

## ITEM – 5.2

**Reference No.:** 2021/75 (original application number)  
**Site:** Oldencraig, Tandridge Lane, Lingfield, Surrey, RH7 6LL  
**Proposal:** Deed of Variation to Section 106 Agreement associated with planning permission for Demolition of existing buildings and erection of 22 dwellings with associated parking and amenity space  
**Ward:** Godstone  
**Decision Level:** Committee

*Constraints- GB, BOA, Local Nature Reserve, Public footpath 251, SSSI within 50m (Blindley Heath), Commons and Village Greens, ASAC, EA Flood Zones 2 & 3, Updated Flood map for surface water 30, 100, 1000, B Road (The Common) and C (Tandridge Lane)*

**RECOMMENDATION:** **AGREE to Deed of Variation to S106 Legal Agreement**

### Summary

Planning permission for the redevelopment of this site for 22 dwellings was originally granted on 9 June 2020 under planning ref. 2019/330 and this required that 4 of the dwellings would be allocated as affordable housing units on a shared ownership/equity basis and secured by a Section 106 (S106) Agreement. A previous Deed of Variation to the S106 Agreement was made on 14 July 2021 to link it to an application (ref. 2021/75) which sought variations to the earlier permission in terms of the design and house types and minor repositioning of building footprint. This did not change the affordable housing requirements for 4 dwellings on a shared ownership/equity basis.

This current request for a variation to the S106 Agreement solely relates to changing the prescribed tenure from low-cost home ownership (in the form of shared equity) to low-cost home ownership (in the form of discounted market sale). The units will still be homes to buy at below market value and that is an approach supported by the Council's Housing Development Team. From a planning perspective, 'discounted market sales housing' is included within the definition of what constitutes 'affordable housing' within the National Planning Policy Framework (NPPF), and as such this proposal is in-line with national policy.

The proposed S106 Deed of Variation would have no other impacts on the approved development in terms of Green Belt, character and appearance, residential amenities, trees or highways matters.

All other matters have been previously approved and there are no material reasons for a different conclusion to be reached on them. As such, this proposal is recommended for approval.

### Site Description

Oldencraig is a former equestrian centre located to the west side of Tandridge Lane within the Green Belt. The broadly L-shaped site comprises a thick vertical stem to the west (rear) of dwellings lining Tandridge Lane and to the east of 1 and 2 Homer Cottage to the west. The base of the L-shaped site extends eastward to the south of Oldencraig Cottage and includes the access drive and a pond and field to the south.

The buildings making up the former equestrian centre are primarily situated to the centre of the site between Oldencraig Cottage to the east and 1 and 2 Homer Cottage to the west. To the north of the buildings is a manege and outdoor sand school and a gallop is located to the northernmost section of the site. Two further maneges are located to the southwest of the buildings and the south of the site.

The area is rural in character with sparse clusters of development (mainly lining the road) made up primarily of residential dwellings of varied form and period. To the south of the site is Blindley Heath Common, which is a Site of Special Scientific Interest (SSSI) and a Local Nature Reserve. A majority of the site is situated within Flood Zones 2 and 3.

Public footpath 251 runs alongside the access drive and through the site. An application to re-direct the footpath has been approved by the County Rights of Way authority but works to effect this change are yet to be carried out.

### **Relevant History**

The site has a complex history as an established riding centre. The most relevant are:

2017/1296: Redevelopment of the site to include the erection of nine two-storey dwellings offering five- and six-bedroom accommodation with associated drives and landscaping. Access would be via the existing site entrance from Tandridge Lane. Approved.

2019/330: Demolition of existing buildings and erection of 22 dwellings with associated parking and amenity space - Approved. Conditions for external materials and ecological have been approved (2019/330/Cond1 and 2019/330/Cond2).

2021/75: Variation of Condition 2 (plans) of planning permission ref: 2019/330 (Demolition of existing buildings Erection of 22 dwellings with associated parking and amenity space) to allow for amendments to the design and house types and minor repositioning of building footings. Approved on 14 July 2021, including Deed of Variation to S106 Agreement

### **Proposal**

The request for a deed of variation to the S106 Agreement solely relates to changing the 'affordable housing' definitions in terms of tenure from low-cost home ownership (in the form of shared equity) to low-cost home ownership (in the form of discounted market sale).

### **Key Issues**

The key issue in this case is whether it is appropriate to agree to a change in the definition of 'affordable housing' prescribed in the current S106 Agreement from low-cost home ownership (in the form of shared equity) to low-cost home ownership (in the form of discounted market sale).

### **Development Plan Policy**

Tandridge District Core Strategy 2008– Policies CSP1, CSP4, CSP7, CSP11, CSP12, CSP13, CSP14, CSP15, CSP18, CSP19, CSP22 and CSP23.

Tandridge District Local Plan 2 – Policies DP1, DP2, DP5, DP7, DP10, DP13, DP18, DP20, DP21, and DP22.

Emerging Tandridge Local Plan 2033 – Policies TLP01, TLP02, TLP04, TLP06, TLP10, TLP11, TLP17, TLP19, TLP35, TLP37, TLP38, TLP43, TLP45, TLP46, TLP48, TLP49, TLP50.

### **Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance**

Tandridge Parking Standards SPD (2012)

Tandridge Trees and Soft Landscaping SPD (2017)

Lingfield Village Design Statement (SPG) (section on 'Approaches').

Surrey Design Guide (2002)

### **National Advice**

National Planning Policy Framework (NPPF) (2019) – particular reference to Annex 2: Glossary 'Affordable Housing' definition.

Planning Practice Guidance (PPG)

National Design Guide (2019)

### **Statutory Consultation Responses**

None consulted

### **Non-statutory Advice Received**

None consulted.

### **TDC Advice**

Housing Development Team – support the change to the definition of affordable housing in this case.

### **Other Representations**

None consulted.

### **Assessment**

This request for a variation to the S106 Agreement solely relates to changing the tenure for the 4 affordable housing units (of a scheme of 22 dwellings) to be provided as part of the wider development of this site from low-cost home ownership (in the form of shared equity) to low-cost home ownership (in the form of discounted market sale). The units will still be homes to buy at below market value and that is an approach supported by the Council's Housing Development Team.

From a planning perspective, 'discounted market sales housing' is included within the definition of what constitutes 'affordable housing' within the National Planning Policy Framework (NPPF) Annex 2: Glossary; which states the following:

**Affordable housing:** housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes **shared ownership**, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement. Air quality management areas: Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadline.

Accordingly, the proposed change is considered acceptable from a planning perspective as it would remain within the definition of what constitutes 'affordable housing' in-line with national policy.

The proposed S106 Deed of Variation would have no other impacts on the approved development in terms of Green Belt, character and appearance, residential amenities, trees or highways matters.

All other matters have been previously approved and there are no material reasons for a different conclusion to be reached on them. As such, this proposal is recommended for approval.

### Conclusion

This current request for a variation to the S106 Agreement solely relates to changing the tenure from low-cost home ownership (in the form of shared equity) to low-cost

home ownership (in the form of discounted market sale). The units will still be homes to buy at below market value and that is an approach supported by the Council's Housing Development Team. From a planning perspective, 'discounted market sales housing' is included within the definition of what constitutes 'affordable housing' within the National Planning Policy Framework (NPPF), and as such this proposal is in-line with national policy.

The proposed S106 Deed of Variation would have no other impacts on the approved development in terms of Green Belt, character and appearance, residential amenities, trees or highways matters.

All other matters have been previously approved and there are no material reasons for a different conclusion to be reached on them. As such, this proposal is recommended for approval.

The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). Significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraphs 214 and 215 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

All other material considerations have been considered but none are considered sufficient to change the recommendation.

**RECOMMENDATION:**                      **AGREE to the Deed of Variation to S106 Legal Agreement**