

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

10 May 2017

**AUTHOR/S:** Joint Director for Planning and Economic Development

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**Application Number:** S/1523/17/PO

**Parish(es):** Sawston

**Proposal:** A Section 106A modification to the off-site affordable housing commuted sum associated with applications S/1786/12 and S/1783/12.

**Site address:** Former John Faulkener School, Mill Lane

**Applicant(s):** Hussan Fani Trustees and Mr & Mrs Hussan

**Recommendation:** Delegated approval – subject to the expiry of the statutory consultation period.

**Key material considerations:** Viability

**Committee Site Visit:** None

**Departure Application:** No

**Presenting Officer:** Julie Ayre, Team Leader East

**Application brought to Committee because:** The application is of a type for which officers do not have delegated powers to determine

**Date by which decision due:**

### Executive Summary

1. Planning application S/1786/12/FL and S/1783/12 were granted planning permission on the 14 June 2013, subject to a Section 106 for the erection of a dwelling following the demolition of an existing tool shed (S/1786/12/FL) and extensions, alterations and conversion of school buildings to six dwellings and erection of 3 dwellings with associated works following partial demolition of existing buildings (S/1783/12/FL).  
  
The works on site have started and several of the properties are now occupied.
- 2.
3. A Section 106 agreement was entered into on the 14 June 2013. This application before Members is to modify the affordable housing obligation only due to viability issues identified by the applicant and which have been subject to extensive discussions of application S/1786/12/FL and S/1783/12/FL.

### **Planning History**

4. S/2003/13/DC – Discharge of condition No. 3 (Materials), 5 (Landscaping) 14 (Traffic Management, 15 (Contamination) 17 (Ecology) 18 (Foul Drainage) 19 (Surface Water Drainage, 20 (Water Conservation) 21 (Renewable Energy) 22 (Schedule of works) associated with S/1783/12 - Granted
5. S/2366/13/DC – Discharge of condition No. 4 (Windows) of planning Consent S/1783/12 – Granted

### **Planning Policies**

6. National Planning Policy Framework (NPPF) 2012  
National Planning Practice Guidance
7. South Cambridgeshire LDF Development Control Policies Development Plan Document, adopted July 2007:  
HG/3 Affordable Housing  
DP/4 Infrastructure and New Developments
8. South Cambridgeshire Local Plan Proposed Submission July 2013  
H/9 Affordable Housing
9. Affordable Housing – Adopted March 2010

### **Consultation**

10. Sawston Parish Council -  
  
Housing Officer – Raises no objection to a 'Deed of Variation' for a revised obligation of £181,518.

### **Representations**

11. No representations

### **Planning Assessment**

12. The starting point in the consideration of this application is that the applicant has willingly commenced the development and under such circumstances, once triggers are reached, obligations become payable based on the information as submitted.
13. However it is the case that, whilst the development has been implemented, there is a question whether the trigger(s) associated with Affordable Housing commuted sum have been reached.

### **Affordable Housing**

14. Policy HG/3 of the adopted Local Development Framework 2007 states that where

sites propose two or more dwellings one would be required to be an affordable property. The Affordable Housing SPD adopted March 2010 allows for the payment of commuted sums in lieu of onsite affordable housing where there is evidence that onsite provision cannot be provided.

15. Planning application S/1783/12/FL and S/1786/12/FL provide for a commuted sum in lieu of on site provision. This was agreed subject to 'Gross Development Value' and the commuted sum was in any event limited to a maximum sum of £407,034.00. incorporated into the section 106 dated 14 June 2012, in order to ensure compliance with policy HG/3.
16. Policy H/9 of the South Cambridgeshire Local Plan Proposed Submission July 2013 proposes to increase the threshold at which point affordable housing is required from 2 dwellings to 3 dwellings. Although the Local Plan is yet to be adopted, decision takers have, for the past 2 years or so, given greater weight to the emerging threshold.
17. Counsel's Advice has been sought in relation to this matter and a copy of that Advice is included as part of the confidential papers to this report.
18. A copy note from David Ousby from the Housing Department is attached commenting on the viability information. On balance officers are satisfied that there is sufficient viability information to be able to support a revised 'Deed of Variation'.

### **Recommendation**

19. Officers recommend that the Committee consider giving officers delegated authority, subject to: the end of the consultation period in relation to the Section 106A application to approved the application and to complete a 'Deed of Variation' requiring payment of the revised 'Affordable Housing' commuted sum of £181,518, such payment is to be made on completion of the 'Deed of Variation'.

### **Background Papers:**

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 Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning Applications: S/1783/12/FL and S/1786/12/FL
- Documents referred to in the report including appendices on the website only and reports to previous meetings

### **Report Author:**

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