

Planning Committee: 24 July 2012

Item Number: 20

Application No: W 91/0862

Town/Parish Council: Stoneleigh
Relevant Officer: Lydia Wailoo

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Registration Date:
Expiry Date:

Property adjacent to 28 Hall Close, Stoneleigh

Erection of 12 dwellings with car parking and construction of an estate road

The application is being reported due to the need for the previous S106 Agreement to be amended.

RECOMMENDATION

To enter into a deed of variation to allow for the following:

- That RHTL continues to manage the shared ownership properties on the development even those it is not a Registered Provider and is no longer an Industrial & Provident Society and does not have charitable status
- RHTL to grant a 99 year sublease to qualifying households. The new lease will be a shared ownership lease following the HCA model form and staircasing will be restricted to 80% thereby ensuring the properties are affordable in perpetuity.
- To clarify the Local Connection criteria in relation to allocations so that it is reflective of the provisions in the Rural Local Lettings Policy (February 2011)

SUMMARY OF REPRESENTATIONS

Not applicable.

RELEVANT POLICIES

- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

W91/0862 – Erection of 12 dwellings with car parking and construction of an estate road. The dwellings to be used for either leasing on a fixed equity basis or renting on an assured tenancy basis (i.e. the development is 100% affordable). Planning permission granted 17th September 1991.

Schedule of accommodation (whole site): Eight two bedroom houses and four three bedroom houses.

KEY ISSUES

The development is subject to a Section 106 agreement which contains obligations regarding the management of the dwellings and, in terms of allocations to the properties, provides that occupiers must have a local connection to the relevant parish. The agreement also provides that properties allocated for leasing on a fixed equity basis must be let only by way of a fixed equity lease in a form approved by the Council in writing.

The original organisation English Villages Housing Association (EVHA) changed its name to RHT Developments Limited (RHTD) in 2004 and, in 2009 converted from an Industrial & Provident Society to a Private Company Limited by Shares. In 2011 RHTD changed its name to Rural Housing Trust Limited (RHTL)

RHTL have requested a change to the original s106 agreement to reflect the change in the status of the organisation, and to allow them to grant new 99 year subleases on the shared ownership properties.

It is the view of officers that this is appropriate because although the freehold reversion is held by Hastoe Wyvern Housing Association Limited, RHTL have retained a minority share in the properties. The deed of variation will allow RHTL to grant new 99 year subleases when the properties are resold. The agreement will not affect any existing shared owners or any mortgagees of those shared owners.

In addition, whilst varying the agreement it gives the opportunity to clarify the local connection criteria so that it reflects the criteria set out in the Rural Local Lettings Policy (February 2011).
