

**5d 3/11/2031/SV – Modification to Annexe B, Schedule 3 of the S106 agreement relating to LPA reference 3/08/0840/FP - to amend the tenure mix of Affordable Housing to 50% rental units and 50% intermediate housing, at Land off Tylers Close, Buntingford for Leach Homes**

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**Date of Receipt:** 22.11.2011

**Type:** Section 106 Variation - Major

**Parish:** BUNTINGFORD

**Ward:** BUNTINGFORD

**RECOMMENDATION:**

That permission for the variation of the Section 106 agreement be **REFUSED** for the following reason:

1. Varying the tenure mix to from 75 % to 50% rental units and 25% to 50% intermediate housing would be contrary to the housing needs of the local area, as identified in the Housing Needs Survey and the Council's Housing Register. The proposal therefore fails to meet the requirements of Policies IMP1, HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007, and the applicants have submitted insufficient evidence in this case to warrant a departure from those policies.

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**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. The site is located to the North West side of Buntingford, within the Rural Area beyond the Green Belt and outside the development boundary for the town. The site is rectangular in shape and is some 1.69 hectares in size. It is approximately 300 metres in length and 30 metres in width.
- 1.2 Members may recall that a resolution to grant reserved matters for the construction of 50 dwellings comprising of 12 No. 2 bedroom units, 18 No. 3 bedroom units, 17 No. 4 bedroom units and 3 No. 5 bedroom units (LPA reference 3/11/1033/RP) was given by the Development Control Committee on the 14 September 2011. This followed the grant of outline permission for proposed development on the 11<sup>th</sup> February 2008, which was subject to the applicant entering into a S106 agreement to secure financial contributions. That S106 has since been signed and the development was granted permission on the 20<sup>th</sup> September 2011.
- 1.3 This application seeks to vary Annexe B, Schedule 3 as set out within the S106 agreement relating to LPA reference 3/08/0840/FP. It is

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proposed to amend the agreed tenure mix of Affordable Housing from 75% to 50% rental units and 25% to 50% intermediate housing.

#### **2.0 Site History:**

2.1 The following is the relevant planning history relating to the site.

<b><u>LPA reference</u></b>	<b><u>Description of development</u></b>	<b><u>Decision</u></b>
<u>3/08/0840/OP</u>	Outline planning application for the erection of 50 dwellinghouses together with access road and landscaping.	Approved
<u>3/11/1033/RP</u>	Approval of reserved matters application for the erection of 50 dwellinghouses together with access road and landscaping.	Approved

#### **3.0 Consultation Responses:**

3.1 The Council's Housing Manager has commented that the applicant has not submitted sufficient evidence to justify the tenure split being amended from 75% affordable rent and 25% intermediate housing to 50% affordable rent and 50% intermediate housing (shared ownership). They further comment that the Council's Housing Register (a register of households in housing need requiring rented affordable housing in East Herts), had at 1 April 2011 2,395 active households registered of which 1,346 were in a government preference category for affordable housing and are therefore judged to be in significant housing need.

#### **4.0 Town Council Representations:**

4.1 Buntingford Town Council were consulted on the application. No comments have been received at the time of writing this report.

#### **5.0 Other Representations:**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 No letters of representation have been received.

**6.0 Policy:**

6.1 The relevant 'saved' Local Plan policies in this application include the following:

HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
IMP1	Planning Conditions and Obligations

The Council's 'Affordable Housing and Lifetime Homes SPD' is also of relevance.

**7.0 Considerations:**

- 7.1 As described above, the permission for the erection of 50 dwellinghouses with access and landscaping was granted within LPA reference 3/08/0840/FP. The S106 agreement has been signed by all parties agreeing that the tenure mix of Affordable Housing would consist of 75% rental units and 25% intermediate housing.
- 7.2 This current application seeks to amend this tenure mix to 50% rental units and 50% intermediate housing. The applicant comments that they have sought advice from Circle Housing Group who feel that such a split is more achievable and more deliverable at present than the previously agreed mix of Affordable Housing. No additional information or financial assessment has been submitted in support of the application to outline why the applicant is unable to provide the agreed tenure mix.
- 7.3 The aforementioned mix of tenure was recommended by the Council's Housing Service and, at the time, was considered to be necessary to make the development acceptable to meet the identified needs of Buntingford. In my view any change in the tenure mix would only be considered appropriate if there is a change in the identified needs of Buntingford, regardless of whether or not the Housing Association agrees to a different tenure mix.
- 7.4 The Council's Housing Service has commented on the application and have recommended that the proposal to vary the tenure split be refused. An important document to which regard has to be given in this case is the Council's Housing Register which is a register of households in housing need requiring rented affordable housing in East Herts. This register had, as of the 1<sup>st</sup> April 2011 2,395 active households registered, of which 1,346 were in a government preference category for affordable housing. This, in Officers view, demonstrates that there is significant housing need for Affordable rental units within the locality which has not

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changed from the need identified when the S106 was previously agreed. A reduction of 25% in the amount of agreed Affordable rental units would be contrary to this identified need and would be contrary to Policies HSG3, HSG4 and IMP1 of the Local Plan.

### **8.0 Conclusion:**

- 8.1 In accordance with the above, varying the agreed tenure mix from 75% to 50% rental units and 25% to 50% intermediate housing would be contrary to the housing needs of the local area. It has been clearly identified in the current Housing Needs Survey and the Council's Housing Register that there is a high demand for Affordable rental units in the locality and this demand has not altered since the approval of LPA reference 3/08/0840/FP. The proposal therefore fails to meet the requirements of Policies IMP1, HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007.