

SUPPLEMENTARY REPORT ITEM 2

Application Number: 14/0548/FUL

Address: 44 LONDON ROAD BENFLEET.
(Appleton Ward)

Description of development: DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 6 NO. 3 BED HOUSES, 1 NO. 2 BED BUNGALOW, 2 NO. 1 BED FLATS AND 4 NO. 2 BED FLATS AND COMMUNAL AMENITY SPACE, LANDSCAPING, PARKING AND ASSOCIATED WORKS, TO PROVIDE 100% AFFORDABLE HOUSING

Applicant: DOVE JEFFERY HOMES LTD

1. Purpose of Supplementary Report

- 1.1 To advise Committee of a revised recommendation regarding the development of affordable housing at the site.
- 1.2 This is as a result of further information from the applicant and Moat Homes, which would be the Registered Provider of affordable housing at the site, regarding the restrictions imposed by the Homes & Communities Agency (HCA) on grant funding if Section 106 Agreements are required.

2. Planning Application update

- 2.1 The report contained with the agenda papers describes the desire of the applicant, with Moat Homes as partner, to develop all of the dwellings on this site as affordable housing.
- 2.2 There is no planning requirement for affordable housing on the land, since the numbers of units fall below the policy threshold of 15 units.
- 2.3 However where affordable housing is being provided the Council would normally wish to secure a Nominations Agreement via a Section 106 Agreement with the Registered Provider to allow the Council to nominate occupants for the dwellings from its Housing Needs Register. The applicant and Registered Provider are happy to commit to this approach.
- 2.4 However Moat Homes advise that if a Section 106 Agreement is required for the Nominations Agreement, it will not be possible to obtain HCA funding for this scheme, and it would not be possible to proceed. This is because the HCA will not fund any development where a Section 106 Agreement is in place regarding affordable housing.

- 2.5 The Head of Legal Services advises that since the applicant and Registered Provider are not yet owners of the land the optimum way of ensuring delivery of a Nominations Agreement is via a Section 106 Agreement.
- 2.6 Nonetheless, having regard to the further representations received from the applicant and Registered Provider, her further advice is that a negatively worded planning condition, preventing development until occupation arrangements have been approved by the Council would be satisfactory.

3. REVISED RECOMMENDATION

- 3.1 That the published recommendation regarding this case be replaced by the following;

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That the Head of Regeneration & Neighbourhoods be authorised to GRANT PERMISSION for this application, subject to the conditions as published plus additional conditions 30 & 31, which shall read as follows;

30. No development shall commence on site until the arrangements to ensure that provision for affordable housing on site for both initial and subsequent occupiers of the affordable housing and the occupancy criteria to be adopted for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced, have been submitted to and approved by the Local Planning Authority.

REASON: To secure the provision of affordable housing on the site and to ensure a satisfactory standard of control over the occupation of the affordable units.

31. Not to occupy any of the dwellings until the affordable housing has been provided in accordance with Condition 30.

REASON: To secure the provision of affordable housing on the site and to ensure a satisfactory standard of control over the occupation of the affordable housing units