Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
S106/24/0025
Chanctonbury Nurseries, Rectory Lane, Ashington, Pulborough, West Sussex, RH20 3AS

DESCRIPTION:
Amendment to affordable housing mix and Mortgage Exclusion Clause

RELEVANT PLANNING HISTORY:

DC/22/0372	Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping.	Application Permitted on 04.09.2023
DC/24/0977	Variation to condition 1 to approved application DC/22/0372 (Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping) To enable a substation to be provided.	Application Permitted on 13.09.2024
DC/24/1081	Variation of condition 1 of previously approved application reference DC/22/0372 (Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping) amendment to the affordable housing plans and to the approved site layout to include a sub-station.	Application Permitted on 01.10.2024

PLANNING ASSESSMENT
Planning Application DC/24/1081 was granted consent on 04/10/2024. This permission was for the following:

Variation of condition 1 of previously approved application reference DC/22/0372 (Demolition of existing buildings and erection of 74 dwellings with associated parking and landscaping) amendment to the affordable housing plans and to the approved site layout to include a sub-station.

The s73 application DC/24/1081 revised the layout of the site insofar as the location, plot numbers and tenure of the affordable units within the site, which had previously been agreed under DC/22/0372 (original consent). The following table highlights the approved and revised Affordable Housing provision within the site:

Plot No.	DC/23/0372	Tenure	DC/24/1081	Tenure
9	1-bed	Affordable Rent	1-bed	Affordable Rent
10	1-bed	Affordable Rent	1-bed	Affordable Rent
11	1-bed	Affordable Rent	1-bed	Affordable Rent
12	1-bed	Shared Ownership	1-bed	Affordable Rent
13	1-bed	Shared Ownership	1-bed	Affordable Rent
14	2-bed	Shared Ownership	2-bed	Affordable Rent
15	2-bed	Shared Ownership	2-bed	Affordable Rent
16	1-bed	Affordable Rent	1-bed	Affordable Rent
17	1-bed	Affordable Rent	1-bed	Affordable Rent
18	1-bed	Affordable Rent	1-bed	Affordable Rent
19	1-bed	Affordable Rent	1-bed	Affordable Rent

20	1-bed	Affordable Rent	1-bed	Affordable Rent
21	2-bed	Affordable Rent	2-bed	Affordable Rent
22	2-bed	Affordable Rent	2-bed	Affordable Rent
23	3-bed	Affordable Rent	3-bed	Shared Ownership
24	2-bed	Affordable Rent	2-bed	Shared Ownership
25	2-bed	Affordable Rent	2-bed	Shared Ownership
26	3-bed	Affordable Rent	3-bed	Shared Ownership
27	4-bed	Affordable Rent	4-bed	Affordable Rent
32	3-bed	Shared Ownership	3-bed	Shared Ownership
33	3-bed	Shared Ownership	3-bed	Shared Ownership
34	3-bed	Shared Ownership	3-bed	Shared Ownership
35	3-bed	Shared Ownership	3-bed	Shared Ownership
67	2-bed	Affordable Rent	2-bed	Affordable Rent
68	2-bed	Affordable Rent	2-bed	Affordable Rent
69	2-bed	Affordable Rent	2-bed	Affordable Rent

Consent is sought to vary the Affordable Housing Schedule the s106 to reflect the revisions to the Affordable Housing ratio / plot numbers as consented under DC/24/1081.

1) The following definitions at clause 1 (Definitions) are to be **AMENDED** and **REPLACED** with the following:

"Affordable Dwellings"	*Means the 35% of the Dwellings (rounded up to the nearest whole Dwelling equating to 26 Dwellings) together with associated vehicle and cycle parking to be provided by the Owner on the Land of which* *a) 70% shall be Affordable Rented Unit (equating to 18 Dwellings) comprising* • *10 one bedroom flats* • *4 two bedroom flats* • *3 two bedroom house* • *1 four bedroom house* **AND** *b) 30% shall be Shared Ownership Units (equating to 8 Dwellings) comprising* • *2 two bedroom house* • *6 three bedroom house* *And which are to be transferred to a Registered Provider for housing persons in Housing Need in accordance with the provisions of this Schedule*
"Affordable Housing Scheme"	*Means the affordable housing scheme shown on the Proposed Site Layout Plan Drg No PL-03 Rev G and attached at Appendix 2 to the Deed of Variation approved 4 October 2024*

In addition, the following amendment is to be made to the Mortgage Exclusion Clause to bring it in line with the currently accepted drafting which was requested by the interested Registered Provider, with the existing wording replaced by the following:

*5.1.1 The affordable housing provisions in Schedule 3 of this Agreement shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a "**Receiver**")) of the whole or any part of the Affordable Dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver **PROVIDED THAT**:*

5.1.1.1. such mortgagee or chargee or Receiver shall first give written notice to the District Council of its intention to dispose of the Affordable Dwellings and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the Affordable Dwellings to another registered provider or to the District Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and

5.1.1.2 if such disposal has not completed within the three month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the Affordable Dwellings free from the affordable housing provisions in Schedule 3 of this Agreement which provisions shall determine absolutely

Following review of the proposed amendments to the S106 agreement, it is noted that the Council's Housing officer is satisfied with the removal of paragraph 5.1.1 and its replacement with the standard clause that is recommended by the National Housing Federation.

Whilst it is noted that the Housing officer does not support the revised mix / tenure, this has been agreed under DC/24/1081, and the changes arose as a result of the co-location of the mixed tenures within the apartment blocks. The revisions to the tenure and mix has therefore already been balanced under the relevant planning application. Officers confirm that the proposed DoV mirrors the tenure split and mix approved under DC/24/1081.

Recommendation: Application Permitted

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.

DELEGATED

Case Officer sign/initial Nicola Pettifer Date: 14.04.2025

Authorising Officer sign/initial Adrian Smith Date: 14/04/2025