Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
S106/24/0024
Land at Sumners Pond, Chapel Road, Barns Green, West Sussex

DESCRIPTION:
Variation of S106 agreement relating to DC/21/2697 (Erection of 32No. residential dwellings including 35% affordable housing, 6No. commercial units and 1No. reception building. Creation of access and circulation routes, parking, hard and soft landscaping together with a sustainable to drainage system) to change the Affordable Rent Housing to Shared Ownership Housing.

RELEVANT PLANNING HISTORY:

DC/21/2697	Erection of 32No. residential dwellings including 35% affordable housing, 6No. commercial units and 1No. reception building. Creation of access and circulation routes, parking, hard and soft landscaping together with a sustainable drainage system.	Application Permitted on 06.10.2023.

PLANNING ASSESSMENT
Planning Application DC/21/2697 was granted consent on 06/10/2023. This permission was for the following:

Erection of 32No. residential dwellings including 35% affordable housing, 6No. commercial units and 1No. reception building. Creation of access and circulation routes, parking, hard and soft landscaping together with a sustainable drainage system.

Consent is sought to vary the S106 agreement signed in respect of the above planning permission to allow for the delivery of the affordable housing on the site as shared ownership only, rather than the approved mix of affordable rent and shared ownership. The following amendments are sought to achieve this outcome:

1. Consent is sought to vary Schedule 3 (definitions) to vary the definition of "**Affordable Housing"** from:

"Affordable Housing" means affordable housing at the Development comprising Rented Housing Units and/or Intermediate Housing Units (or such other forms of intermediate tenure as are defined as affordable housing under the National Planning Policy Framework as that definition may be amended from time to time) provided to eligible households whose needs are not met by the market and which should meet the needs of eligible households, including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices and shall include provision for the homes to remain at an affordable price for future eligible households or if these restrictions are lifted for the subsidy to be recycled for alternative affordable housing provision";

To: (para 3.2 within the deed of variation)

"Affordable Housing" *means affordable housing at the Development comprising Intermediate Housing Units (or such other forms of intermediate tenure as are defined as affordable housing under the National Planning Policy Framework as that definition may be amended from time to time) provided to eligible households whose needs are not met by the market and which should meet the needs of eligible*

households, including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices and shall include provision for the homes to remain at an affordable price for future eligible households or if these restrictions are lifted for the subsidy to be recycled for alternative affordable housing provision";

2. The definition of **"Affordable Housing Tenure Mix"** to be amended from:

"Affordable Housing Tenure Mix" *means 70% (seventy percent) Rented Housing Units and 30% (thirty percent) means 100% (one hundred percent) Intermediate Housing Units or such other mix as shall have been approved in writing by the Council (such approval not to be unreasonably withheld or delayed).*

To (para 3.3 of deed of variation*):*

"Affordable Housing Tenure Mix" *means 100% (one hundred percent) Intermediate Housing Units, or such other mix as shall have been approved in writing by the Council (such approval not to be unreasonably withheld or delayed).*

3. The definition of "**Affordable Housing Units"** to be amended from:

"**Affordable Housing Units"** means the Rented Housing Units and/or Intermediate Housing Units

To: *(*para 3.4 of deed of variation*)*

"Affordable Housing Units" means the Intermediate Housing Units

4. The definition of **"*Affordable Rented Housing Units***" to be deleted (para 3.5 of the deed of variation).

5. The definition of ***"Registered Provider"*** to be deleted (para 3.6 of the deed of variation) and a new definition of **"Affordable Housing Provider"** to be inserted, with the words **"Registered Provider"** deleted and replaced with the words *"**Affordable*** **Housing Provider"** elsewhere in the agreement.

6. Paragraphs 3.7-3.13 of the principle S106 agreement shall be deleted.

7. Paragraph 3.14 of the deed of variation states that '*For the avoidance of doubt, subject to the amendments set out in Clauses 3.2 – 3.13 above, the Principal Agreement shall continue in full force and effect.'*

The Council's Housing Department and the Council's Legal Department have been consulted. The Council's Housing Department have advised that '*the developer of this site has been in communication with HDC housing department in relation to this site and provided evidence to the reasoning behind needing the tenure change to shared ownership housing'.*

It is advised that the Council is *'seeing a decrease in the number of registered providers willing to take on rural sites with a small number of affordable rented units and therefore, Housing Officers acknowledge that while there is a high demand for affordable rented tenure in this district this site is best suited to an alternative form of affordable housing'.*

Evidence has been provided by the applicants that they can't find a Registered Provider willing to take on the Affordable Units in this rural location and the Council's own housing company have stated that they would not take on the 8 AH units in this location. A number of Registered Providers were approached by the developers in an effort to secure the affordable housing units onsite, however it was advised that this area is not where the need/demand is.

Housing Officers therefore support this tenure change from Affordable Rent Housing to Shared Ownership housing based on the location of this site and the evidence provided, and Officers agree that

in this instance a change to the tenure is necessary to secure onsite delivery of affordable housing and the delivery of the development in general.

The S106 deed of variation to the principal S106 agreement is considered to be justifiable and therefore the amendments to secure a tenure change to provide the affordable housing as all shared ownership housing is considered to be acceptable.

A S106 deed of variation legal agreement in relation to planning application DC/21/2697 dated 13 January 2025 has been completed and signed.

Recommendation: Application Permitted

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: S106/24/0024
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date

DELEGATED

Case Officer sign/initial Amanda Wilkes Date: 11/12/2024

Authorising Officer sign/initial Adrian Smith Date: 15/01/2025