

## AGENDA ITEM NO 10

**TITLE:** Update report on 19/01721/VARM (Car Park, Hill Side Mill, Quarry Lane, Swaffham Bulbeck) on the outcome of the discussions regarding the S106 Agreement in respect of affordable housing following approval by Planning Committee subject to the signing of the S106 Agreement at Planning Committee on 1st July 2020.

**Committee:** Planning Committee

**Date:** 7<sup>th</sup> October 2020

**Author:** Emma Kate Barral, Planning Officer

[V83]

### 1.0 ISSUE

1.1 To receive an update on application 19/01721/VARM which came to Planning Committee on the 1<sup>st</sup> July 2020, in relation to affordable housing.

### 2.0 RECOMMENDATION

2.1 Members are requested to note the update report on application 19/01721/VARM.

### 3.1 BACKGROUND

3.2 The original consent for this site, application 17/01231/FUM approved 19 dwellinghouses, which included 8 affordable housing units (which equates to 42%), split between 5 affordable rent and 3 shared ownership dwellings.

3.3 The variation of condition application (19/01721/VARM) which Members resolved to approve, subject to the signing of a s106 Legal Agreement at Planning Committee on the 1<sup>st</sup> July was for 18 dwellinghouses, including 4 affordable housing units on site (which equates to 22%), split between 2 affordable rent and 2 shared ownership dwellings and an off-site contribution for the fifth dwelling required, in accordance with policy. In relation to the fifth affordable dwellinghouse, the Housing Officer was consulted and commented during the application process that they "would require a commuted sum payment of £142,675 for the loss of one 2 bed affordable dwelling. This is based on the OMV of £275,000 - £ 132,325 (average of two RP offers) = £142,675.

3.4 At Planning Committee on the 1<sup>st</sup> July, it was resolved that planning application 19/01721/VARM be APPROVED subject to the signing of the S106 Agreement and the recommended conditions as set out in the Officer's report, with authority being delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission.

- 3.5 It was further resolved that a report be brought back to the Committee on the outcome of the discussions regarding the S106 Agreement in respect of affordable housing.
- 3.6 Following Members resolution to approve and the comments made during the Planning Committee meeting, the Case Officer and Andrew Phillips attended a meeting with the CLT and the Developer on the 21<sup>st</sup> July 2020 to discuss the options in relation to the fifth affordable dwelling and whether it could be provided on site and managed by the CLT, instead of an off-site contribution.
- 3.7 Following this meeting it has been agreed that in addition to the 4 affordable units to be provided on site, the 5<sup>th</sup> dwelling (which requirement was originally to be met by an off-site contribution) is to be offered to the Swaffham Bulbeck CLT to be maintained as an affordable housing unit in perpetuity. Therefore, the CLT will get the first option in relation to the affordable unit.
- 3.8 The Housing Officer was also consulted after Planning Committee and commented that the National Planning Policy Framework (2019) also requires that all affordable housing should be transferred to a Registered Provider and Swaffham Bulbeck CLT is not a Registered Provider at the current time. The only other option is to sell the dwelling as shared equity or discounted market sale but as part of that we would only be able to restrict the sale to local occupancy for up to three months as anything beyond that would be unreasonable.
- 3.9 The S106 agreement has been drafted on this basis.
- 3.10 The drafted S106 in relation to the 5<sup>th</sup> dwelling states as follows:
- Not to Occupy or permit Occupation of more than six of the Market Housing Dwellings until the First Owner has secured the transfer of the fifth Affordable Housing Dwelling to Swaffham Bulbeck CLT to maintain as Affordable Housing in perpetuity.
  - If Swaffham Bulbeck CLT fails to secure the transfer of the fifth Affordable Housing Dwelling within 50 Working Days, the Council being satisfied that it would not be possible or would be unreasonable for the First Owner to provide a fifth Affordable Housing Dwelling within the Development has agreed to accept from the First Owner the Affordable Housing Contribution in lieu of such provision.
  - Prior to the Occupation of the sixth Market Housing Dwelling the First Owner will pay to the Council an Affordable Housing Contribution in the sum of One Hundred and Forty Two Thousand and Six Hundred and Seventy Five Pounds (£142,675) Index Linked in lieu of the fifth Affordable Housing Dwelling within the Development and the First Owner will not occupy or permit

occupation of the sixth Market Housing Dwelling unless and until the Affordable Housing Contribution has been paid to the Council.

3.11 Therefore if the dwelling is not purchased within 50 working days by the CLT, then a contribution of £142,675 for the loss of one 2 bed affordable dwelling on site will be made to ECDC within 10 working days for an offsite contribution.

#### 4.0 ARGUMENTS/CONCLUSIONS

4.1 Members are requested to note the contents of this report.

---

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
19/01721/VARM	Room No. 011 The Grange Ely	Emma Kate Barral Planning Officer (01353) 616369 Email: <a href="mailto:emma.barral@eastcambs.gov.uk">emma.barral@eastcambs.gov.uk</a>
Planning Committee Agenda 01.07.2020		
Planning Committee Minutes 01.07.2020		