

KEN/200928/1 – J A Pye (Oxford) Ltd. Erection of 16 Dwellings (including 6 affordable homes) with parking, landscaping and access. Land adjoining 31 and 34 Simpsons Way, Kennington

The Proposal

1. This application was presented to committee on 25 November 2010 with a recommendation to grant planning permission. After consideration of the proposal committee resolved to refuse the application for one reason, which was that the amount of affordable housing was not in accordance with Policy H17 of the adopted local plan. The application contained three affordable dwellings or 19% of the total, whereas Policy H17 mentions 40%. The previous committee report and the approved minute of the meeting are in **Appendix 1**.
2. Before the application could be brought back to committee to agree the reason for refusal, the applicants submitted an amendment to the application that increased the number of affordable dwellings from three to six, which represents a ratio of 37.5%. The applicant's justification for this is that, following committee's resolution to refuse, financial parameters relating to the scheme were re-assessed, including the cost of going to appeal, and the acceptance of a lower profit margin, which together has enabled the ratio of affordable housing to be increased.
3. As the application had not been determined it was necessary to consider the amendment. Officers considered the amendment significant enough to warrant referral of the application back to committee to give fresh consideration to the proposal. The amendment to the amount of affordable housing has been subject to local consultation.
4. The proposal is that Plots 11, 12, 13, 14, 15 and 16 would be affordable. Of these six dwellings, four would be rental and two would be shared equity, a tenancy split of 2:1 in favour of rental.
5. The design and layout of the proposed housing remains unchanged, but the proposed garages have been increased in length from approximately 5.3 m to 6 m at the request of the County Engineer – this change has not altered the location of the proposed houses on the site. Further information has also been submitted in respect of proposed slab levels for the dwellings and the applicants have also agreed to mark the position of the rear walls of the proposed dwellings nearest to the east boundary on the site, to enable an assessment of the relationship of the proposed dwellings to the boundary. A further report on this matter will be made at the meeting.

Planning History

6. See previous report

Planning Policies

7. See previous report

Consultations

8. Kennington Parish Council – any further comments received will be reported at the meeting
9. Local residents – at the time of writing the report 14 further letters of objection had been submitted in response to the re-consultation. The letters have reiterated objections expressed in response to the original consultation on the application, but have also added the objection that the process by which the application has been handled is confused and flawed and that the application should be refused in accordance with the resolution made by committee on 25 November 2010. Any further comments received will be reported at the meeting.
10. County Engineer – no objection subject to conditions
11. County Council Development Funding Officer – no objection subject to a Section 106 Obligation to secure financial contributions to social infrastructure.
12. The council's Shared Housing Development and Regeneration Manager has no objections to the amended proposal for affordable housing subject to a Section 106 Obligation to control the proposed affordable dwellings.

Officer Comments

13. In view of committee's resolution to refuse permission only due to the shortfall of affordable housing officers will restrict comments to this issue. In the previous committee report officers referred to the shortfall in the council's five-year housing land supply. This has now been verified in the council's annual monitoring report published in December 2010 which shows that the council currently has less than four years of housing land supply. This equates to a need for housing to which weight should be attached.
14. Committee members need to carefully consider the amended proposal. The proposed 6 affordable dwellings is a ratio of 37.5%, which is only slightly below the ratio of 40% mentioned in Policy H17. The council's adopted SPD on affordable housing seeks a tenancy split of 3:1 in favour of rental. The amended proposal has a tenancy split of 2:1, and given the small number of affordable units involved, the Shared Housing Development and Regeneration Manager is satisfied that this is acceptable..
15. The amended proposal is a significant improvement on the original proposal in terms of the ratio of affordable housing and, whilst it is not exactly 40%, officers consider that the shortfall is too slight to justify refusal of the application. This stance is strengthened by the clear shortfall in the council's housing land supply. Consequently officers consider the amended proposal to be acceptable.

Recommendation

It is recommended that authority to grant planning permission is delegated to the Head of Planning, in consultation with the Chair and Vice-Chair, subject to:-

i) Completion of Section 106 Obligations to control the affordable housing and to secure financial contributions to social infrastructure; and
ii) Conditions as follows:-

- 1 TL1 (Time Limit – Full Permission)
- 2 MC2 (Materials – Samples)
- 3 RE17 (Slab Levels Dwellings)
- 4 RE6 (Boundary Details)
- 5 RE11 (Garage Accommodation)
- 6 HY2 (Access in Accordance with Specified Plan)
- 7 HY& (Car Parking)
- 8 HY12 (Estate Roads)
- 9 HY13 (Estate Roads Prior to Occupation)
- 10 MC32 (Construction Method Statement)
- 11 LS1 (Landscaping Scheme (Submission))
- 12 Landscaping Scheme (Implementation)
- 13 Submission of Biodiversity Measures
- 14 MC24 (Drainage Details – Surface Water and Foul Water)