

# Officers Report

## Planning Application No: 137532

**PROPOSAL:** Planning application for the proposed replacement of the communal building approved under 134583 with the erection of two single storey bungalows and associated works

**LOCATION:** Land At Church Lane Saxilby Lincoln LN1 2PE

**WARD:** Saxilby

**WARD MEMBER(S):** Cllr Cotton & Cllr Brockway

**APPLICANT NAME:** ACIS

**TARGET DECISION DATE:** 17/05/2018

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Jonathan Cadd

**RECOMMENDED DECISION:** That the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The delivery of two affordable rented bungalows.

*In addition to the s106 agreement the Community Infrastructure Levy (CIL), is in force and a contribution will be required in accordance with WLDC's regulation 123 list. The exact detail of the contribution will be determined at the reserved matters stage, when floor space can be accurately calculated.*

In the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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### **Description:**

The original reserved matters planning permission allowed on appeal (ref. no. 134583) at this site approved an over 55's housing complex which included 60 residential units. Included within the scheme was a two storey community hub which would accommodate two single flats at first floor, a guest suite (single beds and en-suite) and at ground floor a communal area including an activity room, reception, kitchen and resident's lounge. This application seeks change the scheme by replacing the proposed community hub, two flats and a guest suite with two bungalows. The bungalows would include two bedrooms each, one double and one single. Car parking would occur to the south in a communal parking area with an area of open landscaping also created to the south.

The site is currently a building site with phases 1 and 2 under construction along with the spine road which will eventually serve the whole development. The site is

surrounded on three sides by phases 1 and 2 of the wider development with phase 3 to the north.

### **Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017:**

The development is not within a 'sensitive area' as defined in Regulation 2(1) of the Regulations and falls significantly below development levels in the context of Schedule 2 of the Regulations. Therefore the development is not 'EIA development'.

#### **Relevant history including applications on wider site:**

131174 Outline planning application for residential development, to include associated estate roads and open space. Access to be considered and not reserved for subsequent applications. Refused but allowed at appeal 9<sup>th</sup> Dec 2015

134583 Application for approval of reserved matters for residential development including associated estate roads and open space following outline planning permission 131174 granted 09 December 2015-Phase 1 of development to erect 60no. over 55's units. Granted 25 Aug 2017

134895 Reserved matters application for 20 dwellings following outline planning permission 131174. Granted 25 Aug 2017

137061 Planning application for demolition of existing dwelling and the erection of 3no. dwellings. Granted 12 Jan 2018

137071 - Application for approval of reserved matters (appearance, landscaping, layout, scale) for residential development, to include associated estate roads and open space - following outline planning permission 131174 allowed on appeal 9 December 2015. Approved 28 Mar 2018

#### **Representations:**

*Councillor Cotton & Councillor Brockway:* The inspector, Mr. Manning was clear in his view the community building was central to the 60 retirement dwellings to be built.

The retirement village similarly was key to the reasoning for granting the application.

The people occupying that set of dwellings will be far enough away from other community buildings as to make them an issue for regular use. We have a similar facility in Rookes Close, also retirement homes, this community building is very well used several times a week by the residents.

Given the planning Inquiry and the issues with this I would request this go to committee rather than delegation. I'm keeping an open mind and not expressing a formal opinion but need to see robust reasons for removal of the community building as I believe it is an essential facility with 60 dwellings with a minimum of 60 residents and a maximum of 120 residents who will be buying/renting a lifestyle.

Committee must decide this in my view.

*Saxilby Parish Council:* The Council strongly requests that the application is considered by the WLDC planning committee.

Following the extensive public inquiry, the over 55's village and the associated community facility was central in permission being granted for the development by the inspector.

The Committee strongly opposes the removal of a community facility and contends statements made in ACIS supporting letter:

Management of the facility – similar existing developments in the community have a communal space and the key is not held off site, it is held by a responsible resident in the building and effectively managed on-site without additional management costs being incurred.

Use of the building – Saxilby is a large hub village which also serves the wider rural communities. Currently the other venues in the village are well used, including those managed by the Council. The Committee does not agree that an additional facility would undermine other affordable provision in the community. Again, with reference to key holders, this could effectively be managed on-site by a responsible member of the community (as is the case of other local facilities).

The location of the site is not near the centre of the village, where the other community spaces are. This development is specifically for older people who have a higher prevalence of reduced mobility and health conditions, therefore a communal space in the development is required to meet the populations needs and reduce possible isolation.

Saxilby with Ingleby Parish Council are committed to promoting a high standard accommodation for the ageing population. Providing amenities such as a fitness room, library, cafe etc contribute to the physical and emotional health and well-being of an ageing population. Applying to remove this communal resource does not demonstrate a commitment for the welfare of the older people who the development is being constructed for.

The Local Plan LP10 Meeting Accommodation Needs states the developer is expected to provide housing solutions to meet the housing needs of the housing market area. In the Housing Needs Assessment (2016) a supporting document in the Saxilby with Ingleby Neighbourhood Plan (2017) there was a clear need for specialist accommodation to meet the needs of older people; removal of this facility does not meet these needs.

Condition 6 from planning inspector stated that the development shall not exceed 230 buildings, so no further dwellings can be added to the development site.

*Local residents:* None

*LCC Highways:* No objection

*Archaeology:* No objection

*Housing Strategy and Supply Manager: (in summary);*

- Through no fault of Lindum or Acis the scheme being delivered is not the same as the original retirement village proposal.
- Acis do not have a business model where there is on site staff.
- The addition of the communal facilities will mean an increase in service charge for tenants and home owners (see below)
- In terms of meeting housing need as evidenced by through the authorities waiting list the Acis scheme will provide a more acceptable mix of retirement living than the original proposal with the inclusion of affordable rented dwellings
- There is a risk that the community facilities will not be utilised at all if it is necessary for a key to be collected from Gainsborough.
- There are limited options for developers to secure a registered provider to deliver affordable housing. If Acis hadn't have come forward then the developer would not have been able to meet his s106 obligations and the site would have stalled

Service charge

Acis have advised that it is not possible at this time to give exact figures in relation to the service charges which will be incurred by the residents of the over 55 housing. It is advised that charges for ground maintenance would be in the region of £120 to £150 per annum. If roads are not adopted then further charges are incurred for roads and street lights. With the additional communal facilities in the original scheme the service charge could be in excess of £300 per year. This charge would be incurred by all residents in addition to any rent or mortgage payments. For those in rented accommodation who need to claim housing benefit this charge would not be covered by housing benefit payments and therefore could make the affordable rented dwellings unaffordable to many households.

### **Relevant Planning Policies:**

National guidance

National Planning Policy Framework (NPPF)

Central Lincolnshire Local Plan adopted 2019 (CLLP)

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP9: Health and wellbeing

LP10: Meeting accommodation

LP11: Affordable housing

LP15: Community facilities

LP26: Design and amenity

LP52 Residential allocations – Large villages

## Saxilby with Ingleby Neighbourhood Plan (SwINP) – Made Plan

Policy 1: Housing mix

Policy 2: Design of new development

Policy 3: Comprehensive development of land at Church Lane

Policy 4: Allocation of affordable housing

Policy 9: Protecting community facilities

### **Main issues**

- *Provision of affordable housing*
- *Change from the original proposal to provide an on-site community facility*
- Design and parking

### **Assessment:**

- *Provision of affordable housing*

The application site forms part of a wider development which has outline planning permission for 230 dwellings including 60 no. over 55's properties within phase 1 of the overall estate, ref. no. 131174. The detail of phase 1 was approved through reserved matters approval 134583 and included a community hub and a visitor suite (a twin bedroom and bathroom) to serve the retirement village. The current application presented to the planning committee seeks to change the community hub building, two associated flats and visitor suite with two single storey affordable bungalows. The site is currently under development and the approved community hub and flats have not yet been constructed.

Policies LP2 and LP52 of the CLLP support housing on this site. Similarly, policy 3 of SwINP seeks a mix of housing development and ancillary and associated development on this site. As such the proposal in its most basic form would accord with both the Central Lincolnshire Local Plan and the Saxilby with Ingleby Neighbourhood Plan. It should be noted that the proposal would not increase overall housing numbers on site, as the bungalows would simply replace the original flats approved under 134583.

The proposal also seeks to provide accommodation for occupiers over 55 in line with the original outline permission (condition 16) to create 60 such dwellings overall on site. The proposal therefore accords with policy LP10 of the CLLP which seeks developments to meet the needs of the housing market area. This includes a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The policy more specifically seeks to cater for the needs of less mobile occupants, including older people and disabled people. Similarly, supporting paragraphs 39 and 40 of policy 4 of SwINP indicates there is an identified growth in demand for specialist accommodation to meet the needs of older people. It notes: 'An ageing population will increase the demand for specialist accommodation, and the survey provides some evidence of this. The proposal would therefore accord with this evidence and continue to provide such specialist accommodation.'

Similarly, the proposals seeks to retain the affordable status of the two residential units approved in the original proposals but in a bungalow form rather than as two first floor flats. These bungalows will form part of the affordable housing contribution secured through the s106 for 58 dwellings across the site. Policy LP11 seeks to deliver a strategic aim of 17400 affordable dwellings across Central Lincolnshire to meet the needs of residents unable to compete on the open market. As the proposal delivers two such bungalows the scheme would accord with CLLP policy LP11. Similarly, evidence to support policy 4 of SwINP indicates there is a requirement for 5 x two bedroomed bungalows for rent or shared ownership in the village. It is recognised however, that given the number of affordable units proposed overall within the wider scheme, residents could be attracted from a wider area.

- *Change from the original proposal to provide an on-site community facility*

The aspect of this application that requires the most careful consideration is the proposal to replace a proposed Community Facility, part of the original approved scheme, with two bungalows. This aspect has attracted comments from both the Parish Council and Ward Councillor in their respective responses. Whilst Policy LP15 and Policy 9 of the SwINP relate to the loss or conversion of existing buildings, in this case the community facilities proposed in the original application have not been built, and therefore these policies cannot be afforded weight as no physical loss of existing facilities will occur. For clarity this would mean there would be no community facility provided within the development if this application were to be approved. The development would therefore be reliant to on alternative existing facilities elsewhere within the village. As such, an appropriate justification must be considered in order to assess the planning merits and possible impact of this change.

To begin to understand the need for this application it is first worth briefly considering the history of the development, the developers involved in its promotion and changes to the back ground of funding such provision.

Following the appeal decision a reserved matters application was submitted for phase 1 of the scheme. Lindum Homes was supported by a registered provider whom indicated that they had a dedicated retirement home company which could deliver home ownership specifically for the retirement market. This scheme included the community hub.

Negotiations between the developer and this registered provider ultimately broke down placing the retirement village at particular risk. Acis, however, were able to put a viable and deliverable offer to the developer which would comprise of 20 dwellings available for open market sale, 20 shared ownership and 20 affordable rent. Acis do not, however, have a dedicated retirement arm to their operation and the focus is much more on general needs affordable housing to rent or buy (shared ownership) with an age restriction.

The following comments/evidence of need was provided to support delivery at the time of the reserved matters application;

*The Lincs Homefinder CBL waiting list identifies 1091 households registered of which 480 were in the over 55 age group. The Central Lincolnshire SHMA 2015 demonstrates that Central Lincs had seen a considerable growth in older persons between 2001 and 2011 particularly in West Lindsey where the over 65 age group had seen a 28.5% increase. Further considerable growth is expected in this age group over the project period - (up to 2036).*

*The PPG which sits alongside the NPPF highlights the importance of considering housing need when considering development. It further recognises that the need to provide housing for the elderly is critical and that supporting independent living helps reduce costs to health and social care which this proposal would contribute towards.*

The Lincs Homefinder CBL waiting list therefore provided strong evidence of need for affordable rented dwellings for those over 55 both now and in the future.

Although the level of need today has fallen very slightly demand still remains high. It is clear that the specific model of provision for the over 55's accommodation originally proposed could not be supported by many of those providers approached and indeed the new partner Acis has offered to deliver and manage the majority of scheme as approved although on a different tenure basis as identified above. The need, however, for the provision of over 55 accommodation, as shown above, continues to increase underlining importance of such the provision.

The current application under consideration therefore seeks change the community hub building, two flats and visitor accommodation approved under 134583 to two single storey bungalows and associated works. The applicant, Acis', has also provided justification for this change and relates both to its operation model but also the cost of providing such a facility to future occupiers of the retirement village and itself as a not for profit organisation.

Firstly Acis does not run a community building/ guest/ warden type operation and could not justify subsidizing one in Saxilby as a business nor expect other developments to contribute towards this. As a result any key they indicate would need to be kept in Gainsborough as it would be unreasonable to expect one of the residents of the scheme to manage the facility.

Secondly, the applicant indicates the provision of such a facility would attract ongoing maintenance costs for the facilities (maintenance, heating, cleaning and general operation) and a manager. These would be considerable and would be borne by future occupiers of the development (except those within the affordable rented accommodation where any additional costs would be borne by ACIS or spread across the remaining non affordable rented units). The approved hub would be a considerable facility with a large kitchen, office, activity room/ lounge and sunroom not to mention the guest facility. This is not the type of unit be locked up and hired out occasionally but would need to be actively promoted by the owner with staff employed to arrange and manage activities to a considerable level to make the hub work in the manner expected. This is likely to require a day and evening presence by staff so when assessed Acis determined that two part time workers would be required. Equally, given the age group involved and the level of activity/ organisation required there would need to be good quality and experienced event organiser's/ managers whom could also deal

with any eventuality/ emergency. This would therefore be likely to be someone of significant experience which would attract a salary commensurate to the role.

The service charge to cover cleaning/ operation/ replacements/ depreciation/ services/ security/ council tax and staff management 365 days a year day/evening, would therefore, have to be budgeted for on top of any usual service charge. The applicant indicates that in a warden type/hotel facility that could easily reach £50-60000 per annum or £20 per week per unit which is unaffordable for most of its residents.

The Council's Housing Strategy and Supply Manager indicates that Acis have advised her that it is not possible at this time to give exact figures in relation to the service charges which would be incurred by the residents of the over 55 housing. ACIS and indeed the Housing Strategy Manager, however, suggest that a general service charge of £120 - £150 per dwelling per annum (£2.30 – 2.90) per week per unit) for maintenance of properties, verges, driveways etc is usual and is deemed sustainable for those on lower incomes/ pensions. This would also increase year on year in line with the retail price index. The Church Lane development is not a standard scheme and has considerable additional landscaped areas, both generally and within the communal garden areas to maintain, along with the car parks. If roads are not adopted then further charges are incurred for roads and street lights. With the additional communal facilities in the original scheme the service charge could be in excess of £300 per year (£20 per week). This charge would be incurred by residents in addition to any rent or mortgage payments. Whilst this may not seem, a great deal when the state pension starts at approximately £164 a week a £20 additional charge on top of the cost of rent, mortgage, food, bills etc is considerable.

For those in rented accommodation who need to claim housing benefit this charge would not be covered by housing benefit payments. For those purchasing shared ownership dwellings the additional cost could make them unaffordable to many households. The market units (55/60 sq. metres in area) are likely to retail around £140000 and would not, due to their size be attractive to those with substantial income/ pensions. As such a high service charge would be unattractive to potential purchasers and could limit the viability of the proposal. Similarly, where Homes England grant is secured to fund the development of affordable rented accommodation (20 units) such additional charges could not be levied on occupiers and ACIS would have to fund such additional charges itself which it cannot afford to do, particularly given the essential service charges to maintain the estate and grounds. Costs are therefore a key element of concern for the viability of the scheme.

It is clear from the Inspector Manning decision notice that he agreed with the developer at the outline appeal that the site was sustainably located within Saxilby and most facilities could be reached on foot by future residents. Nonetheless, those older residents with limited mobility would be unlikely to reach the village centre and the loss of the community centre with potential social activities and catering facilities would significantly detract from its sustainability for them. This weighs against the proposal within the planning balance.

It should be noted as a matter of fact that if this application is approved the site will have two approvals upon it, either of which could be implemented, although only one would obviously proceed. Equally and whilst somewhat unpalatable it must also be



stated that if this application were to be refused there would be no power through the planning system to ensure the continued operation of the facility if it is unviable or indeed any compulsion for the development to operate it at all. As noted above Inspector Manning's conditions did require the provision of 60 over 55's dwellings but did not mention the community hub. The section 106 agreement sealed, did require the provision of 25% affordable houses but did not require the provision or operation of the community hub. This therefore is a material consideration.

- Design and parking

The design of the bungalows would follow the majority of other bungalow units on the site. It would have a dual frontage to address the green to the north of the site, whilst to the west it would also have an attractive frontage to the road. The two storey unit approved opposite the site to the west would also provide a visual 'book end' to the proposed run of bungalows from the other two storey apartment to the east. It is considered therefore that the designs would not detract from the character of the area in accordance with policies LP17 and LP26 of the CLLP and policies 2 & 3 of SwINP.

Parking to the bungalows would be available to the south of the bungalows within the car park area which already has consent.

#### *Other matters*

Given the single storey nature of the proposals and their central location within the site, these properties would not lead to residential amenity concerns.

#### Conclusion

The promotion of the wider development site for housing at previous application stages highlighted the provision of the retirement village with various design features and services which could be attractive to the older population. Such development would meet an identified need within Central Lincolnshire, West Lindsey and on much a smaller scale Saxilby.

The change in the scheme omitting the proposed community hub is disappointing but is not contrary to policies LP15 and 9 of the CLLP and SwINP respectively as it has yet to be provided. It would, however, reduce the attractiveness of the scheme to some potential future occupiers and would weigh against proposal.

The proposal, however, would still provide a retirement village, the new registered provider, would develop 60 retirement units within phase 1 as required by the outline appeal approval 131174. Housing need for the older population remains a key challenge within Central Lincolnshire and this proposal would assist to meet this need. This is a substantial positive material consideration which would support approval of this proposal.

Unlike the over 55 retirement residential units and affordable houses the outline planning permission (appeal decision notice nor associated legal agreement) does not specifically require any supporting facilities in the retirement village to be retained or

indeed provided. The enforcement of the actual provision of this facility or its retention if the current application is refused cannot therefore be undertaken.

The Planning Inspector determined that the location was a sustainable and that good links with the village centre, with its facilities, was available to future residents. Whilst it is accepted that older less mobile residents will reside at the properties, the age criteria would be such that genuinely mobile residents over 55 would also occupy the properties.

The applicant has addressed the issue of affordability and identified that the nature of the hub with its facilities and features would need to be actively managed and maintained to provide the service intended by the original operator. This would represent a significant weekly cost to future occupiers which would place the units beyond most of the likely occupiers placing the viability of the whole scheme in question. The general details provided to support this statement which have been considered by the Council's Housing Strategy and Supply Manager whom has agreed with the assessment. The current provider also offers a scheme with a wider range of tenure options for the retirement village as a whole which should also not be discounted.

Whilst the change proposed moves away from that originally promoted, the current applicant has presented a reasoned planning argument that would justify the approval of this scheme in accordance policies: LP2, LP26 and LP52 of the Central Lincolnshire Local Plan and policies 1, 2 & 3 of the Saxilby with Ingelby Neighbourhood Plan and assist to meet an important housing need within central Lincolnshire.

**RECOMMENDATION:** That the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The delivery of two affordable rented bungalows

*In addition to the s106 agreement the Community Infrastructure Levy (CIL), is in force and a contribution will be required in accordance with WLDC's regulation 123 list. The exact detail of the contribution will be determined at the reserved matters stage, when floor space can be accurately calculated.*

In the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

2. No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

**REASON:** To safeguard the character and appearance of the building(s) and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with policy LP26 of Central Lincolnshire Local Plan.

3. No development shall commence until, full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling hedgerows to be retained, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior the dwellings are first occupied.

**REASON:** To ensure the provision of appropriate boundary treatment in the interest of the visual and residential amenity of the area in accordance with policy LP26 of Central Lincolnshire Local Plan.

**Conditions which apply or are to be observed during the course of the development:**

4. Before each dwelling is occupied the roads and footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed and completed to a specification to enable them to be adopted as Highway Maintainable at the Public Expense.

**REASON:** As recommended by the Highway Authority to ensure the provision of adequate access and in the interests of highway safety and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

5. The two bungalows hereby approved shall be restricted to occupation only by (i) persons aged 55 years and over; (ii) persons who are living as part of a single household with a person aged 55 years or over; and (iii) persons who were previously living in that dwelling as part of a single household with a person aged 55 years or over who has since died.

**REASON:** To meet a specific housing need within Central Lincolnshire and in accordance with policy LP10 of the Central Lincolnshire Local Plan.

## **Reason for approval**

The proposal provides two specialist dwellings to meet a specific identified need within central Lincolnshire without detracting from the character of the area, highway safety nor residential amenity in accordance with policy LP1, LP2, LP15 and LP26 of the Central Lincolnshire Local Plan.

## **Notes to the Applicant**

Please be aware that as of the 22<sup>nd</sup> January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal [www.west-lindsey.gov.uk/cilforms](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey District Council's own website [www.west-lindsey.gov.uk/CIL](http://www.west-lindsey.gov.uk/CIL)

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties

## **Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

## **Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report