

3/08/2032/SV – Modification to Clause 1.1 of Schedule 3 and Annexe C Paragraph 2.1 of the Section 106 agreement relating to application 3/07/2516/FP, to delete reference to ‘Design and Quality Standards’ at Land adjacent to Yew Tree Public House, High Street, Walkern, for Riversmead Housing Association.

Date of Receipt: 03.12.08

Type: Section 106 Variation

Parish: WALKERN

Ward: WALKERN

RECOMMENDATION

That, subject to no substantive comments being received within the consultation period (by 9th January 2009), the Director of Neighbourhood Services be authorised to **GRANT** the variation of the Section 106 agreement dated 3rd March 2008 pursuant to planning application 3/07/2516/FP, to allow for the deletion of reference to Design and Quality Standards in Schedule 3, Clause 1.1 and Annexe C, Paragraph 2.1.

Summary of Reasons for Decision:

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD1, HSG1, HSG3, HSG4, HSG6, HSG7, TR1, TR7, ENV1, ENV2, BH6, OSV1, OSV4, IMP1. The balance of the considerations having regard to those policies and the previous approval ref: 3/07/2516/FP is that permission to vary the agreement should be granted.

(203208SV.LP)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. It is situated within the Conservation Area, to the east of Walkern’s High Street and to the north of the adjoining site, occupied by The Yew Tree Public House.
- 1.2 Members may recall that in February 2008 planning permission was granted for the erection of 18 houses on the site under ref: 3/07/23516/FP and these are currently under construction.

- 1.3 The planning permission was granted subject to a section 106 agreement which provided for financial contributions towards sustainable transport measures; schools and childcare provision; affordable housing; and lifetime homes.
- 1.4 The agreement was signed on 3rd March 2008 and includes a requirement that the affordable housing provision is constructed to the Housing Corporation's Design and Quality Standards. This is a standard requirement for all new homes which receive Social Housing Grant (SHG) from the Housing Corporation.
- 1.5 However, in this case, the relevant Housing Association has advised the Council that no Social Housing Grant is being made in respect of this project and that therefore compliance with the Corporation's Design and Quality Standards is not necessary, and indeed would place an undue financial burden on the Association. They stress however, that the affordable dwellings would nevertheless be provided in line with good practice and generally in accordance with the Corporation Scheme design Standards.
- 1.6 A variation of the agreement is therefore sought to delete the reference to Design and Quality Standards in Schedule 3, Clause 1.1 and in Annexe C, Paragraph 2.1.

2.0 Site History

- 2.1 Planning application (Ref 3/07/2516/FP) was reported to Development Control Committee in February 2008 for the erection of 18 houses including 5 affordable homes. This application was approved subject to conditions and included the S106 agreement mentioned above.

3.0 Consultation Responses

- 3.1 No comments have been received from Hertfordshire Highways, the County Archaeologists Section, or from Environmental Health.
- 3.2 English Heritage do not wish to comment but recommend that the application be determined in accordance with national and local policy guidance.
- 3.3 The County Planning Obligations Unit have stated that they have no comments.

3.4 The Council's Housing Development Manager has commented that *'the RSL [Registered Social Landlord] in question has advised that the quality of the accommodation meets all the standards with the exception of eco-homes. I am satisfied that this does not detract from the properties in any significant way. As this is the case, I have no objection to the Deed of Variation proceeding'*.

4.0 Parish Council Representations

4.1 No comments have been received from Walkern Parish Council.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. At the time of writing the report no neighbour letters had been received; any letters received after completion of the report will be reported verbally to Members.

6.0 Policy

6.1 When considering the application a number of policies contained in the adopted Local Plan must be taken into account. These include HSG3: Affordable Housing, HGS4: Affordable Housing Criteria and HSG6: Lifetime Homes.

7.0 Considerations

7.1 The main consideration in determining this application to vary the S106 agreement is whether the proposal allows the original aim of the agreement regarding affordable housing provision on the site to be satisfactory achieved.

7.2 Design and Quality Standards requirements are sought by the Housing Corporation and they require that those affordable dwellings that are in receipt of Social Housing Grant (SHG) from the Corporation are constructed to certain design standards.

7.3 The five affordable housing units on this site will not however receive SHG and as such there is no requirement for these dwellings to be built to the Corporation's Design and Quality Standards. Notwithstanding this, the units

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would still be constructed broadly in accordance with many of those standards and in accordance, of course, with the Housing Association's own requirements. It is therefore not considered necessary or reasonable to seek these dwellings to be built to the Housing Corporation's Standards.

- 7.4 The total number of affordable housing units at the site does not vary from that proposed in the original agreement and there is no variation to the size of the units or tenure. The Council's Housing Development Manager is satisfied that the standard of affordable accommodation to be provided would remain acceptable and the housing will therefore still comply with the relevant affordable housing Local Plan policies.

8.0 Conclusion

- 8.1 To conclude, it is considered that the variation to the s.106 can be agreed without significant detriment to the provision of affordable housing on the site. The variation would still ensure that the same level and tenure of affordable housing is provided. The proposal has been considered with regard to the policies of the Development Plan (East of England Plan, Hertfordshire County Structure Plan and East Herts Local Plan) and it is accordingly recommended that the variation be agreed.