

5. State link(s) with Council Plan Priorities and actions and /or other Strategies:

Haringey Unitary Development Plan adopted July 2006. Relevant policies: HSG10'Dwelling Mix' & Housing Supplementary Planning Document (adopted October 2008).

6. Reason for recommendation(s)

6.1 The site has been developed by Ujima Housing Group and the building is finished and is being let.

6.2 The changes proposed relate to the dwelling mix of the units covered by the Section 106 Agreement, there are no changes to the number of units approved and built.

6.3 In accordance with planning policies half of the residential units are covered by the Section 106 Agreement that is 15 units comprising of 9x2bed and 1x1bed Shared Ownership units, with 4x2bed and 1x1bed social rented units.

6.4 The variation deals with the changes to the dwelling mix of the Shared Ownership element which has been altered from 9x2bed and 1x1bed units to 3 x 2bed and 7x 1bed units. The other 5 rented units and their mix remains unchanged.

6.5 Information obtained from Metropolitan Home Ownership (Homebuy agents for north London) indicates the demand for 1 bed Homebuy is significantly greater than the demand for 2+ bed properties. Most part/shared ownership applicants are first time buyers, the household composition being single persons or couples. The highest proportion of applications for New Build Homebuy comes from single people 60.5% and 60.8% in August and September respectively (latest figures). Strategic and Community Housing support the variation to a larger proportion of 1bed HomeBuy/ Shared Ownership properties.

6.6 The variation in the mix results in there being 6 less habitable rooms in the finished building. This means that the proportion of affordable housing measured in habitable rooms within the Section 106 Agreement falls below the 50% limit set in the Section 106 Agreement. However, the overall number of units provided 15; remains the same and represents 50% of the total provided. Furthermore the whole building is occupied as social housing there are no units which do not fall within the category of affordable housing. Accordingly it is considered that the loss of six habitable rooms does not result in any significant reduction in the provision of affordable housing on the site.

6.7 The variation will also bring the Section 106 Agreement into line with the Housing Corporation funding approval for the development.

7. Head of Legal Services Comments

The Head of Legal Services comments that Section 106 Agreements are required to be made by Deed and there is a statutory procedure for varying or modifying Section 106 Agreements, which only applies after 5 years. It is open to the parties to vary any agreement before the 5 years are up.

There has been a recorded case where the High Court held that it was unreasonable for a Planning Authority (North Devon in that instance) to require the Developer to wait until five years have elapsed before modifying an agreement where the planning reason for the original requirement no longer applies.

In this case it certainly seems reasonable to accede to the request of the RSL to modify the Agreement

8. Consultation

Strategic and Community Housing were consulted on the proposed variation of the Section 106 Agreement.

They support the variation.