



Report Reference Number: 2016/1077/FULM (8/19/1011BJ/PA) **Agenda Item No:** 6.1

To: Planning Committee
Date: 5 September 2018
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2016/1077/FULM	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes (Yorkshire) Limited	VALID DATE: EXPIRY DATE:	08.09.2016 31.10.2017
PROPOSAL:	Erection of 37 residential dwellings with associated highways infrastructure (Phase 3F)		
LOCATION:	Staynor Hall, Abbots Road, Selby		
RECOMMENDATION:	APPROVE subject to a Section 106 agreement and conditions		

This application was previously considered by the Planning Committee on 6 June 2018 where it was resolved to grant planning permission subject to no objections following the further consultation, a section 106 agreement and conditions however it is considered that the application should be brought before Planning Committee for clarification of the earlier resolution in respect of the affordable housing provision.

1. INTRODUCTION AND BACKGROUND

- 1.1. This application was considered by the Committee on 06 June 2018 and a copy of the report and extract of the officer update presented at that time is contained in Appendix A. Any changes and updates to the report presented on 6 June 2018 are considered in this report

2. CONSULTATION AND PUBLICITY

- 2.1. The committee resolution of 06 June Committee referred to further consultation with immediate neighbours based upon amendments to the layout for Phase 3F which have brought the units on the western edge closer to occupied units in Phase 3H.

That consultation has now expired. No letters of representation from neighbouring properties have been received on this further consultation.

3. SITE CONSTRAINTS AND POLICY CONTEXT

National Guidance and Policy – National Planning Policy Framework (NPPF),

- 3.1. Since the resolution of 6 June 2018 The National Planning Policy Framework (July 2018) has replaced the first NPPF published in March 2012. The Framework does not change the status of an up to date development plan. This application has been considered against the 2018 NPPF and does not affect the officer recommendation.

4. APPRAISAL

- 4.1. This report seeks to clarify the position in respect of: (1) the provision of affordable housing; and (2) the heads of terms for the proposed section 106 agreement – and to seek a further the resolution accordingly.

4.2. Affordable housing

- 4.2.1. The section 106 agreement concluded in association with the outline planning permission for this development requires the proportion of affordable housing within the development to be agreed on a phase-by-phase basis. For Phase 3 the contribution was fixed at 20% in 2010, albeit that subsequent reserved matters consents have established variable proportions within each of the ten “sub-phases” (3A – 3K). The approved position is summarised in Appendix B. Currently, no affordable housing units are to be delivered in sub-phase 3F, the subject of the current application.

- 4.2.2. As set out in the 6 June 2018 report the applicant’s main objective in pursuing the current proposal for sub-phase 3F is to adjust the mix of unit types to reflect current market demand; the extant approval contains a disproportionate number of larger units. The split of unit sizes in the extant and proposed schemes compares as follows:

Unit Size	Extant consent (2015/0579/REM)	Current Proposal (2016/1077/FULM)
2 Bedrooms	0	8
3 Bedrooms	2	16
4 Bedrooms	5	13
5 bedrooms	14	0
Total	21	37

- 4.2.3. As a full application this proposal takes us back to first principles and the presumption established by Core Strategy Policy SP9 that up to a maximum of 40% of dwellings within a development of this scale will be provided as affordable housing, subject to negotiations *“having regard to abnormal costs, economic viability and other requirements associated with the development.”* A 40% contribution for the 37 houses now proposed within sub-phase 3F would equate to 15 units.

- 4.2.4. However, the extant (and implemented) consent is considered to represent a realistic “fallback” for the applicant and, as such, is a material consideration. In considering these revised proposals within Phase 3, it is considered reasonable to maintain a 20% requirement for the number of dwellings up to the total approved by the extant consents, and only look to renegotiate the affordable housing contribution

for any increase in numbers. The applicants have agreed this approach and have further agreed to make a 40% contribution for the 16 additional units proposed within this application. For sub-phase 3F that leads to a total requirement for affordable housing units of $(21 @ 20\% = 4.2) + (16 @ 40\% = 6.4) = 11$ units.

4.2.5. However, consistent with the approach taken with Phase 3 to date, the applicants are seeking to satisfy this requirement by distributing provision in a manner that best meets the expectations of Registered Providers. In this case that means providing some of the affordable housing in other sub-phases, beyond the red line of the current application.

4.2.6. The applicant proposes to deliver 3 of the units within the application site and the remaining 8 units are to be delivered in sub-phases 3G and 3K. The reason for seeking a further resolution of the Planning Committee is to clarify that part of the provision is to be met off-site provision and seek the appropriate authority for the section 106 Agreement.

5. CONCLUSION

5.1. This is a full application for the re-planning of an extant consent for Phase 3F of the Staynor Hall development, including an additional 16 dwellings as set out in the previous report dated 6 June 2018 at Appendix A.

5.2. The application has been brought back to Planning Committee for clarification that the affordable housing provision of 11 units is proposed to be delivered by three on site units and the remaining 8 units outside of the red line site in sub phases 3F and 3G.

6. RECOMMENDATION

6.1. This application is recommended to be APPROVED subject to:

1. a section 106 agreement based upon the heads of term set out in Appendix C;
2. the conditions as set out in the 06 June committee report.

7. Legal Issues

7.1. Planning Acts

This application has been determined in accordance with the relevant planning acts.

7.2. Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

7.3. Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

8. Financial Issues

8.1. Financial issues are not material to the determination of this application.

9. Background Documents

9.1. Planning Application file reference 2016/1077/FULM and associated documents.

10. Appendices

Appendix A: 6 June 2018 Committee Report and Officer Update Note

Appendix B: Phase 3: Approved Affordable Housing Provision

Appendix C: Section 106 Agreement: Proposed Heads of Terms

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