

REGULATORY SERVICES COMMITTEE

17 July 2014

REPORT

Subject Heading:

P1638.09 – Oldchurch Hospital, Waterloo Road, Romford

Proposal

Deed of Variation to alter obligations in a section 106 Agreement under the Town and Country Planning Act relating to the provision of affordable residential units at Oldchurch Hospital, Waterloo Road, Romford

Report Author and contact details:

Simon Thelwell (Projects and Regulation Manager) 01708 432685

Policy context

Local Development Framework
London Plan
National Planning Policy Framework

Financial summary

None

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Valuing and enhancing the lives of our residents	[]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

On 20th April 2011 the Council and George Wimpey East London Limited (the Developer) entered into agreements pursuant to S106A of the Town and Country Planning Act which sought to vary the terms of the original section 106 agreement dated 19th August 2010 to remove the obligation requiring the Developer to provide affordable housing units on a the Site owned by the Developer at the eastern end of the former Oldchurch Hospital site. At the same time through a section 106 agreement was entered on the same date transferring the requirement to provide affordable housing to land at the western end of the former Oldchurch Hospital site which was also owned by the Developer. The requirement was to become operable upon the transfer of that land to Swan Housing Association Limited who were the developer of the majority of the western part of the former Oldchurch Hospital site.

The terms of the new section 106 Agreement required the affordable housing to be delivered as rented dwellings. The owners of the site seek to vary the terms of the S106 agreement to include shared ownership within the definition of affordable housing which can be provided on the transferred land.

Staff are of the view that the proposal is acceptable and it is recommended that the Assistant Chief Executive of Legal and Democratic Services (Acting) be given authority to enter into the necessary agreement,

RECOMMENDATIONS

That the Director of Legal and Governance (acting on behalf of the London Borough of Havering) be authorised to:

Enter into a Deed of Variation pursuant to Section 106a of the Town and Country Planning Act 1990 to amend the obligations of a section 106 Agreement entered on 20th April 2011 to enable the use of the Affordable Housing Site (registered under title number EGL520145) to include an element of share ownership affordable dwelling units as set out in paragraph 1.3 of this report: with the precise terms of the amendments of the Definitions and Schedule 1 of the Section 106 Agreement delegated to the Head of Regulatory Service.

The Council's legal fees for preparation of the Deed of Variation shall be paid on or prior to completion.

REPORT DETAIL

- 1.1 On 20th April 2011 the Council completed an agreement pursuant to section 106 of the Town and Country Planning Act 1990 requiring the delivery of affordable housing on land (defined as the Affordable Housing Site). This was conditional upon the transfer of the site from the original developer (Wimpey Homes) to the Registered Provider (Swan).
- 1.2 Whilst the definition of “Affordable Housing Purposes” contained within the Agreement could be interpreted widely, the actual use set out within Schedule 1 restricts the type of affordable housing to Rented Dwellings.
- 1.3 The housing that has been developed on the Affordable Housing Site includes a new terrace of 5 houses together with 4 dwellings that have been provided through the refurbishment of the original buildings on either side of the entrance to the site from Oldchurch Road. It is the latter four units for which the variation is sought to enable these dwellings to be made available for shared ownership.
- 1.4 The developer has indicated that viability issues are the main reason for seeking the variation as no grant has been made available for the conversions which have been particularly costly to implement.
- 1.5 Staff are satisfied that the conversions and refurbishment of these locally listed buildings has been carried out to a high standard. Furthermore, there is no objection to the dwellings being made available for shared ownership as the first option on such units will go to Havering residents on the current waiting list and the rest of the development of the western end of the site has delivered a large amount of affordable housing for rent and as shared ownership already.
- 1.6 No objections are raised to the variation which is sought.

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources will be required for the preparation of the S106 Deed of Variation.

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regards to Equalities and Diversity

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
6. The relevant planning history.
7. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
8. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.