

210865 - PROPOSED CONVERSION OF TWO OUTBUILDINGS TO CREATE THREE NEW DWELLINGS. WORKS INCLUDE: LEAN-TO EXTENSION TO FORMER WORKSHOP TO BE REPLACED WITH SINGLE STOREY EXTENSION AND OPEN COURTYARD ATTACHED TO FORMER DAIRY TO BE ENCLOSED WITH A NEW FLAT ROOF. PROPOSED WORKS TO UPGRADE EXISTING STORAGE BUILDING AT CANON FROME COURT, CANON FROME, LEDBURY, HR8 2TD; and

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ADDITIONAL REPRESENTATIONS

The applicant's agent has submitted the following correspondence following the publication of the report.

"Having read through the report, I just wanted to clarify whether a S106 agreement will be required? It was our understanding that if the buildings were conversions, they would accord with Policies RA3 and RA5 and would not need to be considered as a rural exception site under Policy H2? The business plan that the community have carried out has concluded that In the absence of any available capitol grants to build affordable housing, two market dwellings will be required to fully cross subsidise one affordable, shared ownership dwelling. Once the loan for construction has been paid off, it is the communities ambition to use rental revenue form the affordable unit to fund a further affordable unit on the site. Please can you clarify this for us?"

The applicant has also sent the following correspondence sent on 20 May 2022:

"I see from your email to Elly Deacon-Smith that the planning solicitor will be looking at our application. I wonder if this is to resolve the policy matters which Elly raised to determine whether our application has categorically to be considered under rural exception rules. If it is to look at the community led housing aspect and legal frameworks under which these are set up, it might be helpful for him/her to also have this piece of information. Unlike formal housing associations (RPs) those which are community led are often constituted as Community Benefit Societies. Any homes owned and operated by such a society are exempt from the right to buy. (for confirmation of this see parliamentary written questions transcript in document attached) Windflower Housing Association which owns and operates the whole site at Canon Frome Court is an IPS (Regd no22193) which is the older form of a co-op or community benefit society and regulated by the same body, the FCA. I hope this helps. This means that the years of hard unpaid work that go into meeting a local need for housing are not then lost through outright sales and is a just recognition of community led efforts. AS106 is clearly not necessary to secure community benefit in perpetuity."

OFFICER COMMENTS

With regards to the comments raised by the applicant and agent in respect of a S106 requirement, officers feel this is required to ensure that the 1 no. dwelling is maintained as affordable housing, as brought forward in this application, which is explained at Section 6.8 of the officers' report. The agreement will provide for securing the dwelling if approved to be 'affordable' in perpetuity and secure the long-term management and occupation of the dwelling. Indeed, it needs to be recognised that Canon Frome Court is not located within the main area of Canon Frome settlement and its allocation for solely open market housing would be contrary to Policies SS1, SS2, SS6, RA2 and RA3 of the Core Strategy which seek to protect the intrinsic character and beauty of the countryside.

However, Core Strategy Policies RA3 and H2 support proposals for rural exception sites which would apply to this site. Policy SG3 of the Stretton Grandison Group NDP also identifies that Policies RA3 and H2 apply to deliver affordable housing at Canon Frome Court. Officers would refer members to the comments provided by the Council's Housing Partnerships/Strategic Housing team whom advise that if a Local Planning Authority are satisfied that the development can be considered under Policy H2 – Rural exception sites, then it is not unusual for affordable housing to be subsidised by open market units, as is the case with this application. The inclusion of a S106 agreement is therefore considered to be reasonable and necessary to satisfy paragraphs 55, 56 and 57 of the NPPF and avoid potential open market dwelling being delivered on site contrary to the sound spatial strategy of the development plan.

It is noted however that a S106 can be completed prior to first occupation and as such a minor change to the recommendation is proposed below with the addition of condition 17, as set out below:

CHANGE TO RECOMMENDATION

Planning application P210865/F be granted planning permission subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 17. None of the dwellings hereby approved shall be occupied until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority.**

The said Agreement will provide for:

- Securing the 1 no. dwelling brought forward as an 'affordable dwelling' in perpetuity.**
- To secure the long term management and occupation of the dwelling.**

Reason: In order to provide ensure that the dwelling is secured and maintained as affordable housing and to promote and support sustainable development in accordance with Policies SS2, RA3 and H2 of the Herefordshire local Plan - Core Strategy and the National Planning Policy Framework