

**Application Number: 13/11450** Modification or Discharge of Planning Obligation**Site:** Land At Crow Arch Lane & Crow Lane, Crow, Ringwood BH24 3DZ**Development:** **Proposed amendments to the Section 106 Agreement to facilitate a phased approach to the site's development, to delete references to the Code for Sustainable Homes and to offer scope to provide 'Starter Homes' within the scheme in addition to the affordable tenures already included.**

Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 & B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail / professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure (Outline Application with details only of access)

**Applicant:** Linden Homes South

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**1 REASON FOR COMMITTEE CONSIDERATION**

Discretion of the Service Manager Planning and Building Control

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area  
Green Belt  
Site Special Policies Apply  
Cycleway Improvement  
Archaeological Site

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES****Core Strategy**

CS15: Affordable housing contribution requirements from developments  
CS25: Developers contributions  
CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS4: Energy and resource use  
CS6: Flood risk  
CS7: Open spaces, sport and recreation  
CS9: Settlement hierarchy  
CS10: The spatial strategy  
CS11: New housing land allocations  
CS15: Affordable housing contribution requirements from developments  
CS18: New provision for industrial and office development and related uses  
CS23: Transport proposals  
CS25: Developers contributions

## **Local Plan Part 2 Sites and Development Management Development Plan Document**

RING3 - Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch Lane  
DM3: Mitigation of impacts on European nature conservation sites

### **Supplementary Planning Guidance**

Hampshire County Council's Transport Contributions Policy (Oct 2007)  
Parking Standards SPD (Oct 2012)  
Ringwood Local Distinctiveness SPD  
HCC's Developer Contributions Policy towards Education Facilities (December 2013)  
Council's Draft Habitats Mitigation Strategy for European Sites SPD

## **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

## **5 RELEVANT PLANNING HISTORY**

- 5.1 16/11520 - Phase 1: development of 62 dwellings comprised: 15 houses; 9 pairs of semi-detached houses; 3 terrace of 3 houses; 3 terrace of 4 houses; 8 flats; garages; public open space; SANG; ancillary infrastructure; allotment land (Details of appearance, landscaping, layout & scale development granted by Outline Permission 13/11450) - Item 3b on this Agenda
- 5.2 13/11450 - Mixed development of up to 175 dwellings (Use Class C3); up to 1.5 hectares of small employment (Use Classes B1 & B2); nursing home (Use Class C2); child nursery (Use Class D1); hotel / pub / restaurant (Use Class C1); fitness centre (Use Class D2); retail /professional services / restaurant (Use Class A1/ A2/ A3); open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure (Outline Application with details only of access) - approved October 2014

## **6 PARISH / TOWN COUNCIL COMMENTS**

Ringwood Town Council:

## **7 COUNCILLOR COMMENTS**

None

## **8 REPRESENTATIONS**

None

## **9 ASSESSMENT**

### **9.1 Introduction**

- 9.1.1 This is an application only to modify a Section 106 Agreement, and not a planning application.
- 9.1.2 The applicant, Linden Homes South have applied to modify the Section 106 Agreement completed in respect of outline planning approval 13/11450 regarding the type of affordable housing provision, phasing, allotment provision and Code Level 4 requirements.

- 9.1.3 Outline planning permission was granted on the 10<sup>th</sup> October 2014, under reference 13/11450, for a mixed development of up to 175 dwellings; up to 1.5 hectares of small employment; nursing home; child nursery; hotel / pub / restaurant ; fitness centre; retail /professional services / restaurant; open space areas; allotments; accesses on to Crow Lane and Crow Arch Lane; estate roads; footpaths; cycle ways; foul & surface water infrastructure. The application was made in outline, with all matters reserved except access.
- 9.1.4 An integral part of the outline planning permission was an Agreement under Section 106 of the Town and County Planning Act 1990, which was completed on the 31st July 2014. The Agreement secured the requisite level of affordable housing on site, off-site transport mitigation measures and works, the provision of a range of open space arrangements, allotments and a contribution towards primary education in Ringwood.
- 9.1.5 A subsequent Reserved Matters Application is currently being considered, under planning reference 16/11520, for Phase 1 of the development consisting of 62 dwellings, garages; public open space; SANGS; ancillary infrastructure and allotment land (Item 3b on this Agenda).
- 9.1.6 In relation to the affordable housing, the Section 106 Agreement requires three types of affordable dwelling to be provided on site:
- Social rented housing - owned by local authorities or other registered providers, for which guideline rents are determined through the national rent regime;
  - Affordable rented housing - let by local authorities or other registered providers to households who are eligible for social rented housing at no more than 80% of the local market rent;
  - Intermediate housing - housing for sale and rent provided at a cost above social rent but below market levels, including shared equity homes.

## 9.2 The proposal

- 9.2.1 The applicant proposes that certain provisions of the Planning Agreement are varied to facilitate a phased approach to the site's development, to delete references to the Code for Sustainable Homes, alter the timing of the provision of the allotments, to offer scope to provide 'Starter Homes' within the scheme as part of the mix of Affordable Housing and to alter the terms and costs of the transfer of affordable housing land to NFDC and Registered Provider.
- 9.2.2 Other than the mix of affordable housing provision, transfer of affordable housing land, phasing, removal of any reference to Code 4 for sustainable homes, amendments to the allotment provision and highway works trigger points, all other obligations and financial contributions within the S106 agreement including the provision and future maintenance of on-site open space and a SANGS, provision of transport infrastructure and education contributions would remain unchanged.
- 9.2.3 The proposed variations to the Agreement would provide for the Affordable Housing as follows:  
50% of the Dwellings provided on Site would comprise Affordable Housing Dwellings of a type as defined below.
- a) Social rented housing
  - b) Affordable rented housing

- c) Intermediate housing
- d) Starter Homes

### 9.3 Assessment

- 9.3.1 Firstly, in relation to the removal of any references to Level 4 of the Code for Sustainable Homes, this would be acceptable. While this is technically contrary to adopted planning policy CS4, this has now been superseded by change to government policy in which Code Levels are dealt with by Building Regulations. The reference to the Code for Sustainable Homes may therefore be deleted from clause 6.11.5 of the Agreement.
- 9.3.2 The existing Agreement does allow for phasing of this development. The proposed amendments merely clarify the phasing position which is already provided for in the original Agreement which are acceptable.
- 9.3.3 With regard to the removal of the reference to 'public highway' the applicant points out that the S106 requires a right of access into the allotment land from the public highway. It is currently not clear whether HCC have absorbed ownership of the road which provides access to the allotment land or not. Despite the applicant's best endeavours they do not know for sure whether the access road is "public highway" or in the process of being attributed as such. That forms the basis for the request to remove the reference to "public highway". The S106 also requires that the allotment land is offered for transfer to NFDC or Ringwood Town Council prior to the occupation of 50% of the open market dwellings. The deed of variation seeks to change this to 60% of the open market dwellings to give additional time to find out what status this road has and without impacting too much on the build programme, as it is likely that access will be needed to this to undertake the works.
- 9.3.4 In relation to the modification to the affordable housing provision, in determining outline application 13/11450, the proposed development was required to make an affordable housing contribution of 50% of the total number of units in accordance with Core Strategy Policy CS15 and Policy RING3 of the Local Plan Part 2, which included social rented housing, affordable rented housing and intermediate housing.
- 9.3.5 The main reason for the change of approach in this revised Section 106 agreement is to accommodate the Government's direction of travel to promote the provision of Starter Homes. The Government see Starter Homes as a means to provide low cost homes for qualifying first time buyers. The recently published Housing White Paper 'Fixing Our Broken Housing Market' (Feb 2017), states that the Government has decided not to implement a compulsory starter homes requirement at this point in time. However, the Government does place a general duty on Councils to promote the supply of starter homes and will bring forward regulations to finalise the starter homes definition and monitoring provisions. This would support the development of starter homes as a mainstream home ownership product. Starter Homes may therefore be viewed as a form of Affordable Housing, and will be offered for sale to qualifying first time buyers.
- 9.3.6 While the Government's current definition of affordable housing does not include Starter Homes. It is the intention that Starter Homes will fall within the definition of affordable housing and will therefore count 'as' or 'towards' the overall affordable housing provision. Moreover, there is a general duty for Councils to promote the supply of Starter Homes. Accordingly, the Government's stance on Starter Homes should be given significant weight.

- 9.3.7 For this reason it is considered that New Forest District Council should support the provision of Starter Homes on this site. While technically this does not accord with our adopted Core Strategy policy CS15, which does not include Starter Homes. A proportion of social rented housing, affordable rented housing and intermediate housing is still retained under this new approach.
- 9.3.8 The new legal agreement would make provision for a proportion of the affordable dwellings throughout the outline site to be marketed as Starter Homes to qualifying first time buyers. If a Starter Home cannot be sold as a Starter Home to a qualifying first time buyer within 9 months of being completed, it would be sold as a shared ownership property to a Registered Provider and so would remain within the definition of affordable housing. Starter Homes must be occupied by the first time buyer as their sole home and cannot be rented out. If the first time buyer sells the Starter Home within 5 years then some or all of the discount must be repaid.

#### 9.4 Conclusion

- 9.4.1 In summary, while the proposal to modify the S106 Agreement is not strictly in accordance with current local plan policy on Starter Homes, Officers consider that the revised Affordable Housing mix would accord with the Government objectives to provide Starter Homes. The alterations to the S106 to remove the reference to the Code for Sustainable Homes and to allow phasing are acceptable. In respect of the terms and costs of the transfer of affordable housing land and in relation to the allotment transfer and access, these matters need to be the subject of further negotiation between the Council and applicant.
- 9.4.2 In balancing out the issues, and reflecting the Government's intention with regard to Starter Home provision, it is recommended that Members agree to officers negotiating a Deed of Variation to the S106 agreement to planning permission 13/11450 in respect of the changes outlined above.

## 10 **RECOMMENDATION**

That the Section 106 agreement be varied in accordance with the details set out in the preceding paragraphs and subject to further negotiation between Council Officers and applicant.

#### **Further Information:**

Major Team

Telephone: 023 8028 5345 (Option1)



# New Forest DISTRICT COUNCIL

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**Planning Development  
Control Committee  
March 2017**

**Item No: 3a & 3b**

Land at  
Crow Arch Lane  
Ringwood  
13/11450 & 16/11520  
SU1504

Scale 1:3000

N.B. If printing this plan from  
the internet, it will not be to  
scale.

