

Recommendation Report for Removal of a Planning Obligation

REF NO: FG/125/13/PO

LOCATION: Jenkins Yard
Glenbarrie Way
Ferring

PROPOSAL: Application for the modification of a Planning Obligation dated 11th October 2010 relating to FG/23/10 for the amendment of the provision of affordable housing from 40% to 30%

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The planning obligation that accompanied planning permission FG/23/10 included provision of 40% (16 units) affordable housing. This was in accordance with the development plan at the time; the South East Plan.

The South East Plan has now been revoked and the only policy requirement for the provision of affordable housing is contained in the Council's Interim Policy at 30% (12 units).

The applicant had had detailed discussions with the Council's Housing & Enabling Officer over the provision of affordable housing and the viability of the proposals.

The Deed of Variation seeks to formalise the amended affordable housing proposals and also includes slightly amended levels of financial contributions based on an additional four open market dwellings now being proposed.

RELEVANT SITE HISTORY

FG/23/10/	Thirty nine proposed dwellings (This application is a Departure from the Development Plan).	Refused 26-05-2010 Appeal: Allowed+Conditions 01 12 2011
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FG/23/10 was dismissed at appeal in November 2010 but this decision was quashed. A second appeal decision allowed the proposals in December 2011 but the Council made a High Court Challenge against this decision. This was dismissed in January 2013.

REPRESENTATIONS

Representations received:

Ferring Parish Council
Ferring Parish Council - Objection

New development would provide much needed affordable homes in the village. If the proposed reduction was agreed, many potential residents would be priced out of the village. It could also set a precedent.

Comments on Representations received:

The proposals are in accordance with the up to date planning policy requirements for affordable housing.

CONSULTATIONS

Planning Solicitor

Consultations responses received:

Council's Solicitor - The Planning Obligation has been completed. The application should be granted.

Housing & Enabling Manager - I accept the number of the affordable housing units for this development being reduced from 16 to 12. The affordable units are due to be acquired by one of the Council's preferred registered partners Saxon Weald.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [DEV17](#) Affordable Housing

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6 Interim Affordable Housing Policy

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposed Deed of Variation accords with the current requirements of the planning policy for affordable housing. The Council's Housing & Enabling Manager supports the proposals and has discussions with the developer over the viability of the scheme and the delivery of the affordable housing units through one of the Council's preferred RSL's.

The proposals accord with current planning policy and the Deed of Variation should therefore be agreed.

RECOMMENDATION

APPROVE