Housing Manager following a discussion with Housing Provider.

In October 2010, The National Housing Federation's Rural Housing Alliance stated that 'the average rural house price in England is now more than twelve times the average salary of people living in rural areas. In order to obtain a mortgage, a person living and working in the countryside would need to earn £66,000 per year' Average yearly salary for rural areas is £20,000.

A rural housing need survey in 2013 identified a housing need for 17 households (totalling 27 adults and 10 children) 3 single people, 7 couples and 7 families. 11 households need housing now and 6 in the next 5 years. Shared Ownership on neighbouring village sites have been hugely popular, and this is the first development of its kind in St Nicholas at Wade.

Following discussion with the housing provider it is their intention to sell the shared ownership properties with an average 30% first tranche sale to help make these properties as affordable as possible. They will prioritise local people for these properties and will only look further afield if there is a lack of interest locally. Their market research however has suggested that there will not be a lack of local demand.

The affordable housing provision on other developments in St Nicholas will be considered to fulfil the housing need, including applications which have already been approved".

1.5 The Housing Strategy and Projects Team support the amended size and tenure mix, as it prioritises local people within the village, and will therefore help to fulfil the identified housing need within the village. On this basis the amended house size and tenure mix of the 12no. affordable units within the scheme is considered to be acceptable, and it is therefore recommended that Members agree to defer and delegate the application for approval subject to the submission of a legal agreement containing the financial contributions as stated within the report within Annex 1 and the 30% affordable housing in the form as amended above.

2.0 Options

2.1 Members confirm that planning permission be deferred to officers for approval subject to securing a legal agreement for the provision of financial contributions and affordable housing as set out in the report and conditions outlined at Annex 1 and the new size and tenure mix outlined in this report.

2.2 Members propose an alternative motion.

3.0 Recommendations

3.1 Officers recommend Members of the Planning Committee to agree option 2.1.

Contact Officer:	Iain Livingstone, Planning Applications Manager
Reporting to:	Bob Porter, Head of Housing and Planning

Annex List

Annex 1	Planning Committee Schedule item 20th July 2016
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Corporate Consultation

Finance	Matthew Sanham, 6th April 2018
Legal	Colin Evans, 9th April 2018