

**5h 3/12/1518/SV – Modification of S106 in respect of 3/09/1061/FP to vary obligation (b) from intermediate housing to general needs affordable rental housing at Flat 14 Crouch Gardens, Buntingford, SG9 9FL for Riversmead Housing Association**

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**Date of Receipt:** 16.10.2012

**Type:** Full – Minor

**Parish:** BUNTINGFORD

**Ward:** BUNTINGFORD

**RECOMMENDATION:**

That the wording of the S106 agreement be varied in respect of Schedule 3, Annexe B (Affordable Dwellings – Mix of Tenure) to reflect the change in tenure of this unit.

\_\_\_\_\_ (151812SV.EA)

**1.0 Background:**

- 1.1 The application site is located within the recently constructed residential development known as Kingfisher Park (granted planning permission subject to a S106 agreement in 2009 under ref. 3/09/1061/FP) which is located on the southern edge of the settlement of Buntingford. The site is shown on the attached OS extract. Flat 14 is a 2 bedroom affordable property sited within the apartment block, which is located towards the centre of the site.
- 1.2 This application seeks permission to vary the wording of Schedule 3, Annexe B of the S106 which sets out the mix of tenure for the affordable dwellings including the number of rental units and intermediate affordable housing. Currently Annexe B sets out that 15 x 2 bedroom 3 person flats would be provided for intermediate affordable housing. This application seeks to vary that to 14 x 2 bedroom 3 person flats, and to increase the number of 2 bedroom rental units from 1 to 2. In summary, the application would allow 1 existing intermediate affordable housing unit to be used as an affordable rental unit.

**2.0 Site History:**

- 2.1 As already set out, planning permission was granted in 2009 subject to a S106 for 149 dwellings on the site (ref. 3/09/1061/FP). This permission included 59 affordable units, comprising 75% rented and 25% intermediate market housing.

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### **3.0 Consultation Responses:**

3.1 The Council's Housing Development Manager has commented that they support this application as there is a need for affordable rental properties in Buntingford.

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

4.1 Buntingford Town Council has no objections to the proposal.

### **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
HSG 4	Affordable Housing Criteria
IMP1	Planning Conditions and Obligations

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

### **7.0 Considerations:**

7.1 The determining issue in relation to the consideration of this application is whether the proposed variation to the wording of the S106 agreement is acceptable in principle.

7.2 It is important in this case for Members to note that this application makes no change to the number of affordable units to be provided on the site. The change would only allow 1 existing intermediate affordable housing unit to be used as an affordable rental unit.

7.3 The comments of the Housing Development Manager have been noted. They have commented that they support the application as there is a need for affordable rental properties in Buntingford.

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- 7.4 Whilst the proposed variation to the S106 would change the mix of affordable rental and intermediate units very slightly, the change would address a need which has been identified and would not, in Officers opinion, have any detrimental impact on the nature of the development or its overall tenure mix.
- 7.5 Taking into account the above, it is therefore considered that the change to the tenure mix is acceptable. Annexe B, which sets out the tenure mix for the development, does state the Council can agree in writing a change to the tenure mix. The Head of Legal has therefore confirmed that a deed of variation of the S106 is not necessary, and that Officers can confirm the variation in writing to the applicant if Members were to agree the change.
- 8.0 Conclusion:**
- 8.1 Having regard to the above considerations and in particular the comments of the Council's Housing Development Manager, it is recommended that the proposed variation to the wording of the S106 be agreed.