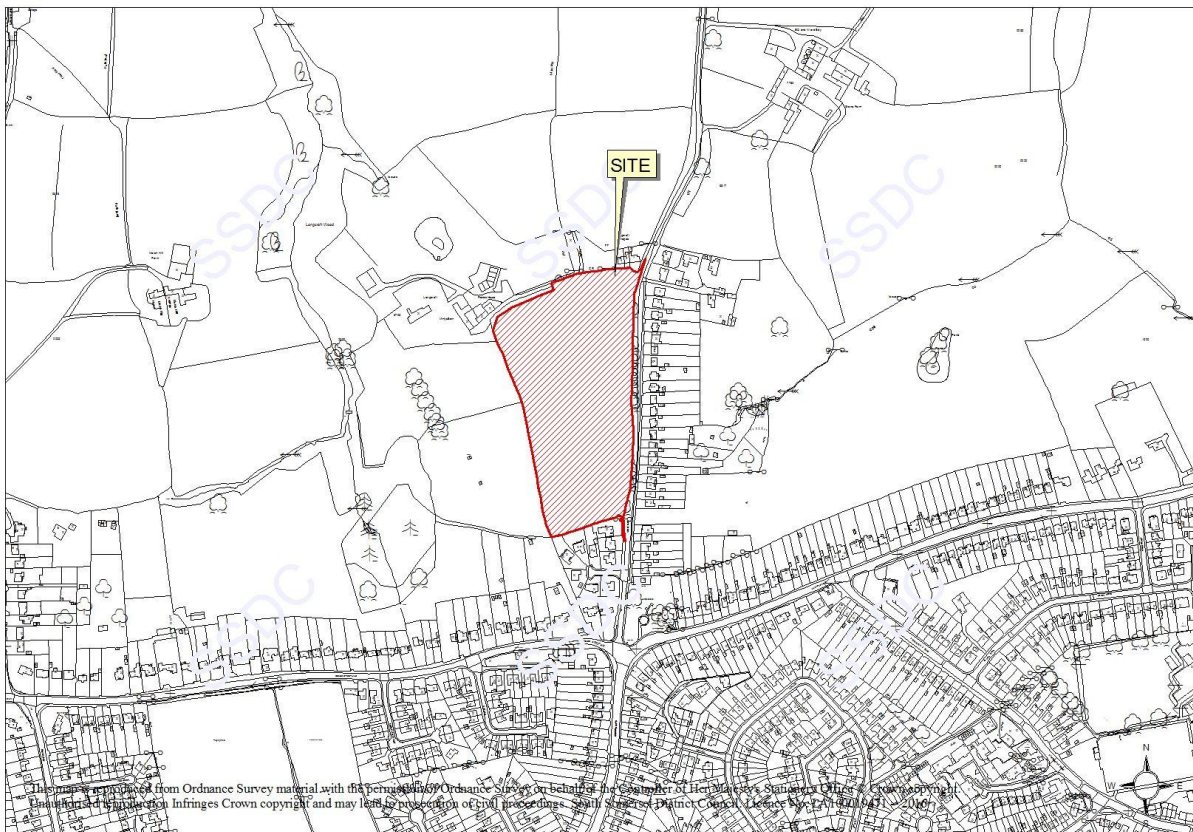


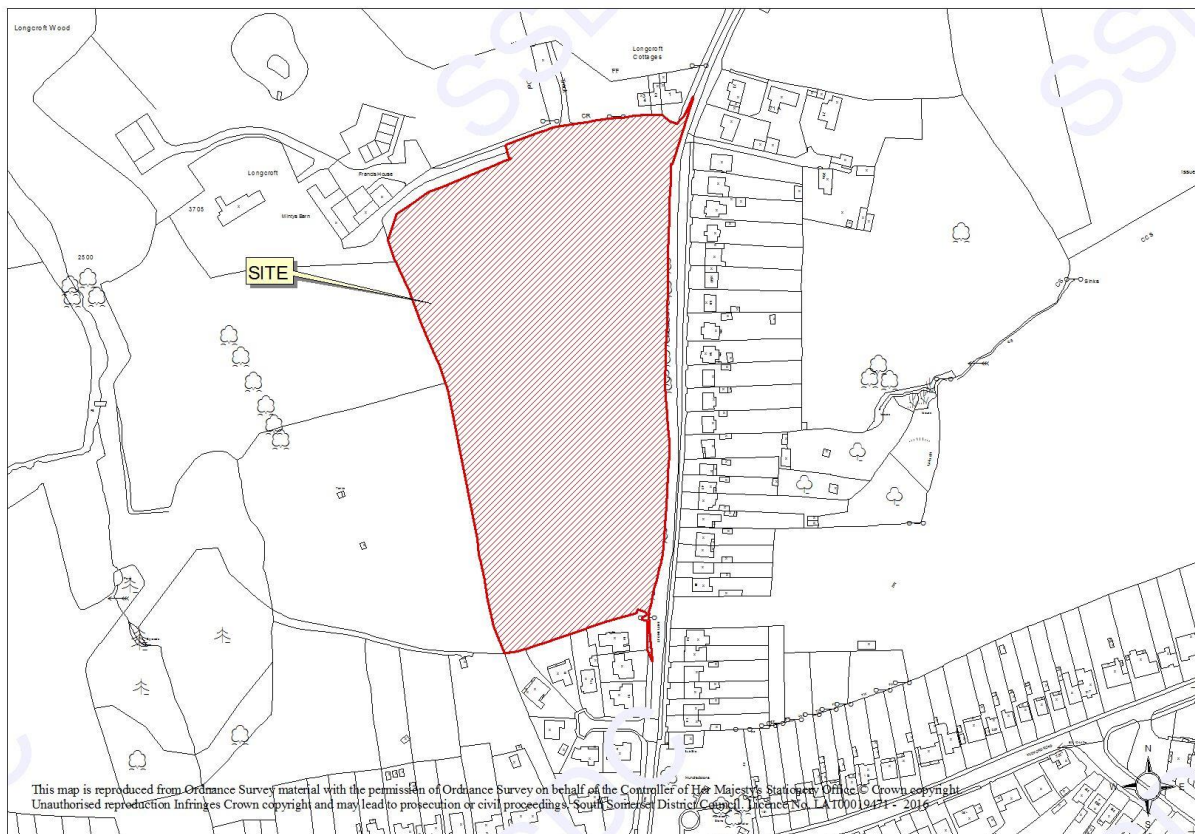
Officer Report On Planning Application: 15/00763/FUL

Proposal :	Residential retirement community of 29 No. independent living bungalows, residents building incorporating wardens office, communal open space, vehicular access, surface water attenuation pond, landscaping and associated works (GR 355454/117958)
Site Address:	Land Off Stone Lane Yeovil
Parish:	Yeovil Without
WARDS OF YEOVIL WITHOUT Ward (SSDC Member)	Cllr Gye Dibben Cllr Mike Lock Cllr Graham J Oakes
Recommending Case Officer:	Andrew Collins Tel: 01935 462276 Email: andrew.collins@southsomerset.gov.uk
Target date :	13th May 2015
Applicant :	Longcroft Retirement Village
Agent: (no agent if blank)	Boon Brown Architects Motivo Alvington Yeovil, Somerset BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application was initially considered at Area South Committee April 2015. Members resolved to approve the application contrary to the officer recommendation subject to a Section 106 Legal Agreement. As members resolved to approve subject to a Legal Agreement this application is brought back to Area South for a new resolution.





BACKGROUND

The Section 106 Legal Agreement had the following Heads of Terms - Restriction on age (60+), sports, arts and leisure, affordable housing (35% on site), maintenance of open space and the community building to be completed upon 30% of occupations. Following the resolution to grant permission the viability of the scheme has been raised. Information has been provided by the applicant and the figures have been assessed by the District Valuer twice. Further information quantity surveyors was provided the second time resulting in the scheme being reassessed.

The District Valuer concludes that a full contribution of affordable housing and Sports, Arts and Leisure contributions is not viable. The provision of 10 units of affordable housing results in a deficit of £658,250.

The District Valuer considers that a Sports, Arts and Leisure Contribution of £46,853 and one of 3 options would be viable. The options are;

- On site provision of 2 no. rented affordable units; or
- On site provision of 3 No. shared ownership units; or
- An off-site financial contribution in the region of £181,000

POLICY

South Somerset Local Plan (2006 - 2028) adopted 2015

Policy SS6 - Infrastructure Delivery

"The level of developer contribution will be proportionate to the nature, scale and viability of the project having regard to the:

- Scale and form of development;
- Capacity of existing infrastructure; and
- Potential impact of the development upon the surrounding area and its facilities.

Where viability of a scheme is contested the Council will adopt an open book approach to negotiations in line with adopted Council procedures."

Policy HG3 - Provision of Affordable Housing

Affordable housing will be provided on the application site except where there are good planning grounds that indicate that the provision of affordable housing would not be appropriate on that site. It is preferable in such circumstances that a financial or other contribution should be made towards the provision of affordable housing on another site in the settlement or nearby settlement;

Where the above level of affordable housing provision renders a site unviable a reduction of provision will be accepted on the basis of an 'open book' submission in accordance with Policy SS6 and the Planning Obligations Protocol 2006."

Policy HG6 - Care Homes and Specialist Accommodation

"Proposals for care homes or similar specialist accommodation that meets an identified local need will be supported where it is consistent with the Settlement Strategy. In exceptional circumstances, where development is proposed in a countryside location, the Council will require clear justification for its location. This will take into account the nature of specialist care required and demonstration that alternative sites are unsuitable and/or unavailable and the economic benefit of the proposal to the locality.

Where the District Council seek to negotiate affordable housing in respect of development that already meets a specified housing need, such as sheltered housing or Care Homes, the Council will take into account that such sites may be inappropriate for a mix of affordable housing and general market housing or that such sites have met, by their nature, affordable housing requirements."

PROPOSAL

The applicant's agent has provided the following information;

"Having regard to the exceptions for on-site affordable housing permitted by Policies HG3 and HG6, the Applicant's case in support of an off-site contribution is as follows:

1. As is the case with many retirement housing models, the properties will be sold on a long-leasehold basis with Longcroft Retirement Village retaining ultimate control over the site. Each lease would be subject to a number of covenants to ensure that this control is secured. A condition of purchase would be that all properties pay an annual service charge to fund the running of the Village, which includes many communal areas. Longcroft Retirement Village will then operate a management company that will service the site by means of this standing annual charge. The duties of the management company will be to maintain the grounds and infrastructure, cover communal rates and insurances, energy bills for communal areas, service contracts and provision of the visiting warden service and other maintenance/contract services.

As referred to within the DV's report, these service charges increase the cost of occupying each unit and are therefore often unattractive to Registered Providers as they reduce overall levels of affordability.

It would not be practical for a Registered Provider to take on the maintenance of the affordable housing areas themselves, as per their usual role. This needs to be done in accordance with the site-wide management regime for consistency. For reasons of social cohesion it is important that all tenants contribute equally to the costs of running and maintaining both private and communal areas of the site.

2. Strict controls will also be included in the purchase contracts to ensure that residents generally live to the code that benefits the site and all occupants. For example, car parking spaces are clearly defined and access roads will otherwise be left clear. Domestic paraphernalia will be restricted beyond the immediate patios and residents will need to conform to regulations so as to maintain an environment that befits a retirement community.

The involvement of a Registered Provider would introduce an additional layer of site management which could complicate the day-to-day operation of the site.

3. Given the nature of the development, it would be entirely inappropriate for any on-site affordable housing element not to be restricted to people of retirement age only (in addition to being in affordable housing need).

Having regard to this restricted occupancy eligibility, and the management complexities involved, it is considered that the low number of affordable houses to be delivered by a viable scheme (i.e. only 2 or 3 No. affordable dwellings) is very unlikely to attract serious interest from a Registered Provider.

Taking into account the specialist characteristics of the proposed development, it is considered unsuited to on-site affordable housing, the provision of which will be fraught with difficulties.

It is considered that a financial contribution of £181,000, as identified by the DV's report, could make a more meaningful and worthwhile contribution towards meeting affordable housing needs for persons of all ages within the local area without such restrictions.

On the subject of the age restriction, this was amended to 60 years + on the basis of the NPPF definition of 'older people' and the views of your planning policy colleagues in this regard. However, should members wish to amend this to over 55 years, my client is entirely satisfied."

The District Valuer has assessed the scheme on the basis of providing a Sports, Arts and Leisure contribution of £46,853. When viability is raised as an issue, the strategic contributions are agreed to be removed. Then the remainder of contributions are examined in their entirety. Due to viability the affordable housing has been reduced by 80%. Therefore in order to be consistent and transparent a similar reduction to the Sports, Arts and Leisure contribution is proposed.

CONSULTATIONS

Strategic Housing Manager - Verbally confirmed that considers that the affordable housing should be provided on site. Despite this opinion is satisfied that in this particular instance that an off-site contribution has been justified.

Sports, Arts and Leisure - Confirmed that a reduction to £3,000 as a proportion should be allocated towards enhanced playing pitches and / or changing rooms within Yeovil.

CONSIDERATIONS

Principle

Members were of the view that the proposal to deliver units for a certain age group should be supported at this location and that this outweighed the landscape objections. The original committee report from April 2015 is included at appendix 1 and the minutes to this meeting are included at appendix 2.

Merits of Proposal

Policies SS6, HG3 and HG6 of the South Somerset Local Plan allow the viability of schemes to be taken into account when assessing schemes. Two thorough reports have been assessed by the independent District Valuer and this concludes that a fully compliant scheme is not viable. In this case it has been detailed that the provisions for on-site affordable housing are not appropriate. The off-site contribution in this particular site has been demonstrated.

It was previously resolved to restrict occupation of the dwellings on site to people aged over 60 as the definition in the NPPF in relation to 'older people' refers to people over retirement age. The applicant is now proposing to restrict the age of the occupiers to 55. Whilst acknowledging the definition in this instance a restriction to 55 is considered to be acceptable.

The District Valuer in their conclusion suggests the insertion of a review mechanism that allows any improvement in market conditions should a surplus or super normal profit be made by the proposal.

RECOMMENDATION

That application 15/00763/FUL be approved subject to:

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-
 - 1) Restriction on age (55+)
 - 2) Sports, Arts and Leisure (£3,000 towards enhanced playing pitches and / or changing rooms in Yeovil)
 - 3) Affordable Housing (£224,853 off-site contribution)
 - 4) Maintenance of open space
 - 5) Community building to be completed upon 30% of occupations

A review mechanism to be included in the Section 106 to allow the outcome of the sales of the implemented scheme be examined.

and

- b) the conditions previously agreed by the Area South Committee in April 2015 in appendix 2 detailed below.