

Agenda item: **Decision maker:** Planning Committee**Subject:** 14/01156/PAMOD - Request to modify legal agreement attached to planning permission 11/00409/FUL relating to land at 100 Copnor Road**Report by:** City Development Manager**Wards affected:** Baffins**Key decision (over £250k):** No

1 Purpose

The purpose of the report is to request Members consider the applicants request to modify the legal agreement attached to planning application 13/00005/FUL in relation to the tenure of the affordable housing provision.

2 Recommendation

Approve modification of the legal agreement to vary the tenure of the affordable housing to affordable rent from low cost shared ownership

3 City Development Managers comments

The applicant obtained planning permission in August 2011 for the redevelopment of the site (the former Swan PH) by the construction of a part two, part three storey building containing 13 flats. The permission was subject to a legal agreement requiring the provision of three units of affordable housing.

The original S106 agreement was for the tenure of the affordable housing to be Shared Ownership (intermediate tenure). At that time the developer and then owner of the site was working with a particular Registered Provider. Since the grant of planning permission the site has been bought by Affinity Sutton, who are currently developing the whole site to provide affordable housing. However for the development to be financially viable the development needs to be an Affordable Rent tenure rather than Shared Ownership.

It is considered that the change in tenure of the three units of affordable housing covered by the legal agreement will assist in the delivery of a further 10 units of much needed affordable housing in the City.

4 Representations

Community Housing (CABS) fully support the change of tenure on this development.

5 Equality impact assessment (EIA)

The document is a consultation document and therefore there is no significant impact.

6 Legal Services' comments

The City Solicitor is satisfied that it is within the City Council's powers to approve the recommendation as set out.

7 Head of Finance's comments

None

.....
Signed by:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
National Planning Policy Framework (March 2012) Community Infrastructure Levy Regulations 2010 Planning Obligations SPD (September 2008) Providing Affordable Housing in Portsmouth (May 2012)	