

**REPORT FOR CONSIDERATION AT PLANNING COMMITTEE**

<b>Reference No:</b> HGY/2014/0574	<b>Ward:</b> Tottenham Green
<p><b>Address:</b> 193-197 Broad Lane N15 4QS</p> <p><b>Proposal:</b> Minor variation of the affordable housing obligation between Sanctuary Housing Association and the Council attached to Planning Permission HGY/2010/1428</p> <p><b>Existing Use:</b> Car Dealership (Sui Generis)</p> <p><b>Proposed Use:</b> Residential</p> <p><b>Applicant:</b> Sanctuary Housing Association</p> <p><b>Ownership:</b> Private</p>	

<b>DOCUMENTS</b>
<b>Title</b>
Cover letter dated 3 <sup>rd</sup> March 2014

<p><b>Case Officer Contact:</b>                  Jeffery Holt                  P: 0208 489 5131                  E: <a href="mailto:Jeffrey.Holt@haringey.gov.uk">Jeffrey.Holt@haringey.gov.uk</a></p>
<p><b>PLANNING DESIGNATIONS:</b></p> <p>Tottenham Hale Growth Area                  Site Specific Proposal 20 – Tottenham International                  Area of Archaeological Importance</p>
<p><b>RECOMMENDATION</b>  <b>GRANT VARIATION</b> to s106 legal agreement</p>

## **SUMMARY OF REPORT**

The application seeks a minor variation of the affordable housing obligation between Sanctuary Housing Association and the Council attached to Planning Permission HGY/2010/1428 for redevelopment of 193-197 Broad Lane to provide 29 residential units, 13 of which were secured in a s106 agreement to be provided as Social Rented units.

Due to changes in the national affordable housing regime, a reduction in grant funding and an increase in final build costs, the applicant sets out that it is necessary to amend the tenure mix of units secured through the s106 agreement from 13 social rent to 3 intermediate tenure/shared ownership units and 10 Affordable Rent units.

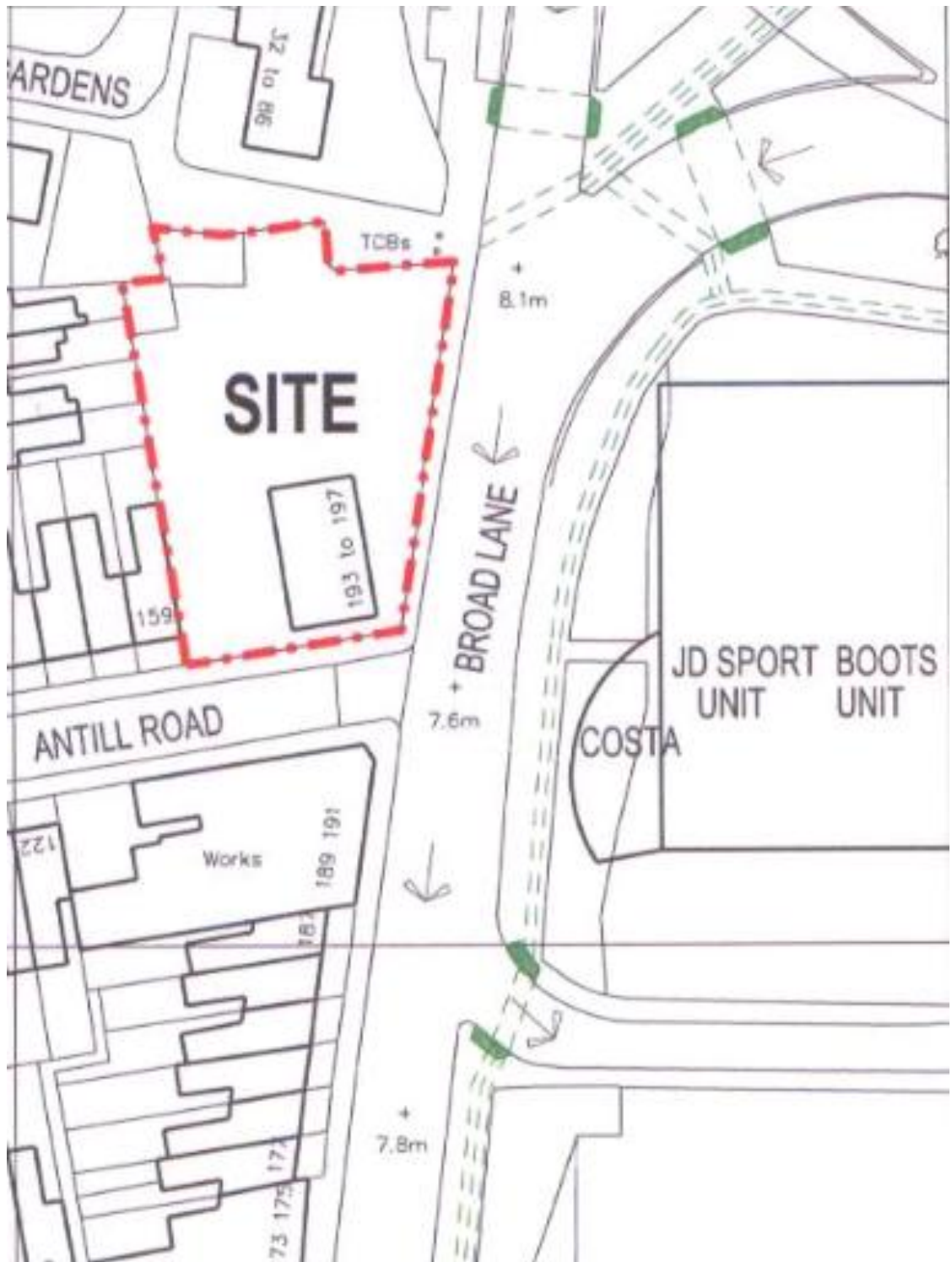
Section 106BA of the Town and Country Planning Act 1990 introduces a new application and appeal procedure to review affordable housing obligations on the grounds of viability. Other planning policy considerations or the merits of the permitted scheme cannot be reviewed under this procedure.

The applicant has submitted sufficient viability evidence to support its application and the amended mix of affordable housing secured in the s106 is supported by the Council's Housing & Investments & Sites Team.

The proposed variation to the s106 is therefore considered acceptable and should be permitted.

<b>TABLE OF CONTENTS</b>	
1.0	SITE PLAN
2.0	SITE AND SURROUNDINGS
3.0	PLANNING HISTORY
4.0	PROPOSAL DESCRIPTION
5.0	RELEVANT PLANNING POLICY
6.0	CONSULTATION
7.0	ANALYSIS / ASSESSMENT OF APPLICATION
8.0	SUMMARY AND CONCLUSION
9.0	RECOMMENDATION

1.0 SITE PLAN



## 2.0 SITE AND SURROUNDINGS

2.1 The application site is on the west side of Broad Lane on the corner with Antill Road, N17. It was once used as a car dealership but has recently been redeveloped into part 3/ part 4 storey residential development.

2.2 Development to the west and south of the site is mostly residential. To the east is Tottenham Hale Retail Park and to the north east is Tottenham Hale bus, underground and train station.

## 3.0 PLANNING HISTORY

3.1 Planning permission was granted in April 2011 for the demolition of existing structures / buildings and erection of part 3 / part 4 storey residential development providing 29 residential units. All units in the scheme were affordable, either social rent or shared ownership, although the section 106 secured 50% affordable housing as a minimum. Since then there have been various applications to discharge conditions attached to the permission. The full planning history is provided below:

- HGY/2013/2279 - Approval of details pursuant to conditions 6 (levels of thresholds), 8 (central dish / aerial system), 12 (residential travel plan / delivery and servicing vehicle management plan) and 17 (consistency with Energy Statement Assessment) attached to planning permission HGY/2010/1428) – GRANTED
- HGY/2012/2193 - Approval of Details pursuant to Condition 13 (construction vehicle management) attached to planning permission HGY/2010/1428) – GRANTED
- HGY/2012/1356 - Approval of details pursuant to condition 9 (Archaeological work), condition 15 (Air Quality) and condition 16 (Risk Assessment) attached to planning permission HGY/2010/1428 – GRANTED
- HGY/2012/0013 - Approval of details pursuant to condition 3 (Samples of Materials), condition 4 (Landscaping), condition 5 (Hard landscaping), condition 7 (Refuse and Waste Storage), condition 10 (Secure / Covered Storage) and condition 14 (Site Investigation) attached to planning permission HGY/2010/1428 - GRANTED
- HGY/2010/1428 - Demolition of existing structures / buildings and erection of part 3 / part 4 storey residential development to provide 29 residential units with associated landscaping – GRANTED

- HGY/2009/0658 - Display of 3 x internally illuminated fascia signs and 1 x internally illuminated monument type sign – GRANTED
- HGY/2009/0421 - Change of use from car dealership showroom to vehicle hire with canopy wash bay and perimeter fence – GRANTED
- HGY/2009/0355 - Display of 3 x internally illuminated fascia sign and 2 x internally illuminated non-fascia signs – REFUSED
- HGY/2004/0807 - Display of new signs to site including 6m high floodlit pylon sign, entrance signs and various internally illuminated fascia signs – GRANTED
- HGY/1996/0440 - Display of illuminated fascia signs, directional signs, pylon sign, lawn signs and wall sign - GRANTED
- HGY/1996/0246 - HGY/50501 for the submission of material samples. Details pursuant to Condition 3 attached to planning permission - GRANTED
- HGY/1995/1448 - Erection of single storey building for use as car showroom - GRANTED
- HGY/1994/0438 - Use of site for car sales - WITHDRAWN
- HGY/1994/0413 - Use of site for car sales with ancillary car servicing - WITHDRAWN
- HGY/1994/0093 - Change of use from car valetting to car repairs – GRANTED
- OLD/1990/0106 - Demolition of existing building, erection of portacabin & security fencing to boundaries in connection with use for car sales - GRANTED

#### 4.0 PROPOSAL DESCRIPTION

- 4.1 The application seeks a minor variation of the affordable housing obligation between Sanctuary Housing Association and the Council attached to Planning Permission HGY/2010/1428 for redevelopment of the site to provide 29 residential units.
- 4.2 The s106 agreement for that scheme secured 13 affordable housing units under the Social Rent model with the remaining 16 units to be tenure free (to be let or sold as by the applicant as it sees fit).

- 4.3 Since the grant of that permission, the Homes and Communities Agency has made changes to how affordable housing is delivered. The ‘Social Rent’ model has been replaced by the ‘Affordable Rent’ model and there has been a reduction in grant funding. As a result, the applicant proposes to amend the tenure mix of the 13 affordable housing units in the s106 agreement.
- 4.4 Section 106BA of the ‘Town & Country Planning Act 1990 (as amended)’ allows for the submission of an application seeking a modification or discharge of affordable housing requirements where those requirements have made the development economically unviable.
- 4.5 Changes to the affordable housing regime, the reduction in affordable housing grant and increased final build costs have an implication for economic viability. Accordingly, the applicant has applied under s106BA to vary the mix of units identified in the s106 agreement to 10 intermediate tenure /shared ownership and 3 affordable rented.
- 4.6 The table below shows this change in more detail.

Original mix		Proposed mix	
Secured in s106	<b>13 x Social rent</b> (3 x 1b, 4 x 2b, 2 x 3b, 4 x 4b)	Secured in s106	<b>10 x Intermediate/shared ownership</b> (5 x 1b, 5 x 2b)  <b>3 x Affordable rent</b> (1 x 3b, 2 x 4b)
Outside s106	<b>16 x tenure free units</b> (6 x 1b, 8 x 2b, 2 x 3b)	Outside s106	<b>16 x tenure free</b> (4 x 1b, 7 x 2b, 3 x 3b 2 x 2 x bed)
<b>Total</b>	<b>29</b>		<b>29</b>

## 5.0 RELEVANT PLANNING POLICY/LEGISLATION

### Legislation

Growth and Infrastructure Act 2013

Town and Country Planning Act 1990 (as amended)

## 6.0 CONSULTATION

### 6.1 Internal

- Housing & Investment & Sites
- Transportation
- Design

### 6.2 External

- Ward Councillors
- Site notice

### Responses

6.3 An objection was received from the Council's Housing & Investment & Sites team as the applicant initially proposed a mix of 6 Intermediate tenure/shared ownership units and 7 Affordable Rent units. This tenure mix was considered to be too heavily in favour of affordable rented units and would not help to balance the existing tenure mix in the area.

6.4 Following this objection the applicant amended the mix to 3 Intermediate tenure/shared ownership units and 10 Affordable Rent units. This mix is considered acceptable and the objection has been withdrawn.

## 7.0 ANALYSIS / ASSESSMENT OF APPLICATION

7.1 This application is made under s106BA of the amended Act and seeks to modify the tenure of affordable housing agreed to be provided under the existing s106 agreement.

7.2 The 'Growth and Infrastructure Act 2013' inserts new sections 106BA, BB and BC into the 'Town and Country Planning Act 1990' to introduce a new application and appeal procedure, to review affordable housing obligations on the grounds of viability.



- 7.3 The April 2013 Government Guidance on this application type sets out that the application and appeal procedure will assess the viability of affordable housing requirements only. It will not reopen any other planning policy considerations or review the merits of the permitted scheme. As such only the viability of the proposed tenure change is discussed.
- 7.4 As explained in section 4.0 above, the replacement of the social rented housing model by the affordable rented model and the reduction in available grant funding has necessitated an amendment to the tenure mix of the whole development. Furthermore, an increase in final build costs has also affected the economic viability of the scheme.
- 7.5 The applicant has submitted sufficient viability evidence to support this claim.
- 7.6 Although policy considerations cannot be taken into account, it should be noted that the amended mix, which favours intermediate/shared ownership tenure, is in accordance with policy as set out in the Housing SPD 2008 in that it helps to address the tenure balance in the east of the borough. The proposed mix is supported by the Council's Housing officers.

## **8.0 SUMMARY AND CONCLUSION**

- 8.1 The application seeks a minor variation of the affordable housing obligation between Sanctuary Housing Association and the Council attached to Planning Permission HGY/2010/1428 for redevelopment of the site to provide 29 residential units, 13 of which were secured in a s106 agreement to be provided as Social Rented units.
- 8.2 Due to changes in the national affordable housing regime, a reduction in grant funding and an increase in final build costs, the applicant sets out it is necessary to amend the tenure mix of units secured through the s106 agreement from 13 social rent to 3 intermediate tenure/shared ownership units and 10 Affordable Rent units.
- 8.3 Section 106BA of the Town and Country Planning Act 1990 introduces a new application and appeal procedure to review affordable housing obligations on the grounds of viability. Other planning policy considerations or the merits of the permitted scheme cannot be reviewed under this procedure.
- 8.4 The applicant has submitted sufficient viability evidence to support their application and the amended mix of affordable housing secured in the s106 is supported by the Council's Housing & Investments & Sites Team.
- 8.5 The proposed variation to the s106 agreement is therefore considered acceptable should be permitted.

## 9.0 RECOMMENDATION

GRANT VARIATION of s106 agreement