

P/15/1131/VC

PARK GATE

MILDREN HOMES LTD

AGENT: MILDREN HOMES LTD

VARIATION OF CONDITION 16 TO ALLOW PLOTS 3,4 & 5 TO BE DELIVERED AS INTERMEDIATE HOUSING UNITS (SHARED OWNERSHIP OR SHARED EQUITY)

MIDDLE COPSE - 3, 4, 5 - BRIDGE ROAD PARK GATE SOUTHAMPTON SO31 7GD

Report By

Kim Hayler - Direct dial 01329 824815

Site Description

This application relates to a terrace of three recently constructed dwellings situated within a small development of ten houses, known as Middle Copse sited to the south of Bridge Road, Park Gate.

Description of Proposal

Condition 16 of the original planning permission (P/13/0967/VC refers) stated:

Plots 3, 4 and 5 shall be provided for affordable housing and shall be for affordable rent.

This application is seeking variation of the planning condition in order to allow the three affordable units to be offered as intermediate housing (shared ownership or shared equity basis).

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS18 - Provision of Affordable Housing

Relevant Planning History

The following planning history is relevant:

P/13/0967/VC ERECTION OF 10 DWELLINGS, ACCESS, CAR PARKING & ASSOCIATED LANDSCAPING - MINOR AMENDMENTS TO PREVIOUS SCHEME (P/11/0966/FP)

APPROVE 06/06/2014

P/11/0966/FP ERECTION OF 10 DWELLINGS, ACCESS, CAR PARKING AND ASSOCIATED LANDSCAPING

APPROVE 18/05/2012

Planning Considerations - Key Issues

Planning permission was granted originally in 2011 (P/11/0966/FP refers) for the erection of 10 dwellings on the site. A revised scheme was permitted in 2013 (P/13/0967/VC refers) for the same number of dwellings and has subsequently been built out.

The planning permission included the delivery of three 3 bedroom dwellings and at the time it was the Council's preference that the units should be for rent. This was secured by a planning condition.

The developer entered into negotiations with a local Registered Provider (RP), however as a result of the Government announcement to reduce social rents in the four years from 2016 - 2017 the RP pulled out of the contract.

The developer has been unable to find any RP's willing to acquire the three dwellings for rent, however an RP has offered to acquire the dwellings for shared ownership or on a shared equity basis to suitably qualifying purchasers unable to compete for a similar property in the open market. The dwellings will be marketed through the Help to Buy South East website and/or a nomination process allowing the Council to nominate prospective purchasers.

On 9 November 2015 a letter was received from Department for Communities and Local Government to all Local Authorities entitled 'Impact of social rent changes on the delivery of affordable housing.' A copy of the letter is attached to this report.

The Minister's letter is a material consideration in this case and reflects the problems experienced by the developer delivering the dwellings for rent. The developer is not asking to reduce the amount of affordable housing to be delivered, but to change the tenure only. The three units are currently completed and unoccupied.

Policy CS18: (Provision of Affordable Housing) of the adopted Core Strategy states:

'Development proposals will be required to provide a mixture of dwelling types, sizes and tenures reflecting the identified housing needs of the local population.'

The policy allows an element of flexibility in relation to agreeing tenure mix.

The proposal would enable these three affordable dwellings, which are currently sitting empty, to be occupied. Accepting a change in tenure to enable occupation would be entirely consistent with the letter of the 9th November from the Minister for Housing and Planning.

Officers recommend that the proposed variation to the planning condition be permitted.

Recommendation

PERMISSION subject to conditions:

1) Numbers 3, 4 and 5 Middle Copse shall be provided for affordable housing and shall be for shared ownership or shared equity.

REASON: In order to secure the provision of affordable housing within the site; in accordance with Policy CS18 of the Adopted Fareham Borough Core Strategy.

2) The car parking and turning areas as shown on the plan approved under planning reference P/13/0967/VC shall be retained and kept available for the parking and turning of cars at all times.

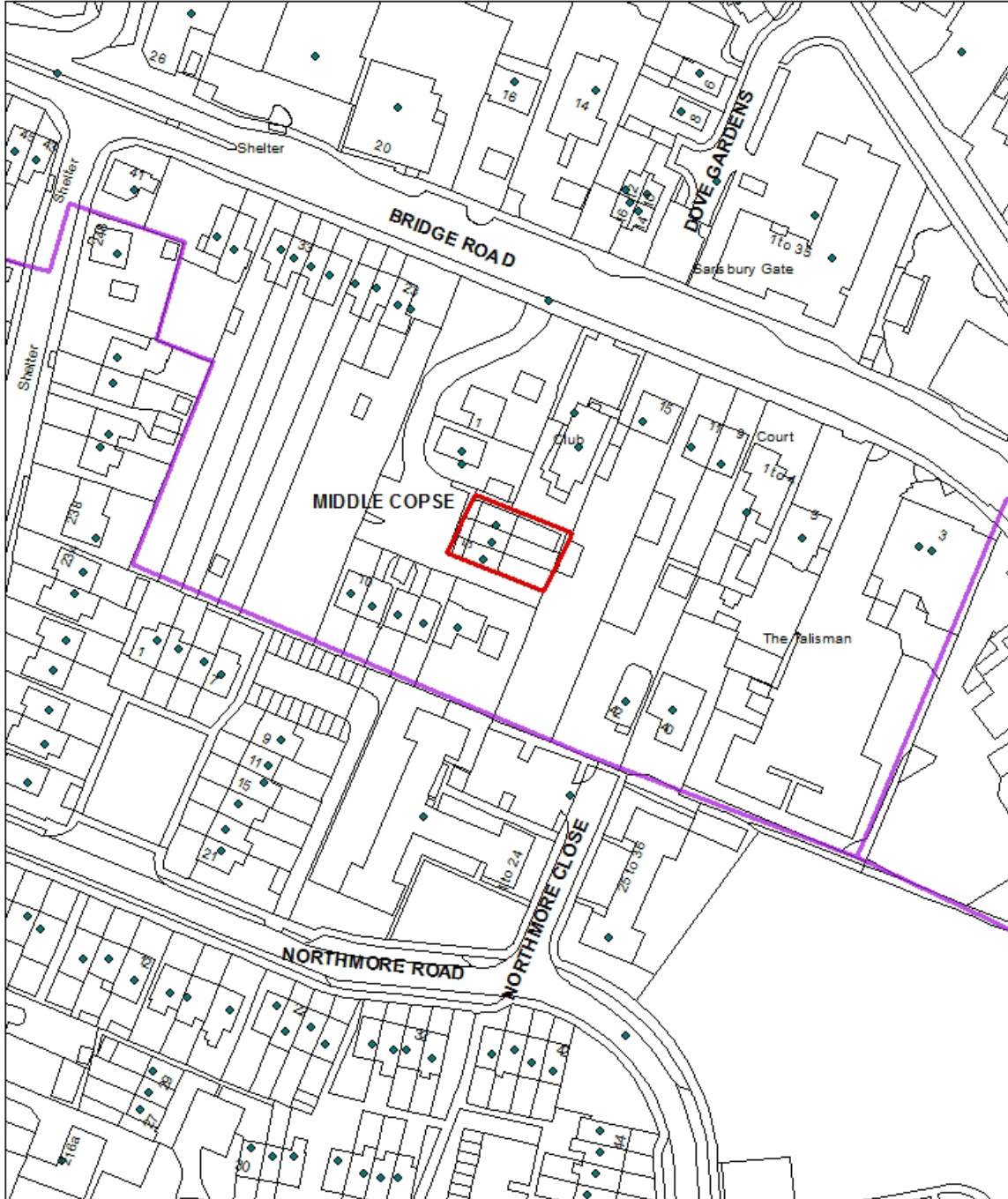
REASON: In the interests of highway safety; in accordance with Policy CS5 and CS17 of the Adopted Fareham Borough Core Strategy.

Background Papers

See planning history above.

FAREHAM

BOROUGH COUNCIL



Middle Copse - 3, 4, 5
SCALE: 1:1,250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2015





Department for
Communities and
Local Government

Local Authority Leaders
Chief Planning Officers
Local Authorities in England

Brandon Lewis MP
Minister of State for Housing and Planning

**Department for Communities and Local
Government**

4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 3430

Fax: 0303 444 3986

E-Mail: brandon.lewis@communities.gsi.gov.uk

www.gov.uk/dclg

9th November 2015

Impact of social rent changes on the delivery of affordable housing

As part of its ambitions to continue to significantly boost housing supply and increase home ownership, the Government is committed to delivering 275,000 extra affordable homes by 2020. Over £1 billion from the existing Affordable Housing Programme has already been allocated to deliver such schemes.

Following feedback by key partners it is clear that housing associations are reviewing their existing financial commitments following the Budget 2015 announcement of reductions in social rents in the four years from 2016-17. As a result some approved or emerging schemes where housing associations are engaged with house builders through Section 106 agreements are not being built out at the anticipated rate. Delay risks planned homes not coming forward and the ability of councils being able to demonstrate a five-year supply of deliverable housing land.

Section 106 agreements may of course be renegotiated at any time by mutual consent. Developers have already or will be approaching councils to renegotiate Section 106 Agreements to make adjustments to planned schemes, including the type of affordable housing provided. Planning guidance is clear that local planning authorities should be flexible in their requirements, taking into account specific site circumstances and changing circumstances.

Developers are already entitled to apply to modify any obligation over five years old. They are also able to apply to revise the affordable housing element of any Section 106 planning obligation if they can evidence that the affordable housing element is making the scheme unviable and is stalling development.

We would urge planning authorities to respond constructively, rapidly and positively to requests for such renegotiations and to take a pragmatic and proportionate approach to viability. Where it is simply proposed that the tenure mix is adjusted, with the overall affordable housing contribution remaining the same, it is our view that this is unlikely to justify reopening viability by either side. We would ask local authorities to expedite such renegotiations so they can be dealt with in a timely manner, and avoid action which might result in unnecessary delay. For example, it would probably not be necessary in all circumstances to take a revised obligation back to planning committee for approval.

Should there be a need to reduce the overall amount of affordable housing, we strongly encourage local authorities to seek the minimum amount of viability information necessary, for example only that information which compares the financial position immediately prior to the Budget to the current position to justify the requested change.

The Government attaches great importance to the effective and flexible negotiation of Section 106 planning obligations, including on affordable housing, and intends to introduce a dispute resolution mechanism to help speed up Section 106 negotiations. We would also encourage flexible arrangements in the original agreement (for example through cascade mechanisms) so that it allows the delivery of alternative forms of affordable housing if this becomes necessary, and will produce guidance on this shortly.

We will be contacting local authorities over the next few weeks to understand the extent to which they are being approached to renegotiate Section 106 Agreements, and what action authorities are taking.

A handwritten signature in black ink, appearing to read 'Brandon Lewis', with a long horizontal flourish extending to the right.

BRANDON LEWIS MP