

FALKIRK COUNCIL

Subject: MODIFICATION OF PLANNING OBLIGATION UNDER SECTION 75 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 ATTACHED TO PLANNING PERMISSION P/09/0457/OUT TO THE EXTENT THAT CLAUSE 5, THE REQUIREMENT THAT ALL RESIDENTIAL UNITS ERECTED WITHIN THE SITE WILL BE AFFORDABLE HOUSING IS REMOVED AND IS REPLACED WITH REQUIREMENT THAT 25% OF ALL RESIDENTIAL UNITS ERECTED WITHIN THE SITE WILL BE AFFORDABLE HOUSING. AT LAND TO THE NORTH EAST OF BURNSIDE, MADDISTON, FALKIRK FOR MANOR FORREST LTD – P/13/0795/75M

Meeting: PLANNING COMMITTEE

Date: 26 February 2014

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: Maddiston

Case Officer: Kevin Brown, (Planning Officer) Ext. 4701

1. INTRODUCTION

- 1.1 Members will recall that planning permission P/09/0457/OUT – Development of Land for Residential Purposes, was granted outline planning permission following the meeting of the Planning Committee on 27 January 2010. This decision was subject to a Planning Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, securing 100% affordable housing provision on the site and financial contributions towards open space and education provision.
- 1.2 A request has been made to modify the terms of the existing Section 75 Planning Obligation to bring the affordable housing requirement on the site down to 25%. The requested modification does not propose to amend the terms of financial contributions required towards education and open space provision.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The decision to grant outline planning permission (P/09/0457/OUT) subject to a Section 75 Planning Obligation in the terms described above was taken by the Planning Committee on 27 January 2010. In these circumstances Falkirk Council's Scheme of Delegation requires that application for modifications or discharge of an Agreement approved by the Planning Committee shall be determined by the Planning Committee.

3. BACKGROUND TO SECTION 75 AGREEMENT/SITE HISTORY

- 3.1 Outline planning permission (P/09/0457/OUT) was granted prior to the adoption of the current Falkirk Council Local Plan and approval of the Supplementary Planning Guidance Note – Affordable Housing. The proposal at that time was assessed against a policy background which clearly identified the site as being within the countryside and contrary to the Development Plan. Members decided that the proposed housing site was only acceptable at that time on the basis that it was to provide 100% affordable housing.

4. REQUEST TO MODIFY THE SECTION 75 AGREEMENT

- 4.1 The applicant has submitted a supporting statement with their application in which they set out that the 100% affordable housing requirement has rendered the site financially unviable for developers. The site has been marketed by James Barr since April 2010 with no party being willing to develop the site wholly for affordable housing.
- 4.2 The applicant also makes reference to the Council's revised affordable housing policy, Falkirk Council Local Plan Policy SC4, which requires 25% affordable housing provision on sites in this area.

5. CONSIDERATION OF REQUEST

- 5.1 Subsequent to the grant of outline planning permission P/09/0457/OUT the policy background and land use allocations for this site have changed. The Falkirk Council Local Plan, which was only a material consideration previously, now replaces the Polmont and District Local Plan as the primary policy document in this instance. The Falkirk Council Local Plan now includes a revised affordable housing policy (SC4) requiring a 25% affordable housing provision on sites in this location.

- 5.2 Policy SC4 – “Affordable Housing” states:

For housing developments of 20 or more units, the Council will require a diversity of house types and tenures in order to create integrated communities. In particular there will be a requirement across the Council area for new housing sites to provide 15% or 25% of the total number of units as affordable housing. In the light of the findings of the Housing Need and Demand Assessment the percentage contribution will be applied across the settlement areas accordingly.

A requirement of 25% will apply to the housing settlement areas of:

*Larbert / Stenhousemuir
Polmont & District
Rural North
Rural South*

A requirement of 15% will apply to the housing settlement areas of:

*Bo'ness
Bonnybridge / Banknock
Denny and District
Falkirk
Grangemouth*

Acceptable approaches could include:

- (1) Provision of general needs social rented houses;*
- (2) Provision of social housing with care, for people with particular needs (specifically the elderly and physically disabled);*
- (3) Provision of shared equity or shared ownership housing;*
- (4) Provision of low cost homes for sale; or*
- (5) Provision of homes for mid-market or intermediate rent.*

The Council will apply a sequential approach to the delivery of affordable house

- * On site provision*
- * Off site provision*
- * Commuted sum payment*

Developers will be expected to work in partnership with the Council, National Housing Trust and / or Registered Social Landlords in the delivery of this policy. Further guidance is provided in the SPG Affordable Housing.

In applying the policy to secure affordable housing to development applications, consideration of the overall viability of the development will be taken into account.

- 5.3 Policy SC4 is now also supported by the Council's Supplementary Planning Guidance Note – Affordable Housing which was not available at the time of the last application.
- 5.4 The application site remains outwith the urban limits and in an area of countryside as defined by the Falkirk Council Local Plan. However, the proposed level of affordable housing is considered to be in line with the requirements of Policy SC4 and Supplementary Planning Guidance.

- 5.5 The Falkirk Local Development Plan – Proposed Plan (2013) is now a material consideration and represents the most up-to-date policy considerations for this site. The proposed plan allocates the application site along with surrounding farmland as a housing site (H46) and reiterates the 25% affordable housing requirements of the adopted Local Plan.
- 5.6 The previous application was assessed against a policy background containing a much higher unit number threshold for requiring affordable housing than the current adopted and proposed Local Plans. When previously assessed, the size of the site did not trigger the need for affordable housing as the threshold in this area was set at 60 units or more. The decision to grant outline planning permission subject to a 100% affordable housing requirement was therefore not supported by Development Plan policy. Whilst the site remains outwith the urban limits in the current adopted Local Plan, the 25% affordable housing proposal is in line with current and emerging policy and guidance. The applicant states that the site is not viable as a 100% affordable housing site and the proposed Falkirk Local Development Plan proposes to allocate the site for housing of around 20 units with a 25% affordable housing element. The proposed modification of the existing Section 75 Planning Obligation is considered reasonable in these circumstances and is considered necessary to secure development of a site on which the principle of housing development has already been established.

6. RECOMMENDATION

- 6.1 It is recommended that the Planning Committee agree to modify the Section 75 Planning Obligation requiring 100% affordable housing requirement in order to reduce the requirement to 25%.

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Director of Development Services

Date: 14 February 2014

LIST OF BACKGROUND PAPERS

1. Planning application P/09/0457/OUT
2. Falkirk Council Local Plan
3. Falkirk Local Development Plan, proposed plan 2013.
4. Supplementary Planning Guidance Note 'Affordable Housing'

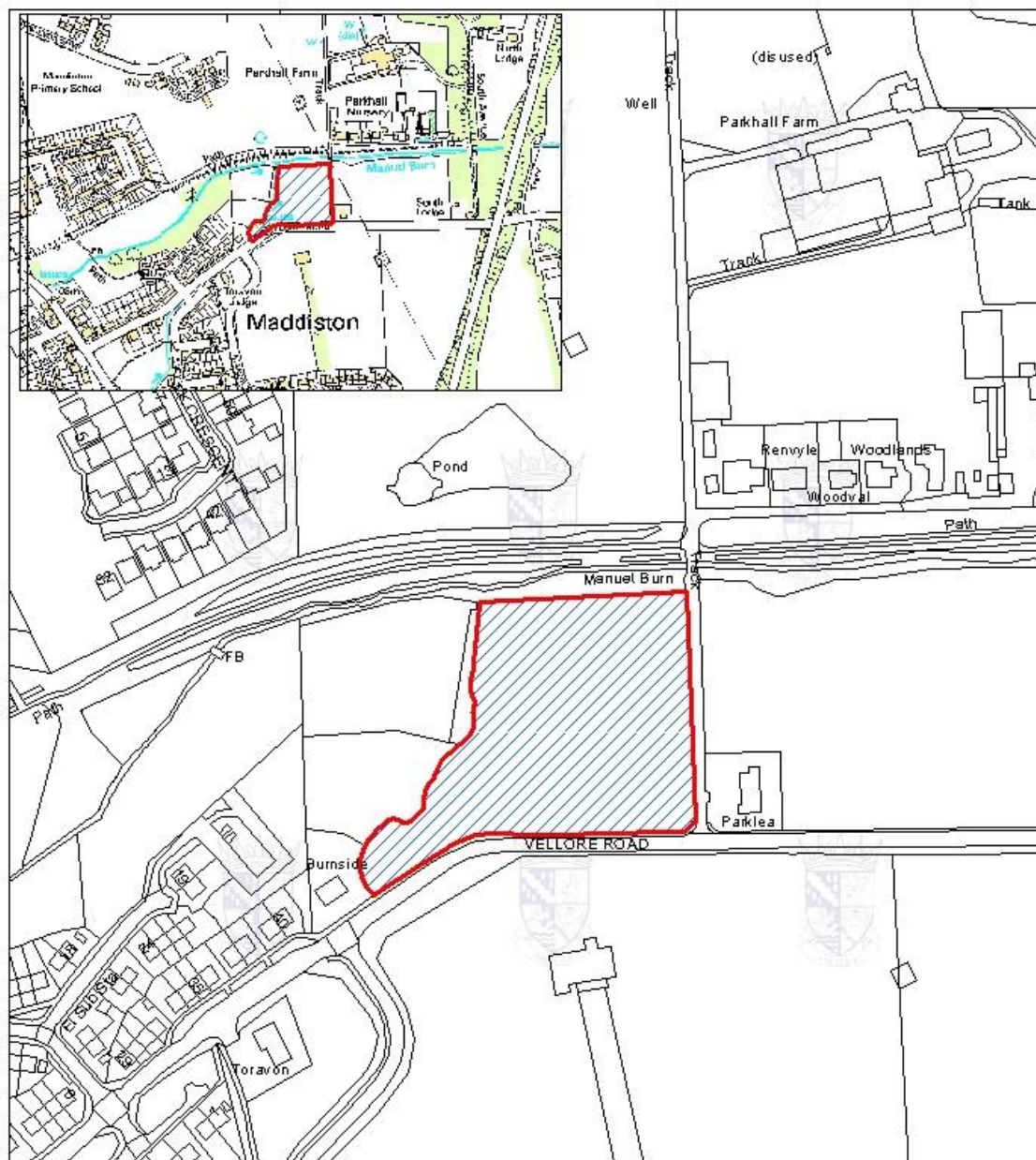
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/13/0795/75M

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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