

Report of the Chief Executive

LAND OFF CARRFIELD AVENUE TOTON1. Purpose of Report

A request has been received from Pelham Homes limited to release the restriction requiring that 12 houses on this site be affordable housing.

2. Relevant History

In 1997 an outline planning application was submitted for use of land for residential development at the former Chambers Packaging site on Stapleford Lane in Toton. The planning reference was 97/00565/OUT. The application was approved by committee but subject to a S106 agreement that included 'an acceptable element of affordable housing'. In 1998 both a reserved matters application was approved and an associated S106 agreement was signed. The S106 agreement included the need for provision of affordable housing on site, and accompanying letters and layout plans to the planning department indicate that affordable housing was provided in line with this agreement.

3. Assessment

The applicants have suggested that there was an agreement between the Council and themselves at the time of granting planning permission, that the affordable housing units did not need to be occupied as affordable units. They have provided correspondence to indicate this is what was agreed with the Director of Housing and Health in August 1998. They have also confirmed that 5 units have been sold and the remaining 7 units are let at a 'cost rent'. With regard to the suggestion that the Council waived the requirement, this is at odds with subsequent correspondence from the, then, developer which in December 1998 clearly acknowledged the continuing intention to provide affordable housing on the site.

If the Council approves to lift this restriction, the locality would lose out on potentially 7 units of affordable housing. This area has a high demand for all types of affordable housing and our housing department are against losing these units. (See table of demand in appendix). Having this housing in affordable usage would ensure the original intention of the committee is both fulfilled and retained, with the purpose of continued affordable housing provision in the area. Consequently it would appear to be of little benefit to the Council to relinquish these units from affordable usage. Additionally if members were so minded to lift this restriction then the Council would have to justify its reason(s) for doing so. The Council will have to show the obligations no longer serve a useful purpose, in this case the provision of affordable housing. The applicants will potentially argue that the units are no longer being let as affordable units, and as such serve no 'purpose' as such.

4. Conclusion

There is an identified need for affordable housing within this area, and there seems no reasonable case put forward by the applicant to suggest removing this restriction. It is suggested therefore members resolve to refuse to lift the restriction.

Members should be aware that we have been told the applicants are likely to appeal this decision.

Recommendation

The Committee is asked to RESOLVE to refuse permission to remove this restriction as the requirement for affordable housing provision at this location remains.

Background papers

- 1- S106 Statement
- 2- Committee minutes
- 3- Schedule of proposed amendments
- 4- Affordable housing needs table
- 5- Letter correspondence for 98/00464/REM.