

OFFICER REPORT FOR COMMITTEE

DATE: 13/12/2023

Q/1554/23
MRS L HANSLIP

WARSASH

DEED OF VARIATION TO AN AGREEMENT PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 DATED 20 JANUARY 2021, RELATING TO APPLICATION P/18/0107/OA SEEKING VARIATION OF OBLIGATION FOR FINANCIAL CONTRIBUTION TOWARDS OFF-SITE AFFORDABLE HOUSING PROVISION

LAND TO EAST AND WEST OF GREENAWAY LANE (PHASE 1), WARSASH

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

- 1.1 In January 2021 outline planning permission (access only) was granted on land surrounding 79 Greenaway Lane for the erection of up to 30 residential units and associated detached garages with access from Greenaway Lane (P/18/0107/OA).
- 1.2 Policy CS18 of the Core Strategy, which was the relevant local plan policy at that time, required the provision of 40% affordable units or an equivalent off-site contribution.
- 1.3 The planning permission is subject to a Section 106 planning obligation which secures various obligations, including Affordable Housing obligations within Schedule 1.

2.0 Description of Proposal

- 2.1 Schedule 1 of the Section 106 planning obligation requires the owner of the land to pay to the Council an off-site affordable housing contribution for the six houses to be built on the frontage of the site. Payment of this contribution is linked to the transfer of each of the first four plots to a subsequent owner in four separate instalments. A standard formula was used to establish a figure for the contribution based on a policy compliant requirement for 40% affordable housing for six dwellings using local market information. The sum of the off-site affordable housing contribution to be secured for the frontage properties was £245,520.00.

- 2.2 The remainder of the site subject to the outline consent extending to the rear of the frontage properties was required to deliver 40% affordable housing on-site and the extent of this area was shown hatched on a plan appended to the S106.
- 2.3 In September 2022 a further full planning application at the site (P/21/1823/FP) was permitted. Instead of the remaining 24 homes being constructed on the land, permission was granted for six detached dwellings. The red line boundary for this application overlapped the rear of the site that had previously been subject to the outline planning permission, incorporating the aforementioned hatched area. The frontage properties permitted by the outline application became known as Phase 1 with the six dwellings permitted at the rear by the full permission becoming known as Phase 2.
- 2.4 It was agreed by Officers that an off-site affordable housing contribution would be accepted for Phase 2 of the development in lieu of on-site provision which again was calculated on the basis of a policy compliant 40% affordable housing and the provision of six dwellings using local market information. The additional contribution of £294,889.88 for Phase 2 was secured within a Section 106 planning obligation dated 16 September 2022.
- 2.5 Development on Phase 1 of the development is now substantially complete. The plots were sold off individually and have been constructed as self-build dwellings with now all but one occupied. However, there are only five dwellings on the Greenaway Lane frontage and not the six that originally had been anticipated when the terms of the S106 were agreed. The reason for this is that access to Phase 2 of the development from Greenaway Lane is shared with Phase 1 and in order to access the rear part of the site it was necessary to remove one of the plots.
- 2.6 The off-site affordable housing contribution secured within the S106 has not been paid in full for Phase 1 of the development. The applicant/liable party has requested that the Council agrees to a reduction by 1/6th to account for the loss of the sixth dwelling. Whilst construction works on Phase 2 of the development are still on-going the affordable housing contribution for Phase 2 has been paid in full.
- 2.7 The formula used to calculate the off-site affordable contribution for Phase 1 was based on the provision of six dwellings. Officers are of the view that it would be reasonable to enter into a deed of variation to reduce the off-site affordable housing contribution to fairly reflect the affordable housing requirements for the five dwellings constructed.

3.0 Recommendation

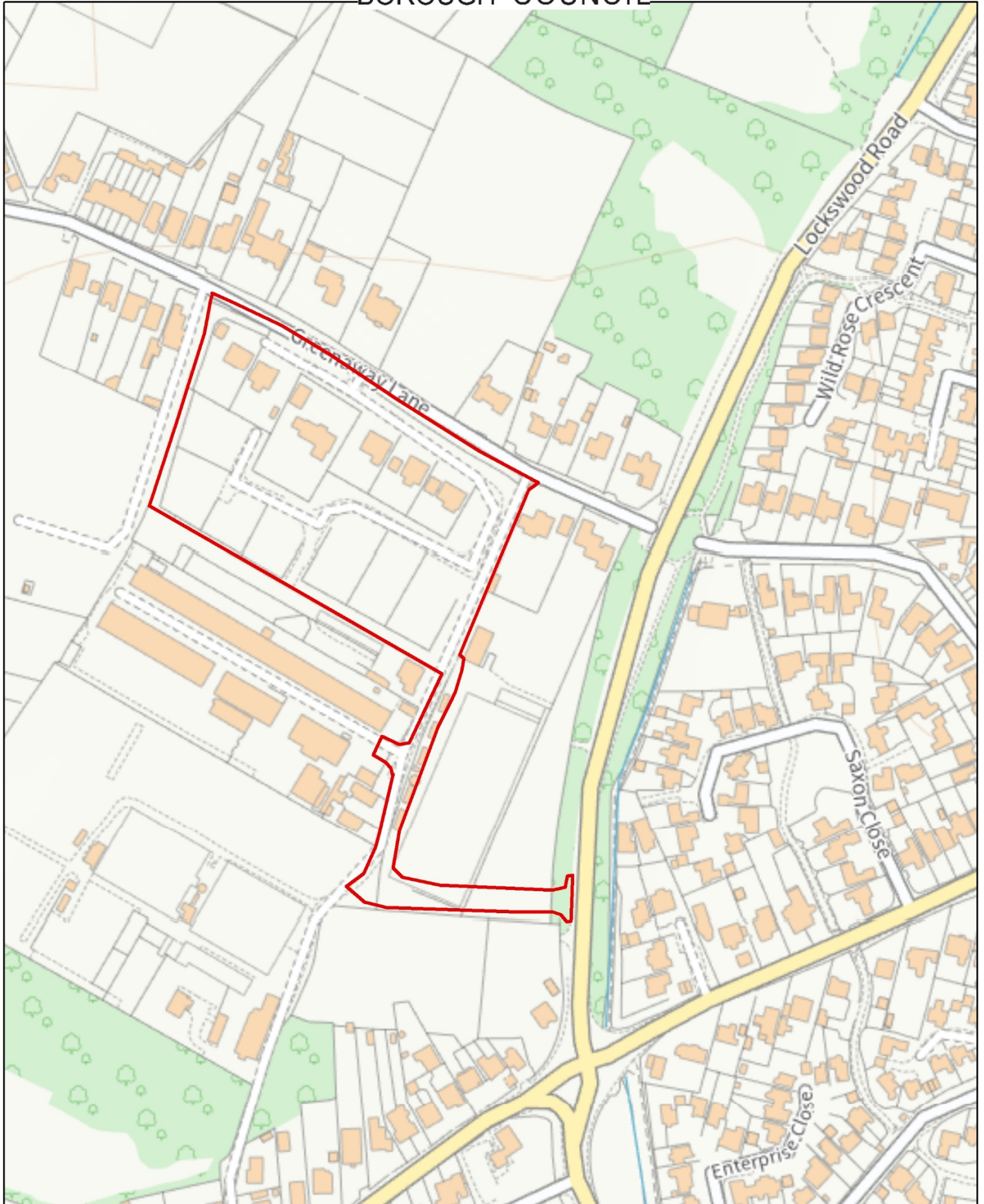
- a) 3.1 DELEGATE to the Head of Planning in consultation with the Solicitor to the Council to complete a deed of variation to the existing Section 106 legal agreement dated 20th January 2021 to: Amend the off-site affordable housing contribution required from £245,520.00 to £204,600.

4.0 Background Papers

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



79 Greenaway Lane
Warsash

Scale 1:2,500



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