Planning Committee: 29 March 2016 **Item Number:** **5**

Application No: W16/0261

Town/Parish Council: Bishops Tachbrook
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Land North of, Oakley Wood Road, Bishops Tachbrook
Development of up to 150 dwellings, school drop off, open space, landscaping, sustainable drainage systems, access, footpaths and associated infrastructure.
FOR Bloor Homes Limited

INTRODUCTION

This report relates to the above planning permission that was granted by Planning Committee in August 2014. The permission was subject to a Section 106 Agreement that imposed a wide range of obligations on the developer. This included a requirement for 40% affordable housing. The applicant has requested that the provisions of the Section 106 agreement in relation to affordable housing are varied.

RECOMMENDATION

Planning Committee are recommended to resolve to vary the Section 106 agreement to allow changes to the affordable housing provision as requested by the applicant.

DETAILS OF THE VARIATION

The applicant has requested that the following changes be made to the affordable housing provisions of the Section 106 Agreement:

- the rental cap associated with the affordable rented units to be revised up from 70% to 80% of open market rents;
- alterations to the standards for the affordable housing units to require that they are constructed to comply with (i) building regulations; (ii) minimum scores for unit size (41), unit layout (32), and unit noise (22) under DQS 2007; (iii) minimum storage requirements under HQI 2007; and (iv) 8 out of 12 building for life score.

RELEVANT POLICIES

- National Planning Policy Framework
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- Affordable Housing (Supplementary Planning Document - January 2008)

- H2 – Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft - published April 2014)

ASSESSMENT

The main issue relevant to the consideration of this matter is whether the amended proposals would provide an adequate amount and type of affordable housing, having regard to the Council's policies and national planning guidance.

The Government's decision to reduce social rents over the four years from 2016-2017 has affected the provision of affordable housing under existing Section 106 Agreements. In these circumstances, the Government have made it clear that local planning authorities should respond "constructively, rapidly and positively" to requests for existing Section 106 Agreements to be renegotiated (letter from Brandon Lewis MP to Local Authorities dated 9 November 2015). Where it is simply proposed that the tenure mix is adjusted, with the overall affordable housing contribution remaining the same, the Minister's letter states that it is unlikely to justify reopening viability by either side.

In the context of this Government advice, the amendments requested by the developer in this case are relatively minor. The overall amount of affordable housing would remain unchanged (40%) as would the tenure split (60% social rented, 25% affordable rented and 15% shared ownership). There has been no objection from the Council's Housing Strategy team and therefore, in view of current government policy, there are no grounds for refusing to increase the affordable rent levels as requested.

Turning to the second aspect of the amendment, the proposed changes to the standards for the affordable housing units would not affect compliance with the Council's affordable housing policies. The revised standards would meet the requirements of the Council's policies. Therefore this change would also be acceptable.

SUMMARY / CONCLUSION

The proposed changes to the affordable housing provisions of the Section 106 Agreement are considered to be in accordance with the Council's policies, when considered in the context of the most recent Government advice. Therefore it is recommended that the Section 106 Agreement is amended as requested.