

3/07/2531/FP – Variation to the wording of the Section 106 agreement in respect of the erection of 18. No. dwellings including 7 no. affordable units, associated parking and cycle storage facilities, the formation of new road junctions, internal roads, landscaping and associated works at Seven Acres, 49 Upper Green Road, Tewin for Brentstyle Properties Ltd

Date of Receipt: 04.12.07

Type: Full

Parish: TEWIN

Ward: HERTFORD RURAL – NORTH
HERTFORD RURAL - SOUTH

RECOMMENDATION

That the Director of Neighbourhood Services be authorised to approve the re-wording of the resolution on the Section 106 agreement pursuant to planning application 3/07/2531/FP, to allow provision e) to read as follows:-

- e) Provision of 7.no. affordable dwellings to meet the following requirements:
- i) 100% rented accommodation or as otherwise agreed in writing by the Council
 - ii) timing of the provision to be agreed

_____ (253107FP.LP)

1.0 Background

1.1 Members may recall that in July 2008 the committee resolved to grant an amended planning permission for 18 dwellings on this site, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of various matters, one of which was to provide affordable housing as follows:-

- (i) 75% rented accommodation
- (ii) 25% shared ownership (split equally between shared ownership (staircased) and fixed equity at 60%)
- (iii) timing of provision to be agreed

1.2 Negotiations have been on-going in respect of the s.106 provisions and in particular the affordable housing requirements. The current economic climate, however, has meant that banks are unwilling to lend on shared ownership tenure so it has become a redundant form of occupation for the present. The Housing Manager is therefore discussing reverting to 100% rented affordable housing to ensure that the affordable houses are taken up.

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- 1.3 Authorisation is therefore sought from Members to vary the S106 resolution from this specific 75% rented accommodation/25% shared ownership to a more flexible recommendation that still requires 7 affordable houses to be provided, but allows the Council to negotiate on the rental/shared percentage.
- 1.4 It may be the case that, should the development proceed in the short term, the affordable houses will be 100% rented accommodation. However, should the economic climate change and the shared ownership become viable again, then the Housing Manager may proceed on the former 75%/25% split. Permitting this flexibility would still meet the original aim of the agreement regarding affordable housing provision on the site and may, in fact, encourage its early provision.

2.0 Summary

- 2.1 To summarise, the re-wording of the requirements would not alter the total number of affordable housing units at the site. The Council's Housing Development Manager is satisfied that the standard of affordable accommodation to be provided would remain acceptable and the affordable housing will still comply with the relevant affordable housing Local Plan policies.
- 2.2 It is therefore recommended that the re-wording of the agreement is approved as set out at the head of this report.