**Subject:** Baptist Tabernacle, Montpelier Place, Brighton

Request to vary the terms of the Section 106 agreement relating to planning permission BH2017/01065 (Demolition of existing church and erection of 24no residential units (C3), comprising terrace of 5no four storey houses, five storey block of 14no flats and three storey block of 5no flats. Creation of non-residential unit (D1) to ground floor of five storey building and associated

car parking and landscaping).

Date of Meeting: 18 July 2018

**Report of:** Executive Director Economy, Environment and Culture

Contact Officer: Name: Sonia Gillam Tel: 01273 292265

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Wards Affected: Regency

## 1. PURPOSE OF THE REPORT

1.1 To consider a request to vary the Heads of Terms of a Section 106
Agreement signed in connection with planning application
BH2017/01065, in order to amend the tenure of the affordable housing to be secured on site.

## 2. RECOMMENDATION

2.1 That the proposed variation to the Head of Term be agreed so that the affordable housing provision to be secured on site with the tenure amended to 1 x Affordable Rent (wheelchair) unit (15) and 4 x Shared Ownership units (16, 17, 18 and 19).

# 3. BACKGROUND INFORMATION

3.1 Members were Minded to Grant full planning permission at Planning Committee on 11 October 2017 for the following planning application:

BH2017/01065 - Demolition of existing church and erection of 24no residential units (C3), comprising terrace of 5no four storey houses, five storey block of 14no flats and three storey block of 5no flats. Creation of non-residential unit (D1) to ground floor of five storey building and associated car parking and landscaping.

- 3.2 The granting of permission was subject to the completion of a S106 agreement containing the following Head of Term (amongst others) as set out in the original Committee report:
  - 21% affordable housing 3 affordable rent units (Units 15, 16, and 19), 2 shared ownership units (17 and 18). 1 no. unit to be wheelchair accessible (Unit 15).
- 3.3 Planning Permission was granted on 12 December 2017 following completion of the s106 agreement.

## 4. PROPOSAL

4.1 The developer has written to the Council to request that, following negotiation with a Registered Provider (RP), the affordable housing is secured on site with the tenure adjusted to 1x Affordable Rent (wheelchair) unit and 4 x Shared Ownership, the same five units as the original application.

Unit ref		Unit Size	Tenure
Unit 15	Ground	1 b 2 p	Affordable Rent
	Floor	Wheelchair	
Unit 16	Ground	1 b 2 p	Shared Ownership
	Floor	-	sale
Unit 17	First Floor	1 b 2 p	Shared Ownership
			sale
Unit 18	First Floor	1 b 2 p	Shared Ownership
			sale
Unit 19	Second	2 b 4 p	Shared Ownership
	Floor		sale

# 5. COMMENT

- 5.1 City Plan Part One Policy CP20 allows the affordable housing target of 40% to be applied flexibly particularly where viability constraints threaten the delivery of the development and the need to achieve a successful housing development. Given the advice of the District Valuer Service on the viability of the scheme when the planning application was determined, it is considered that 5 affordable units is the maximum viable level of affordable housing that can be achieved on this site in compliance with CP20.
- 5.2 The Council's Housing Strategy Team have confirmed that recent funding and political uncertainties have created a more cautious climate in the industry and the Registered Providers are currently reluctant to purchase smaller numbers of units due to the risks involved.
- 5.3 Officers requested that the applicant liaise with the Council's panel of Registered Providers for affordable housing to confirm their willingness and ability to buy the proposed units.
- 5.4 The Council's Housing Strategy Team has independently confirmed that one of the RP partners has made an offer to the developer based on 4 x shared ownership and 1 x affordable rent (wheelchair), which the team would like to accept.
  - 5.5 Given that an RP has made an offer, the Local Planning Authority preference is to accept this adjusted on-site provision rather than a

commuted sum. Financial contributions in lieu are only considered where options for on-site provision have been exhausted.

5.6 Therefore, the Local Planning Authority, in liaison with the Housing Strategy Team, is satisfied that the affordable housing provision secured on site with the tenure adjusted as proposed in the S106 Deed of Variation is an acceptable alternative to the scheme previously permitted by Planning Committee and can be considered to comply with the development plan.

<u>Background Documents:</u> Planning Application BH2017/01065