

**Officer Update Note**  
**Selby and Ainsty Area Planning Committee – 20 November 2024**

**Item 4**

**ZG2023/0732/OUTM**

**Land east of Broadacres, Mill Lane Carlton, Selby**

**Outline application (some matters reserved) for development of up to 200 residential dwellings with access to, but not within, the site.**

The application proposes 10% affordable housing. The appeal documentation includes the appellants viability appraisal that considers 13% affordable housing is viable.

Since the recommendation was drafted, Align Property Partners were instructed to review the viability appraisal. Align conclude that the scheme generates a surplus sufficient to increase the affordable housing percentage. Their report outlines a surplus of between £3.88m and £4.87m (depending on the profit level adopted) to be utilised for affordable housing. Align recommends, in relation to the amount of affordable housing that a revised assessment take place to determine the additional affordable housing that can be delivered using the identified surplus. It also recommends that given the fluid nature of market conditions, a detailed viability assessment should be conducted at the full application/reserved matters stage to account for any shifts in costs or revenues.

The recommendation to planning committee has changed as a result of this.

It is recommended that planning committee conclude planning permission would have been refused because the 10% affordable housing proposed is below that which can viably be delivered by the proposal, contrary to Policy SP9 of the Core Strategy and Policy Carl-G of the Selby Local Plan Revised Publication 2024, but that if between the planning committee decision and appeal hearing the appellant increases the affordable housing percentage in line with the recommendations of officers and secures this via legal agreement, the LPA will not contest this matter at appeal. In this event, officers would seek to secure the s106 matters and conditions detailed in the report, with an additional s106 requirement that subsequent reserved matters applications include a viability appraisal for agreement by the LPA to determine the final affordable housing percentage.

**Item 5**

**2022/0665/OUTM**

**Land at Manor Farm Hambleton**

**Outline application with all matters reserved except for means of access to, but not within, the site for the development of up to 156 dwellings and associated landscaping and infrastructure works**

The application proposes 10% affordable housing. The appeal documentation includes the appellants viability appraisal that considers that more affordable housing is viable.

Since the recommendation was drafted, Align Property Partners were instructed to review the viability appraisal. Align conclude that the scheme generates a surplus sufficient to increase the affordable housing percentage. Their report outlines a surplus of between £2.72m and £3.52m (depending on the profit level adopted) to be utilised for affordable housing. Align recommends, in relation to the amount of affordable housing that a revised assessment take place to determine the additional affordable housing that can be delivered using the identified surplus. It also recommends that given the fluid nature of market conditions, a detailed viability assessment should be conducted at the full application/reserved matters stage to account for any shifts in costs or revenues.

The recommendation to planning committee has changed as a result of this.

It is recommended that planning committee conclude planning permission would have been refused because the 10% affordable housing proposed is below that which can viably be delivered by the proposal, contrary to Policy SP9 of the Core Strategy and Policy HAMB-A of the Selby Local Plan Revised Publication 2024, but that if between the planning committee decision and appeal hearing the appellant increases the affordable housing percentage in line with the recommendations of officers and secures this via legal agreement, the LPA will not contest this matter at appeal. In this event, officers would seek to secure the s106 matters and conditions detailed in the report, with an additional s106 requirement that subsequent reserved matters applications include a viability appraisal for agreement by the LPA to determine the final affordable housing percentage.

### **Item 6**

<b>APPLICATION NUMBER:</b>	2022/1236/FULM	<b>PARISH:</b>	Sherburn In Elmet
<b>APPLICANT:</b>	Urban Dev (York) Ltd & Karbon Homes Ltd & JGC (1980) Ltd	<b>VALID DATE:</b> <b>EXPIRY DATE:</b>	14.11.2022 18.12.2024
<b>PROPOSAL:</b>	Residential development consisting of 66 dwellings, with associated landscaping and highways, demolition and off-site highways works		
<b>LOCATION:</b>	Land West of Garden Lane Sherburn In Elmet North Yorkshire		
<b>RECOMMENDATION:</b>	GRANTED subject to conditions and the prior completion of a S106 Agreement		

### **Local Representations**

Further to the publication of the Officers Report, a further comment has been received from a local resident. The resident has previously commented on the application. The

comments made in the further representation raises concerns in terms of relating to highways impacts and infrastructure constraints which have already been addressed in the Officers Report.

### **Affordable Housing Types and Mechanisms**

For clarification three types of affordable housing are to be provided within the development and all occupiers have to be “in need of accommodation” and meet the “criteria on need” to be eligible to seek one of these properties.

Three types of affordable housing are to be provided within the scheme

1. **37 Affordable Rent Units** - these will be offered at an affordable rent via North Yorkshire Home Choice to those with a local connection.
2. **20 Rent to Buy Units** – these units will be offered to those with a local connection and offered on an affordable rental basis for the first 5 years. After 5 years, tenants have the option to purchase the property on a shared ownership lease, or to purchase outright. This is in line with Homes England Grant funding regulations.
3. **9 Shared Ownership Units** – Whilst no local connection criteria can be placed on these properties, due to Homes England funding regulations, purchasers will only have the option to staircase up to 80% of the full lease or purchase 100% but with an obligation to sell the property back to the Registered Provider on resale. For occupiers to staircase above 80% further approvals would be required from both the local authority and Homes England as the grant funders.

The Tenure Plan will be also part of the Legal Agreement.

The S106 will include definitions of each of the types, how they will be secured and how a local connection clause will be used.

Any change in tenure (aside from those set out in line with Homes England funding regulation e.g., rent to buy after 5 years) will be required to go through a Deed of Variation in negotiation with planning, legal and Housing.

As this scheme is being delivered as a 100% affordable scheme, grant funding will be required for it to be viable, this would be the case whoever delivered the scheme, whether this was a Registered Provider or the Council itself. As such the grant conditions from Homes England are non – negotiable and a 106 agreement cannot breach these regulations.

Officers consider that this blended approach to affordable tenures can be supported and promotes community sustainability and meets a range of needs. As such the scheme is acceptable and can be supported in principle with the approach as set out above.

### **Updated on S106 Heads of Terms**

As noted in the Officers Report at Section 12 with the change to the approach on affordable housing to be for

- 100% affordable housing scheme secured via a S106 Agreement for those with a local connection to Sherburn in Elmet, South Milford, Barkston Ash, Little Fenton and Biggin first in terms of the letting criteria on the Affordable Rent and Rent to Buy units only. Not to be applied to the Shared Ownership Units.