

Application Number: F/YR14/0880/PLANO
B
Other
Parish/Ward: Guyhirn/Wisbech St Mary
Applicant: M L & J M Wright
Agent: Mr John Maxey, Maxey Grounds & Co

Proposal: Modification of Planning Obligation attached to planning permission F/YR13/0268/F (entered into on 28/11/2013) relating to affordable housing requirement from 4 units to 1 unit plus 80% of affordable unit cost as a financial contribution

Location: Land north west of Green Acres, Gull Road, Guyhirn

Reason before Committee: This application is before committee due to previous Committee involvement

1. EXECUTIVE SUMMARY/RECOMMENDATION

The application seeks permission for the modification of a planning obligation attached to planning permission F/YR13/0268/F (entered into on 28/11/2013) relating to affordable housing requirement from 4 units to 1 unit plus 80% of affordable unit cost as a financial contribution. Members will recall the original application being heard at the July 2013 Planning Committee where it was resolved to grant planning permission despite the land being located in flood zone 3 as an elevated level of affordable housing was being provided.

Since the current proposal seeks to remove the elevated level of affordable housing, there is no longer a special justification or wider community benefit resulting from the proposal which would outweigh flood risk implications. This would be contrary to the principles under which the original scheme was approved. The proposal fails to satisfy the Exception Test and as such is contrary to policy LP14 of the Fenland Local Plan 2014 and Section 10 of the National Planning Policy Framework. Refusal is recommended accordingly,

2. HISTORY

F/YR13/0268/F – Erection of 9no 2-storey dwellings comprising of 4 x 3-bed and 5 x 4-bed with detached garages to Plots 5-9 – Granted 29.11.2013 (Committee decision)

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 50: Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 58: Development should respond to local character and be visually attractive as a result of good architecture and landscaping.

Paragraph 100 - 104: Directing development into areas of lower flood risk.

3.2 **Fenland Local Plan 2014:**

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Settlement Hierarchy

LP14: Responding to climate change and managing the risk of flooding in Fenland

LP16: Delivering and Protecting High Quality Environments

4. **CONSULTATIONS**

4.1 ***Parish/Town Council:***

Recommend approval

4.2 ***FDC Housing Strategy:***

The application is not supported. Although the original planning consent enables a level of affordable housing which is greater than the current policy requirement, the Planning Committee took a decision to approve this application and the applicant entered into a S106 agreement enabling this level of provision. Accordingly, it was considered to be a reasonable level of provision in November 2013 when the S106 was signed and there is no information to explain why the agreed level of provision is no longer reasonable.

4.3 ***Neighbours:***

None received

5. **SITE DESCRIPTION**

5.1 The application site is located on the western side of Gull Road on land which is currently grassed. There is dense landscaping to the front of the site, the remainder of the boundaries are open. The site is detached from the main settlement of Guyhirn and the land lies within flood zone 3.

6. **PLANNING ASSESSMENT**

6.1 The application seeks permission for the modification of a planning obligation attached to planning permission F/YR13/0268/F (entered into on 28/11/2013) relating to affordable housing requirement from 4 units to 1 unit plus 80% of affordable unit cost as a financial contribution. The key considerations for this application are:

- Principle

(a) Principle

The application site lies within flood zone 3 which is land at highest risk of flooding. Both the NPPF and the Local Plan require new development to be located in areas which are sequentially preferable in terms of flood risk (ie flood zone 1) in the first instance and new development in flood zone 3 should be avoided. The NPPF does however state that new development in flood zone 3 may be supported if the Exception Test is passed by demonstrating that the development provides greater sustainability benefits which outweigh the harm caused by flood risk.

Members will recall an application for 9 dwellings on this site being presented to the July 2013 Planning Committee meeting. It was noted that the site was in flood zone 3 however it was resolved to grant planning permission as the development provided 4 affordable housing units, which equates to 3 additional units over the requirements of the Local Plan Policy LP5. It was considered that the overprovision of affordable units was a sustainability benefit which outweighed the harm caused by flood risk thereby satisfying the requirements of the Exception Test.

Members will recall from the meeting that the agent specifically stated '*this is not piecemeal but a comprehensive scheme with four affordable houses*'. It was noted at the time that the development exceeded the requirements as set out in the Local Plan.

The current proposal seeks to reduce the number of affordable units on site from 4 to 1 with a financial contribution of 0.8 units. It is submitted by the agent that this is 'on the basis that the current requirements exceed adopted policy requirements and are thus unreasonable'.

Since planning permission was granted on the basis of an increased affordable housing provision to pass the requirements of the Exception Test it is considered that a reduction in the number of units on site to the regular policy requirements would remove the justification for allowing the original permission. The proposed submission would fail to provide a wider community benefit as there would be no additional benefits which surpass the standard policy requirements. With this in mind the proposal fails the Exception Test and would result in development which fails to adequately address flood risk implications, contrary to policy LP14 of the Fenland Local Plan and Section 10 of the NPPF.

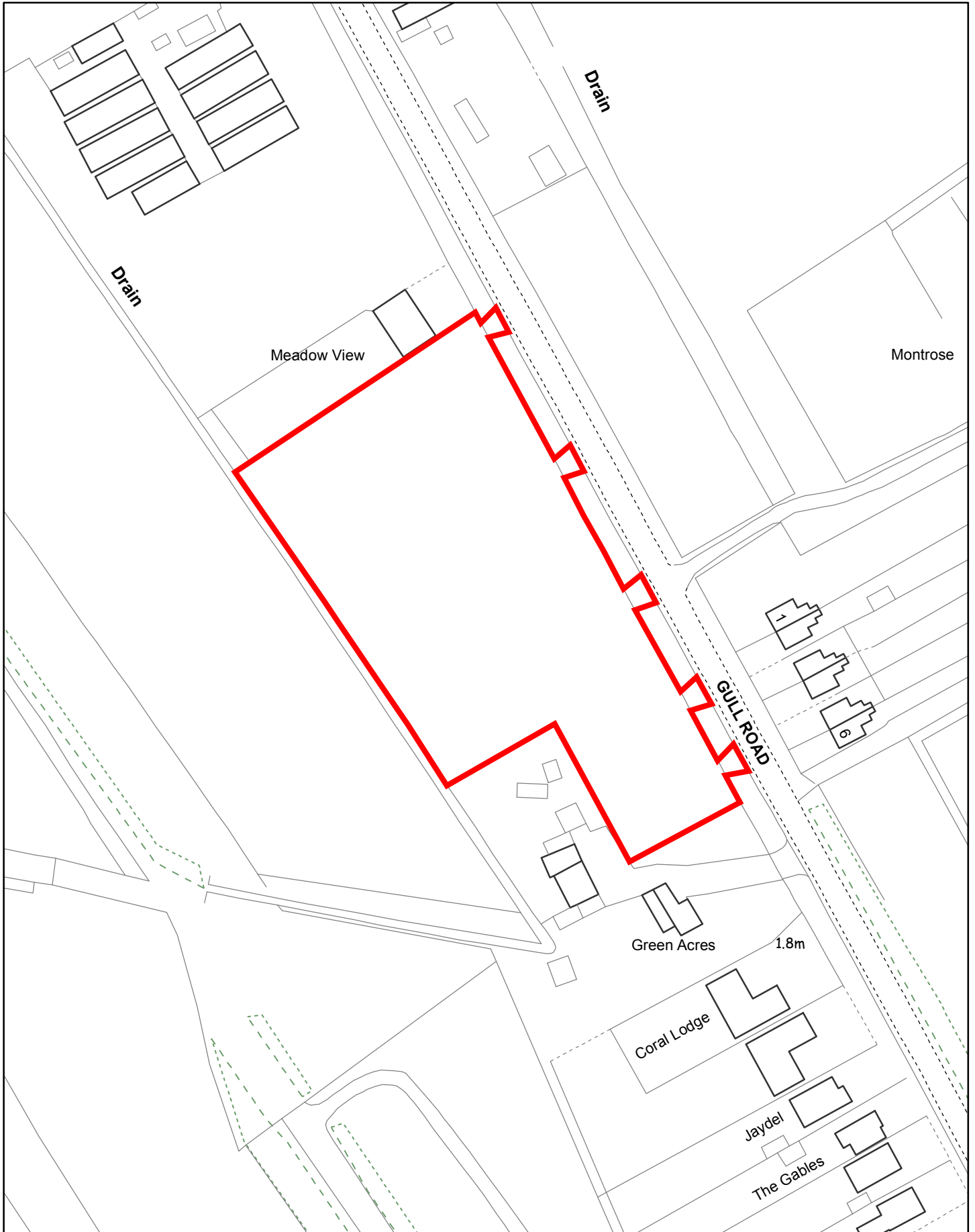
7. **CONCLUSION**

- 7.1 The proposal seeks to reduce the affordable housing provision on a development located in flood zone 3. The reduction in the amount of affordable units on site is such that there is no longer a wider sustainability benefit which would outweigh the implications of developing in a high risk flood zone. The proposal therefore fails to adequately satisfy flood risk implications contrary to Policy LP14 of the Fenland Local Plan 2014 and Section 10 of the National Planning Policy Framework. Refusal is recommended accordingly.

8. RECOMMENDATION

Refuse

- 1. The proposal seeks to reduce the affordable housing provision on a development located in flood zone 3. The reduction in the amount of affordable units on site is such that there is no longer a wider sustainability benefit which would outweigh the harm associated with developing in a high risk flood zone contrary to Policy LP14 of the Fenland Local Plan 2014 and Section 10 of the National Planning Policy Framework. Refusal is recommended accordingly.**



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