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Dear Ginny

19/00355/FUL - Development Site At Garages, Ormonde Avenue

I refer to the above application currently pending determination with the Local Planning Authority.

At the Local Authority's Planning Committee meeting held 25th July 2019 it was resolved to approve the application subject to a S106 agreement to secure affordable rent for the three dwellings proposed.

Whilst the application was submitted on the basis of the dwellings being provided as affordable houses for rent and it is still the applicant's intention to deliver the units as affordable units for rent, signing such an agreement is highly likely to prevent the applicant's from securing grant funding from Homes England for the project and thus will severely jeopardise its delivery.

The applicants are a committed Housing Association that want to deliver as many affordable homes as possible. The only way they can do this is by maximising the value of their housing stock in order to be able to secure grant funding.

Classifying the dwellings as affordable units would significantly reduce their value, and thus would reduce the amount of grant funding the Housing Association would be able to secure for the project.

Insistence on them signing this legal agreement could therefore actually block the delivery of this scheme. It would also likely have consequential impacts on the delivery of further affordable housing schemes.

In addition to the financial implications the Section 106 will have on the applicant's grant funding I would also question the necessity of the legal agreement.

As you will aware the application was submitted under the description: "*Erection of three no. two bedroom dwellings*". There is no reference in the description to the dwellings being delivered as affordable units, despite the fact this is the intention and the supporting information confirmed such.

Whilst the Planning Committee's intentions are understood Regulation 122 of the Community Infrastructure Level Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

The Local Authority's resolution to approve the application (subject to the S106) is clearly an acceptance that the proposals are acceptable in all other respects.

The Council's policy in relation to the delivery of affordable housing (CS9) only requires affordable housing to be secured on schemes proposing five or more dwellings. As the application is only seeking the erection of three units, clearly there is no policy requirement for the dwellings to be delivered as affordable units. I would therefore suggest that the S106 would fail on grounds of necessity.

Furthermore, officers made it clear to the Members of the committee that if the application had been submitted on the basis that the proposed dwellings were open market dwellings as opposed to affordable units, their recommendation would still have been for approval as the scheme was deemed to comply with the Development Plan.

When considering the previous application at this site, which granted consent for the "*demolition of existing garages 1-9, erection of 1no. 3 bed 5 person and 1no. 2 bed 4 person dwellings with associated parking, replacement parking and hard and soft landscaping.*" the appeal inspector at paragraph 8 of his decision letter¹ notes:

"The Council's committee report states that a legal agreement would be necessary to secure the proposed dwellings as affordable housing. However no reasons have been given for this and no further evidence has been submitted on this matter. I have therefore given it little weight in my consideration."

Despite the fact the appeal submissions clearly stated that the two dwellings proposed were intended to be provided as affordable housing units by the appellants, the Inspector did not consider a S106 Agreement to be necessary.

The Council has also recently approved two similar schemes, submitted by the applicants at Rosebank (19/00062/FUL) and Maritime Court (19/00301/FUL). Both applications were submitted on the basis that the houses to be delivered are to be affordable units, however neither approval was subject to a S106 Agreement.

Clearly similar schemes have been deemed to be wholly acceptable without the need for a legal agreement and it is therefore requested that the need for the S106 Agreement be reconsidered.

Yours sincerely



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¹ APP/P3610/A/14/2226068