

**Former Dairy**

**35-39 The Droveaway**

**BH2022/00456**



**Brighton & Hove  
City Council**

# Application Description

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In March 2023, Planning Committee agreed the grant of permission for the following development, subject to a s106 legal agreement:

*BH2022/00456: Change of use from former dairy depot (B8) to mixed-use development comprising 19no. dwellings (Use Class C3) and commercial space (Use Class E), including erection of a new northern wing and a new central wing to courtyard; onsite car and cycle parking and associated works. (part-retrospective)*

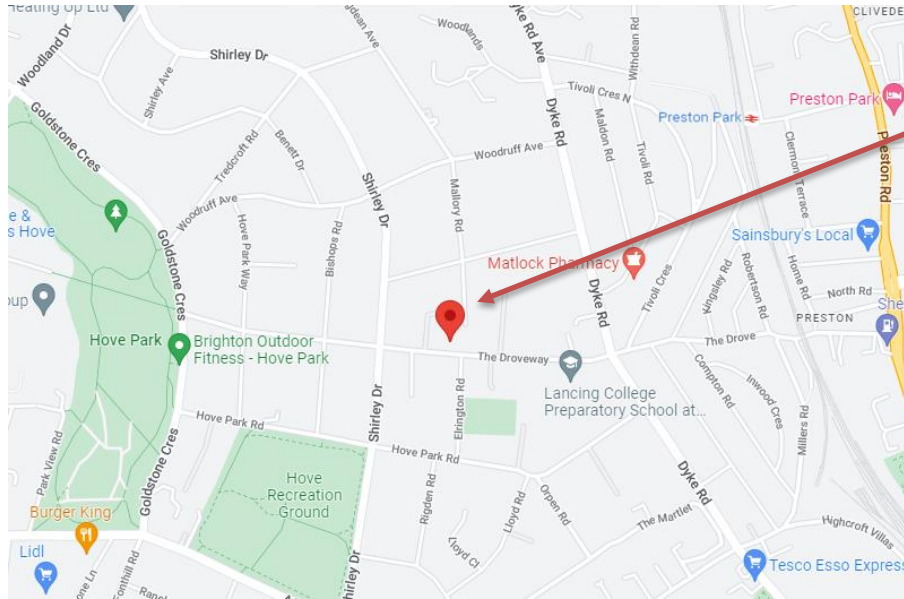
2  
The applicant is seeking to vary one of the Heads of Terms of the s106 which required the following:  
*“On-site affordable housing of 3 units (2x affordable rent and 1x shared ownership)”*

The applicant is seeking to vary this to still provide affordable housing, but instead by way of a commuted financial sum proportionate to the level of on-site provision previously sought.

The amended Head of Term would therefore read:

*“Affordable housing contribution of £787,300 as a commuted sum.”*

# Map of application site



Application site

# 3D Aerial photo of site



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# Site photos

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# Approved site layout plan



# Proposals

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- Amend Heads of Terms
- From:
- On-site affordable housing of 3 units (2x affordable rent and 1x shared ownership)”
- To:
- Affordable housing contribution of £787,300 as a commuted sum.”
- Housing Strategy team raise no objections.

# Conclusion and planning balance

- Sites such as this with smaller numbers of homes available have more recently been rejected for purchase by the Registered Provider's as not viable.
- The developer has provided evidence that they have contacted a number of RP's, with each confirming that they are not able to take these units on given the size of the development.
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- The councils Affordable Housing Brief, sets out that commuted sums in lieu of onsite provision are acceptable where no registered provider has come forward to purchase homes.
- These commuted sums are used by the council to fund alternative affordable homes elsewhere in the city, securing homes for rent through council led initiative such as New Homes for neighbourhood and Home Purchase.
- **Recommend: Deed of Variation Permitted**