

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 February 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/2851/14/VC

Parish(es): Waterbeach

Proposal: Removal of condition no. 14 (affordable housing) of planning permission S/2064/12/FL

Site address: Robson Court, Waterbeach

Applicant(s): Sanctuary Housing

Recommendation: Delegated Approval

Key material considerations: Principle; housing need

Committee Site Visit: None

Departure Application: No

Presenting Officer: Lorraine Casey

Application brought to Committee because: The site is owned by South Cambridgeshire District Council

Date by which decision due: 3 February 2015

Planning History

1. S/2064/12/FL – Planning permission granted for demolition of existing 35 no. shared amenity apartments for the homeless and the erection of 30 no. self-contained apartments for the homeless with associated parking and amenity space.

Planning Policies

2. *National Planning Policy Framework 2012*
3. *Local Development Framework 2007*

ST/5: Minor Rural Centres
DP/1: Sustainable Development
DP/2: Design of New Development
DP/3: Development Criteria
DP/4: Infrastructure and New Developments

HG/1: Housing Density
HG/2: Housing Mix
HG/3: Affordable Housing
NE/1: Energy Efficiency
NE/3: Renewable Energy Technologies in New Development
NE/6: Biodiversity
NE/10: Foul Drainage – Alternative Drainage Systems
NE/11: Flood Risk
NE/12: Water Conservation
NE/14: Lighting Proposals
NE/15: Noise Pollution
NE/16: Emissions
SF/6: Public Art
SF/10: Outdoor Playspace, Informal Open Space and New Developments
SF/11: Open Space Standards
TR/1: Planning for More Sustainable Travel
TR/2: Car and Cycle Parking Standards
Open Space in New Developments – Adopted January 2009
Trees and Development Sites – Adopted January 2009
Public Art – Adopted January 2009
Biodiversity – Adopted July 2009
Landscape in New Developments – Adopted March 2010
District Design Guide – Adopted March 2010
Affordable Housing – Adopted March 2010
Health Impact Assessment – Adopted March 2011

4. *Draft Local Plan 2013*

S/1: Vision
S/2: Objectives of the Local Plan
S/3: Presumption in Favour of Sustainable Development
S/5: Provision of New Jobs and Homes
S/7: Development Frameworks
S/8: Rural Centres
CC/3: Renewable and Low Carbon Energy in New Developments
CC/4: Sustainable Design and Construction
CC/6: Construction Methods
CC/7: Water Quality
CC/8: Sustainable Drainage Systems
CC/9: Managing Flood Risk
H/7: Housing Density
H/9: Affordable Housing
HQ/1: Design Principles
HQ/2: Public Art and New Development
NH/4: Biodiversity
SC/6: Indoor Community Facilities
SC/7: Outdoor Play space, Informal Open Space and New Developments
SC/8: Open Space Standards
SC/10: Lighting Proposals
SC/11: Noise Pollution
TI/2: Planning for Sustainable Travel
TI/3: Parking Provision

Consultations

5. *Waterbeach Parish Council* – Raises no objections or comments.
6. *The Affordable Homes Team* – Supports the application to vary the condition to reflect the fact that the 30 self-contained apartments being provided on this site will be provided to homeless households as temporary accommodation and are not deemed as general needs housing.

Representations

7. No. 57 Winfold Road states further information is required on the rationale for the amendment, the effect it will have on all aspects of the surrounding area, and what Sanctuary's intentions are in running the facility. Concern is also raised regarding the impact the building has on its surroundings.

Planning Comments

Site and Proposal

8. The application site is located within the Waterbeach village framework on the west side of Waddelow Road. The site lies within a residential area and is bounded by bungalows to the north and two-storey dwellings on the opposite side of the road to the east.
9. The site was previously occupied by a range of two-storey buildings providing 35 units of accommodation for the homeless. In 2013, planning permission was granted for the demolition of the former buildings and their replacement with a two-storey building providing 30 no. self-contained apartments for the homeless (ref: S/2851/14/VC).
10. Construction of the approved scheme commenced last year and works are nearing completion.
11. Condition 14 of the planning permission required the submission of a scheme of affordable housing. The intention was that this would take the form of a Section 106 Legal Agreement to regulate the provision and occupation of the development in accordance with the details set out in the application, which described the proposal as providing 100% affordable housing.
12. The current application seeks to remove condition 14 from the consent. The supporting information accompanying the application explains that the development is not providing for general needs affordable housing and that it was never the intention for the scheme to do so. As set out in the original application, Robson Court would be providing short-term accommodation that would be accessed and occupied exclusively by clients who have presented themselves as homeless to the Council, thereby enabling the Council to discharge its statutory duties under The Housing Act. People who are accommodated in the homeless hostel would be transient in the sense that they are 'placed' in the hostel whilst awaiting accommodation elsewhere.
13. The land belongs to SCDC and has been let to Sanctuary Housing on a leasehold basis, with the lease being drafted to permit the Housing Association to use it for a homeless hostel only.

Principle/housing need

14. Condition 14 of the original planning permission was intended to ensure that the building would be used and occupied for the purposes defined in the application, which described the development as providing 100% affordable housing.
15. During the preparation of the legal agreement required to discharge this condition, it came to light that the type of accommodation proposed in the application does not fall within the planning definition of 'affordable housing'. This is because such accommodation requires temporary licences/non-assured tenancies to enable the Council to fulfil its duties under the Housing Act. This, however, does not equate with the minimum level of tenure security required to be compliant with the planning policy definition of affordable housing. As a result, a legal agreement accurately reflecting the land use operationally required would not be able to satisfy condition 14, which specifically requires a scheme for securing affordable housing. It is therefore proposed to remove the condition such that the legal agreement can be completed in accordance with the terms required to enable the Council to discharge its duties under the Housing Act.
16. It is important to stress that this application does not, in any way, propose any change to the originally intended use of the building. The accommodation would still meet a defined specialised housing need, and, as set out above, a legal agreement would still be in place to control the use and occupation of the building in accordance with the terms set out in paragraph 12 of this report.
17. Subject to the prior signing of this agreement, the proposal is considered to be acceptable.

Recommendation

18. Delegated Approval, subject to the prior signing of a S106 Agreement.

Conditions

1. The boundary treatments shall be completed in accordance with the details approved within letter dated 7 January 2014 under application reference S/2364/13/DC, or in accordance with an alternative scheme that has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be retained in accordance with the approved details thereafter.
(Reason – To ensure the appearance of the site does not detract from the character of the area, in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
2. All hard and soft landscape works shall be carried out in accordance with the details approved within letter dated 31 January 2014 under application reference S/2364/13/DC. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

3. Apart from any top hung vent (which must be positioned at least 1.7 metres above the internal finished floor level), the proposed first floor kitchen and bathroom windows in the north elevation of the development shall be fixed shut and fitted and permanently glazed with obscure glass.
(Reason – To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. No windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the north side elevation of the northern element of the building at and above first floor level unless:
 - (i) permanently fitted with obscure glazing and fixed in place; or
 - (ii) installed with a sill height of not less than 1.7m above the finished internal floor level; or
 - (iii) otherwise expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason – To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the Local Development Framework 2007.)
6. No external lighting shall be provided or installed within the site other than in accordance with the scheme that has been submitted to and approved in writing by the Local Planning Authority within letter dated 11 February 2014 under application reference S/2722/13/DC, or in accordance with an alternative scheme that has been submitted to and approved in writing by the Local Planning Authority.
(Reason -To minimise the effects of light pollution on the surrounding area and upon the amenities of adjacent residents in accordance with Policies DP/3 and NE/14 of the adopted Local Development Framework 2007.)
7. Public art shall be provided in accordance with the details approved within letter dated 28 October 2014 under application reference S/2364/13/DC, or in accordance with an alternative scheme that has been submitted to and approved in writing by the Local Planning Authority.
(Reason - To ensure a contribution is made towards public art in accordance with Policy SF/6 of the adopted Local Development Framework 2007)

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Proposed Submission Local Plan 2013
- Supplementary Planning Documents: Open Space in New Developments, Trees and Development Sites, Public Art, Biodiversity, Landscape in New Developments, District Design Guide, Affordable Housing, Health Impact Assessment
- National Planning Policy Framework 2012
- Planning File References: S/2064/12/FL, S/2851/14/VC

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