



Supplement for

PLANNING AND LICENSING COMMITTEE - WEDNESDAY, 13 DECEMBER 2023

Agenda No Item

Schedule of Applications

To consider and determine the applications contained within the enclosed schedule:

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PLANNING AND LICENSING COMMITTEE
13th December 2023
ADDITIONAL PAGES UPDATE (Published 12.12.2023)

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ADDITIONAL REPRESENTATIONS ON AGENDA ITEMS : Page 1 - 9		
Agenda No:	Ref No:	Content:
8	23/01513/FUL <i>(Land North Of Oddington Road Stow-on-the-Wold)</i>	<p>SUPPORTING INFORMATION RECEIVED FROM THE APPLICANT:</p> <p>Please see attached correspondence dated 11th December 2023 from Bayhill Property Limited</p> <p>2 FURTHER EMAILS OF OBJECTION RECEIVED:</p> <p><i>(1) I would not normally comment on an application outside my area of CDC, but am doing so as this is for a rural exception site (and so raises matters of general principle), and the Policy is intended for 100% affordable housing. A clear issue is that the Governments planning definition of affordable, is unreal. As a rural exception site, it is important the units maximise true affordability, rather than complying with a partially unreal definition.</i></p> <p><i>Looking at the mix of affordable housing types there does seem to be an issue with what is proposed, against defined need.</i></p> <p><i>I will not raise an issue over the mix between First Homes and rented, but instead focus in on the rented side, then comment only on the discount side of the First Homes.</i></p> <p>Rented units</p> <p><i>Of the 22 rented units 16 are affordable rent (20% discount), but only 6 are social rent (truly affordable and a Corporate Priority of CDC).</i></p> <p><i>This compares with the target against need of 17 social rent, and 5 affordable rent. Therefore that is a near total reverse of what the type of rental mix should be. Given this I cannot agree that the mix is broadly compatible with policy.</i></p> <p style="text-align: right;"><i>Cont/.....</i></p>

In its current form the full planning application should therefore be refused, which is the implicit conclusion of some of the objectors:

Reason for refusal

On this rural exception site the residential development does not propose or secure via a Section 106 Agreement, an appropriate mix of affordable rented housing, in particular the number and allocation by bedroom numbers of the social rented properties is inadequate, when compared to need.

I also note in the report, the nervousness of the Community Land Trust feeling that their support for the application may be seen as being prejudiced by the setting land aside for the Community Land Trust (at a price to be later agreed).

I would take an alternative view, as if the land were to be gifted to the Community Land Trust, that would be supportive of the current application. That is because the Community Land Trust is far more likely to produce a future residential scheme that is all, or predominantly social rent. Therefore, as a totality the overall site would provide a better mix of affordable housing.

My overall view that this application should be deferred for re-negotiation, in order that:

1. The applicants agree to gifting the identified additional land to the Community Land Trust for Housing, provided CDC subsequently approve within 5 years, an affordable housing proposal led by the Community Land Trust, on that piece of land.

2. The number and allocation of social rented properties on the application site would be changed to increase social rent units to 11 units (from 6). Subject to the views of the Housing Officer and site layout, 3 of the three bedroom affordable rent units, would be re-defined as 3 three bedroom social rent dwellings; and 2 of the two bedroom affordable rent dwellings, would be re-defined as 2 two bedroom social rent dwellings.

3. Three of the 1 bedroom social rent affordable maisonettes would be re-allocated to the 3 bedroom dwellings, and three of the one bedroom maisonettes would become affordable rent. This is because one bedroom units affordable rent units should be affordable, but 2 and 3 bedroom dwellings will not be, so maximising social rent for the larger unit is in line with exceptions policy.

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		<p><i>This would overall provide:</i></p> <p><i>11 social rent (but only 3 being one bedroom; 8 would be two and three bedroom units)</i></p> <p><i>11 affordable rent (with 7 one bedroom) - one bedroom more likely to be affordable.</i></p> <p>First Homes</p> <p>Current</p> <p><i>15 first Homes (7 two bedroom and 8 three bedroom)</i></p> <p>Comment</p> <p><i>Negotiation is needed here as well, on the extent of the discount. This as a 30% discount on a 2 and 3 bedroom property will be insufficient; the £250,000 cap will also be breached at least for the 3 bedroom unit.</i></p> <p><i>It is clear to me that the Legal Agreement will have to include a 40% discount for 2 bedroom units, and a 50% one for 3 bedroom units. This again justifies refusal, or deferral for re-negotiation.</i></p> <p><i>The second reason for refusal would be that:</i></p> <p><i>- On this rural exception site the proposal does not propose or secure via a Section 106 Agreement, an increase in the discount for the 2 and 3 bedroom First Homes to 40%, and 50%, in order to achieve affordability as First Homes for the units that are not one bedroom.</i></p> <p><i>I appreciate my views will play havoc with the applicants expectations, but if unreliability is claimed the applicant should do an open book viability. It is possible that would reveal that changes would be needed to my suggestions. The Exceptions Policy does explicitly allow for the submission of a Viability Assessment, before considering if aspirations for true affordability do have to varied. But at least that would be based on facts, not assumptions regarding Viability.</i></p> <p><i>As a matter of courtesy, I am sending you some additional comments on the application. It it I do shift my position on what could be a reasonable to affordable housing on the application site. That would be subject to linking approval via a Section 106 agreement, or failing that to a Grampian condition, the effect of which would be that the CLT land is gifted, or sold at no more than existing land value for agricultural land of that size.</i></p> <p style="text-align: right;"><i>Contl.....</i></p>
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The logic is that a CLT would then, via subsequent permission, develop their land for all or nearly all social rent affordable housing, as that is the aim of a CLT. With some additional increasing in social rent on the application site, and re-designating a higher proportion of the larger units as social rent, the application site mix could then be made to be more representative of need, as it could then be viewed in conjunction with the likely social rent on the CLT site, which would be a significant material consideration. The CLT set aside land, becoming CLT land would be crucial.

The full further comments I made.

I do take fully appreciate the point regarding Viability, but under Policy H3 (rural exceptions for affordable housing), it is up to the applicants to demonstrate that a more appropriate mix is not viable. Although in the context it is talking more about having some open market housing.

However, logically that would equally apply to situations where the affordable housing would not meet the need. The case officer should therefore have required a Viability Assessment from the developer, rather than making a throw away comment regarding viability, as relating to the mix between First Homes, and rented of all types, rather than on the low number social rent.

On the point of the set aside land being gifted (or sold at existing agricultural value) to the Community Land Trust that is 'set aside', but not part of the current application. If appears to be in the same land ownership, and if the owner was willing, securing the gifting of the land would be perfectly legal, even if the site was outside the the current site boundary.

In many ways the identification of a thick red line around the whole site, and identification of land set aside for the CLT is confusing. This is as nowhere in the Planning Statement is there a reference to the significance. In addition without an application form, and land ownership details it has to be assumed that the land is in same ownership. My assumption is that is the case.

In the past as a senior planning officer I certainly did link land outside of the application site, to a different potential land and development. Indeed in one case I did that by a planning condition, linking a development including the loss of substantial student accommodation, to yet unidentified sites for replacement and additional accommodation. In that case the required incorporation of those unidentified sites, were controlled by planning condition. I specified in the planning permission, the requirements for at least number of

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replacement units, and that the sites on which it would go, must not already have planning permission for residential, or have application for such, and not be allocated for housing.

It all worked out perfectly, via the subsequent identification of 2 sites, on which was built the replacement student housing. Your planners will recognise the type of planning condition, as a 'Grampian condition'. It was used as the applicants did not want the more secure use of a Section 106 Agreement. But, as noted the condition worked out fine. I in effect negotiated the condition with the assistance of Legal. to mirror what I would have preferred to have in a Section 106 Agreement.

In other instances I secured land for the Council, via a clause in a Section 106 Agreement related to land being secured for the Council.

I agree that the set aside land should be able to accommodate 10 units. As a Community Land Trust most if not all would be social rent, although obviously for future approval. Securing the land as gifted land (or at existing agricultural land value), within a section 106 Agreement, would secure a far better number of social rent units, on the combined site. In excess of the the minimum expectation of 17 social rent units could be provided on the collective site. The gifting would become a significant material consideration, as all social rent on that part would be likely. Collectively, there would be a far better mix more reflective of local need. Subsequent planning approval for the CLT land would need subsequent planning permission.

One further matter on the application site itself is that the 6 one bedroom unit should not be all social rent, as affordable rent with its 20% discount will be actually be truly affordable, whereas the larger 2 and 3 bedroom units would not be. If the set aside land is resolved, my suggestion would be that 3 of the one bedroom units are re-allocated as affordable rent, and up to 8 of the larger units are changed from affordable rent to social rent.

I did write about the First Homes level of discount before, that does remain an issue. But if the CLT is gifted, (or does not exceed existing agricultural land values), there is the potential for a collective of 21 social rent units, and much fewer affordable rent. The advantage would also be that the remaining 1 bedroom affordable rent units, would be far more likely to be truly affordable. Concentrating social rent on the larger units also makes them truly affordable.

So in conclusion, I still consider that deferral is an appropriate way forward to negotiate the incorporate the Community Trust land, in a Section 106 Agreement, or a 'Grampian Condition'. In addition the number of social rent properties should be increased to 11, and all but

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		<p><i>3 of these should relate to the larger units. Obviously, without more clarity, and negotiation, I consider that refusal would be justified.</i></p> <p>(2) <i>That land is immediately outside my garden. It would be of great concern to me if development in the form of any type of building were to be permitted as part of this or any future development.</i></p>
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11 December 2023

Members of the Planning Committee

By email only

Stow, Oddington Road – Item No 1 Planning Committee – December 2023

Dear Members.

We have been assisting the landowner to deliver this 100% affordable housing, net zero development on the edge of Stow on the Wold.

The application is supported by a local housing needs survey noting an overall need of 37 houses, however we believe this only goes part of the way to meeting the significant housing needs in Stow and the wider Cotswold area. Waiting list data is clear that there is growing need for a range of affordable tenures across the District.

The zero carbon concept of this scheme is embedded in its *principle* of design (please see the Design and Access Statement for detail) from initial concept. South facing roofs, heat pumps and solar PV, coupled with improved thermal fabric of construction means the daily running cost to affordable tenants and owners will be negligible. This exemplar scheme faces enormous day one costs, and we are very fortunate to have partnered with a very well funded Housing Association who has allocated their own financial resource in addition to significant **Homes England** grant funding to meet the development costs.

The discussion with Housing Enabler over a year ago were driven around ensuring the scheme meets the housing needs and is also *financially deliverable* both in terms of the mix of unit types and importantly tenures.

We note the huge need for social Rented housing across the Cotswolds, and confirm that 22 of the 37 proposed dwellings are allocated for rent. Social rents do generate lower

capital values, so in agreeing the quantum made available for social rent, it was separated into two main issues:

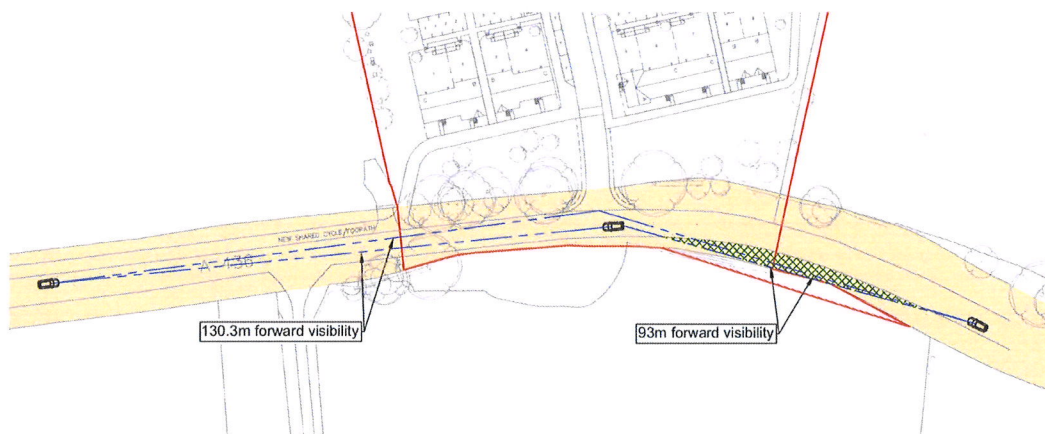
- 1) To ensure a type of dwelling e.g. a 2 bed house would only have a single rent charge on the development. i.e. we would not find two neighbours in the same houses but on different rents.
- 2) We needed to ensure that the proposed single storey 1 bedroom disability dwellings were for social rent.

As such that led to the 6 x maisonette blocks, as shown red below, being for social rent, 3 of which are disabled, and the other 3 x 1 bedroom apartments being low rent social housing.



The remaining 1,2 and 3 bedroom houses would be at an **affordable** rent level, albeit when coupled with the net zero credentials of the scheme with massively reduced fuel bills, it is envisaged that housing benefit will be enough to cover these rent levels.

The development has been engineered with attention to improving foul drainage and storm drainage in the vicinity. The access will improve natural traffic calming into Stow due to having built form which establishes that you are entering 'into the town' earlier than at present. This naturally slows drivers down. Secondly the proposals improve the forward visibility splays on the inner radius of the partially obscured Oddington Road corner (shown below), plus a new cycle link into Town, has led to GCC highways being supportive of this scheme.



I hope the above clarifies are few salient points and we look forward to Planning Committee on the 13th December in hope of your support of the application.

Yours faithfully


Guy Wooddisse
Managing Director

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