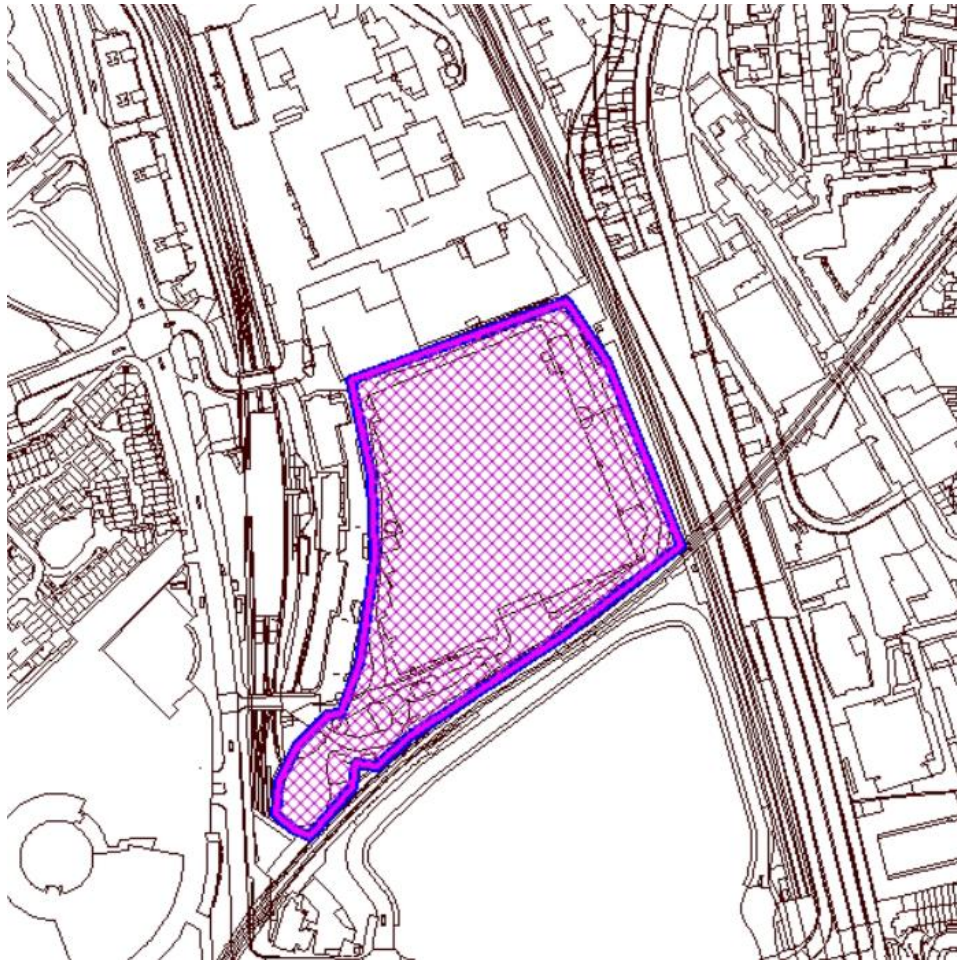


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**Ward:** College Park And Old Oak

**Site Address:**

M&S White City Site 54 Wood Lane London W12 7RQ



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**For identification purposes only - do not scale.**

**Reg. No:**  
2020/02905/VAPO

**Case Officer:**  
Mr Neil Button

**Date Valid:**  
02.11.2020

**Conservation Area:**  
Wood Lane Conservation Area - Number 42

**Committee Date:**  
06.07.2021

**Applicant:**

Lara Waugh  
54, Wood Lane London W12 7RQ

**Description:**

Variation of the Section 106 Agreement attached to planning permission ref: 2017/04377/VAR dated 25 June 2018.

Drg Nos:

**Application Type:**

Vary or Discharge Planning Obligation

**Officer Recommendation:**

1. That the Committee resolve that the Chief Planning Officer be authorised to vary the s106 agreement attached to planning permission Ref: 2017/04377/VAR dated 25th June 2018.
2. That the Committee resolve that the Chief Planning Officer, after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement, and any such changes shall be within their discretion.

**Justification for allowing the Variation of the Planning Obligation:**

- 1) Housing: It is considered that the proposed development (as revised), would allow for the affordable residential units to be delivered across all affordable housing tenures and at affordability levels that will ensure the housing is available to a full range of household incomes at a local and London level. It is considered that the proposed housing would assist the regeneration of White City Regeneration Area thereby achieving the Council's strategic objectives. The proposal is therefore supported and considered to be in accordance with the NPPF, Policies H4 and H6 of the London Plan (2021) and Policies HO1, HO3, HO5, and Strategic Policy WCRA and WCRA1 of the Local Plan (2018).
- 2) Planning Obligations: Planning obligations to offset the impact of the development have been secured under the extant consent. It is considered that the Affordable Housing Commuted Sum would be necessary, proportionate, reasonable, fair and linked to the development. It is considered that the S106 contribution is justified under the tests set out in CIL Regulation 122 and Regulation 123, for major developments. The proposed development is therefore considered to adequately mitigate external impacts and is considered to be acceptable in accordance with Policy 8.2 of the London Plan and Strategic Policy WCRA (White City Regeneration Area) of the Local Plan 2018.

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**LOCAL GOVERNMENT ACT 2000  
LIST OF BACKGROUND PAPERS**

**All Background Papers held by Andrew Marshall (Ext: 4841):**

Application form received: 30th October 2020  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2019  
The London Plan 2021  
LBHF - Local Plan 2018  
LBHF – Planning Guidance Supplementary Planning Document  
2018

**Consultation Comments:**

**Comments from:**

**Dated:**

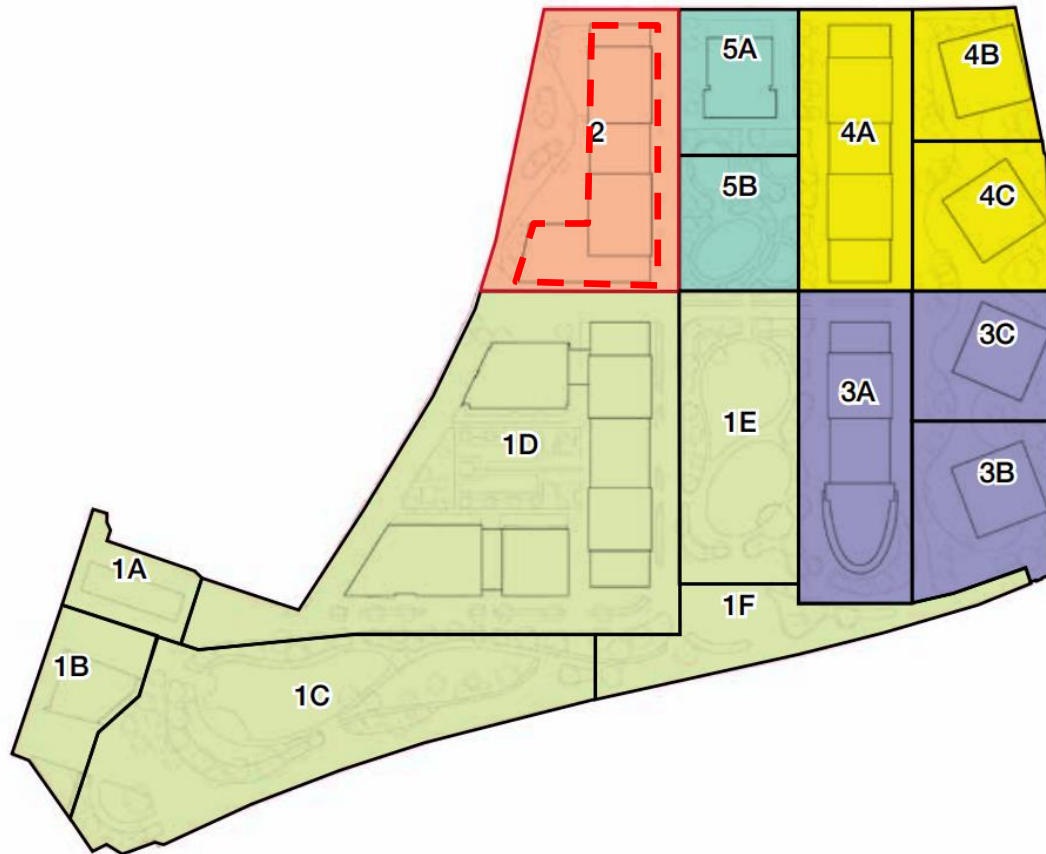
**Neighbour Comments:**

**Letters from:**

**Dated:**

**1.0 BACKGROUND**

- 1.1 The applicant is applying to vary the terms of the Section 106 Legal Agreement with regards to the affordable housing provisions, pursuant to the Extant Planning Permission Ref: 2017/04377/VAR dated 25<sup>th</sup> June 2018 for the comprehensive redevelopment of the former M&S Warehouse Site in White City (known for the purposes in the Report as White City Living or “WCL”). The White City Living development comprises a major residential led-mixed use development to provide up to 1,845 homes with ground floor flexible commercial floorspace, open spaces, access, landscaping, car park and routes. The resulting agreement will comprise the Sixth Deed of Variation of the S106 Agreement pursuant to the Extant Planning Permission for the wider WCL development.
- 1.2 The wider White City Living (WCL) site was previously occupied by a 21,807square metre warehouse that Marks and Spencer plc (M&S) used as a mock layout store with associated car parking and service yard. The former warehouse has been demolished and Phases 1 and 2 of the development are under construction.
- 1.3 The proposed Deed of Variation specifically relates to Phase 2 of the Development (Block B1) highlighted in red which comprises 427 Affordable homes and flexible ground floor commercial floorspace as per the below site plan. Phase 2 is located the north western corner of the wider site.



- 1.4 The WCL site is currently under construction with Phases 1(A-F) and 2 substantially completed with Phase 3 underway.
- 1.5 The WCL site is located to the north of the Circle/Hammersmith and City Line viaduct west of the London Overground Line and West Cross Route (A3220) and east of Wood Lane (A219). The new bridge and decked area extend above the former Central line cutting to the south.
- 1.6 The Developer (St James) will soon commence redevelopment of the land immediately to the west of the Phases 1 and 2 of the WCL land (as part of the Centre House development).
- 1.7 The land to the north comprises the Imperial College owned former Dairy Crest site which contains a temporary office building (Scale Space). Westfield Shopping Centre is located to the south of the railway viaduct.

#### Planning Designations

- 1.8 The London Plan (2021) designates the site within the White City Opportunity Area; which is expected to deliver a substantial number of new homes and jobs through comprehensive regeneration. The White City Opportunity Area Planning Framework (WCOAPF, October 2013) identifies the site within the White City East Area and within a proposed housing area as part of mixed-use schemes.
- 1.9 The LBHF Local Plan (2018) identifies the site as being located within the Wood Lane Conservation Area; which was designated by LBHF in 1991 to principally protect the Grade II Listed BBC Television Centre which is located 100m west of the site. It is also designated in the Local Plan as being within the White City

Regeneration Area, and within Strategic Site WCRA 1 'White City East'. The site is affected by Aerodrome safeguarding of Heathrow 150m and Northolt 91.4m and is also located in close proximity to listed buildings most notably the BBC Television Centre and the Dimco Building off Ariel Way (on the Westfield site). The site is located within Flood Risk Zone 1 and is also located within an Air Quality Management Area (as is the whole Borough). The site does not contain any listed buildings or any nationally designated heritage assets such as scheduled monuments or registered parks and gardens and is not within an Archaeological Priority Area nor is it affected by any strategic views.

## **2.0 PLANNING HISTORY:**

2.1 The original planning application (Ref: 2014/04726/OUT) for the comprehensive redevelopment of the site was granted permission on 16th December 2015 with the following description:

“Planning application (part detailed/part outline) for the demolition of all existing buildings and structures and the redevelopment of the site for residential and mixed uses comprising the erection of new buildings ranging from 11 to 30 storeys to provide up to 1,465 residential units (Class C3) and use classes (A1-A5, B1, D1 & D2), the provision of a new publicly accessible open space, new pedestrian and vehicle routes, accesses and amenity areas, basement level car park with integral servicing areas and other associated works:

(1) Detailed planning application for up to 37,935 sqm. (GEA) new residential floorspace with ancillary residential facilities (C3) (excluding basement floorspace); up to 1,995 sqm. (GEA) flexible commercial floorspace (A1-A5), community (D1) and leisure (D2) (excluding basement floorspace); provision of a new basement level; provision of a new bridge over the central line cutting; means of access; and associated amenity space, landscaping, car parking and cycle parking, energy centre, and other associated infrastructure works.

(2) Outline planning application (with all matters reserved) for up to 112,295 sqm. (GEA) residential floorspace and ancillary residential facilities (C3) (excluding basement area), flexible commercial (A1-A5), office (B1) use, community (D1) and leisure (D2) floorspace; provision of a new basement level; new and altered pedestrian and vehicular access including decked area over the central line cutting at the south west corner of the site; and associated amenity space, open space, landscaping, car parking and motorcycle parking, and other associated infrastructure works. APPROVED 16/12/2015”.

2.2 The Section 106 Agreement secured the on-site delivery of affordable housing within Phase 2 with the tenures, dwelling mix and affordability levels set out in Schedule 5. This permission was varied in 2017 (ref: 2016/03907/VAR - the First Variation Application) dated May 2017 and varied again in 2018 (ref: 2017/04377/VAR - the Second Variation Application) dated 25th June 2018. The Second Variation Application comprises the extant permission and is the relevant permission subject to amendment in this application. The description of the development of the extant planning permission is as follows:



“Variation to conditions 1-8 of planning permission 2016/03907/VAR (for the comprehensive phased redevelopment of the site for a residential-led mixed-use development) granted 23/05/2017 in order to permit minor material amendments to the outline form of development. Amendments comprise modifications to the approved Parameters Plans and Development Specification and Parameters Report that cover design alterations to Development Plots B1 (varying the horizontal parameters (to -0.92m to +27.98m) to permit an extended southern building line), Development Plots D1 and E1 (varying parameters to extend the maximum heights by an additional +2.31m and 8.86m), Development Plots D2, D3 and E2 (varying parameters to extend maximum heights by an additional +4.79m) and incorporating a new additional Development Plot E3 (to comprise residential use within a new building up to 74.45m in height). The specified amendments would facilitate the optimisation of residential units to increase the overall maximum unit numbers from 1,477 to 1,814 units including the provision of an additional 118 affordable units (35% of the additional units)”.

2.3 The Variation of the 2016 Permission (2016/03907/VAR) by way of the 2017 Permission (2017/04377/VAR) was accompanied by subsequent Deed of Variation of the Original Section 106 Legal Agreement. The Deed of Variation (DoV) which accompanied the 2017 Permission was the Third Deed of Variation which consolidated the earlier 2 Legal Agreements. The Section 106 Agreement was varied again for minor non-material changes to Schedule 5 (affordable housing provisions) in 2018 and 2019. Deed of Variation 4 and 5 secured amendments to the Mortgagee in Possession Clauses and 11 additional affordable housing units within Phase 2 (London Living Rent Units). The Approved Affordable Housing Provisions (as a consequence of the Multiple Variations to the Planning Permission and Deeds of Variation) comprise the following:

| TYPE OF PROPERTY | AFFORDABLE RENT | SOCIAL RENT | CSE        | EXTRA CARE RENT | EXTRA CARE SHARED OWNERSHIP | LONDON LIVING RENT |
|------------------|-----------------|-------------|------------|-----------------|-----------------------------|--------------------|
| Studio           | 0               | 0           | 67         | 0               | 0                           | 3                  |
| 1 bedroom        | 32              | 0           | 71         | 42              | 10                          | 16                 |
| 2 bedroom        | 64              | 0           | 36         | 3               | 5                           | 12                 |
| 3 bedroom        | 0               | 57          | 0          | 0               | 0                           |                    |
| 4 bedroom        | 0               | 9           | 0          | 0               | 0                           |                    |
| <b>TOTAL</b>     | <b>96</b>       | <b>66</b>   | <b>174</b> | <b>45</b>       | <b>15</b>                   | <b>31</b>          |

Table 1: White City Living (Affordable Housing Provision in Sch.5 of S106 Agreements (consolidated))

2.4 In addition to the on-site affordable housing provisions, the s106 Agreement also secures a £34.5million financial contribution towards affordable housing provision in LBHF. The contribution is to be made in phased payments.

## Non- Material Amendments (NMAT)

- 2.5 The applicant has obtained multiple approvals for a range of non-material amendments to the above outline planning permissions. The following non-material amendment applications are of relevance to the current proposals to vary the legal agreement.

Ref: 2018/00399/NMAT: Non-Material Amendment to outline planning permission (ref: 2016/03907/VAR) dated 23 May 2017; seeking amendment to description of development to omit the floorspace maximum and maximum residential quantum of the outline component. Approved 2 March 2018.

Ref: 2018/02116/NMAT: Non Material Amendment to Planning Permission (Ref: 2017/04377/VAR dated 25/06/2018) seeking to change the mix and number of dwellings in Phase 1 and provision of additional residential dwellings within Phases 2 and 3 of the comprehensive redevelopment of the former M&S Warehouse Site; by way of variation of condition 3 (amended drawing numbers) and condition 7 (no. of dwellings) to permit up to 1845 residential units (an additional 31 x units) under s96A (3) of the Town and Country Planning Act (1990) as amended. Approved 21 August 2018.

Ref: 2019/02965/NMAT: Non-material amendment to Planning Permission (Ref: 2017/04377/VAR) dated 25/06/2018; seeking to amend the approved Development Specification document to reduce the maximum floorspace parameter for Development Plot B1 and to increase the maximum floorspace parameters for Development Plots E2 and E3; including variation of condition 4 (design codes and parameter plans) under s96A (3) of the Town and Country Planning Act (1990) as amended. Approved 22 November 2019.

## 3.0 CONSULTATION RESPONSES

- 3.1 The following consultees responses are noted:  
a) Housing: No objections.

## 4.0 DESCRIPTION OF DEVELOPMENT

- 4.1 The applicant is applying for a further variation of the terms of the Section 106 Legal Agreement with regards to the affordable housing provisions, pursuant to the Extant Planning Permission Ref: 2017/04377/VAR dated 25 June 2018 for the comprehensive redevelopment of the former M&S Warehouse Site in White City.
- 4.2 On the 8 December 2020, London Borough of Hammersmith and Fulham's Planning Application's Development Control Committee (PADCC) resolved to amend the Section 106 Agreement by way of Deed of Variation (Sixth Deed of Variation) of the previous s106 and subsequent legal agreements. The Committee authorised a consolidation of the provisions within the various former agreements and secured changes to the tenure of the 174 x Council Shared Equity/Discount Market Sale Affordable homes (CSE). PADCC resolved to approve amendments to Affordable Housing Schedule 5 (Affordable Housing Tenure and Income Ranges). These changes comprised converting the 174

consented CSE homes into 87 Shared Ownership and 87 Intermediate Rent homes. The total quantum and dwelling mix remained the same as the current consent.

- 4.3 The Developer has proposed a further amendment to the affordable housing provisions, previously consented by PADCC in December 2020. This has been the subject of consideration by Planning and Housing Officers since the committee last year. The Developer is proposing that up to 20 (out of the proposed 87) Studio Shared Ownership dwellings, be flipped in tenure to Intermediate Rent (IMR income Band B) following completion of the marketing programme in which the Developer is obligated to actively market the affordable dwellings for the intended tenure as set out in the planning permission. The Developer proposes to notify the Council following the completion of the marketing programme as to whether the SO units are to be flipped to an IMR tenure. In the first instance, the Developer is seeking to market the units for the tenure stated in the agreement and the further provision widens the scope of the affordable housing provisions, if the SO units are not occupied following the marketing.
- 4.4 Authority from LBHF's PADCC is required again, for the further amendment to the Section 106 Agreement pursuant to the Extant Planning Permission, as the potential change to the tenure of the Shared Ownership dwellings in question (i.e. up to and no more than 20 x SO units) would comprise a further change to the approved provisions endorsed by the Planning Committee on 6 March 2018 and again on 8 December 2020. Notwithstanding the post committee proposed change to the Deed of Variation, a resolution of the planning committee is sought for all changes to the s106 Agreement (as set out in paras 4.1-4.7), including those variations previously considered acceptable to the committee in December 2020.
- 4.5 The proposed 87 x Shared Ownership units would have household income up to £72,850 (for the studio units) and up to £77,350 (for the one and two bed units), indexed under the current indexation in the present Section 106 to the date of first sale. This also comprises a minor change to the formerly agreed income band for the one and two bed units which has increased from £72,850 to £77,350. These fall below the maximum GLA income threshold cap of £90,000.
- 4.6 The proposed 87 x Intermediate Rent homes are split equally into three bandings as follows and these bandings will be indexed to first letting under the same terms as contained in the existing Section 106.



| TYPE OF PROPERTY | IMR PROPERTIES | INCOME GROUP            | PERCENTAGE % |
|------------------|----------------|-------------------------|--------------|
| Studio           | 29             | IMR Band A -<br>£33,604 | 33%          |
| Studio           | 7              | IMR Band B -<br>£44,805 |              |
| 1 bedroom        | 22             | IMR Band B -<br>£44,805 | 33%          |
| 1 bedroom        | 14             | IMR Band C -<br>£60,000 |              |
| 2 bedroom        | 15             | IMR Band C -<br>£60,000 |              |

Table 2: Proposed IMR Income Groups

- 4.7 An average payment is proposed for the capital value increase (of the Shared Ownership and Intermediate Market Units (if any) above the value of the former CSE Units) at practical completion, with 50% of the increase comprising an Affordable Housing Commuted Sum which will be calculated and payable at the date of practical completion (estimated to be June 2022). All other terms are in line with the current S106 Agreement.

## 5.0 PLANNING ASSESSMENT

### Planning Policy Framework

- 5.1 The Town and Country Planning Act 1990 (referred to as ‘the Act’), the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England and Wales. 7.2 Collectively, the three Acts create a ‘plan led’ system, which requires local planning authorities to determine planning applications in accordance with an adopted statutory Development Plan, unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act). 7.3 In this instance the statutory development plan comprises the London Plan (2016), the Local Plan 2018 and the Planning Guidance Supplementary Planning Document 2018 (hereafter referred to as Planning Guidance SPD).

### National Planning Policy Framework (2019)

- 5.2 The proposals have been evaluated against the Development Plan and the NPPF (2019) and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development.”

### The London Plan (2021)

- 5.3 The London Plan (2021) has been adopted in 2021. The proposed affordable housing provisions have been assessed in line with the updated policies set out in the Plan. Together with the Local Plan, the New London Plan forms the Development Plan.

- Policy H4 – Delivering Affordable Housing
- Policy H6 – Affordable Housing Tenure

5.4 The Mayor has also published supplementary planning guidance and strategies which elaborates on London Plan Policy. Those most relevant in consideration of the proposals are:

- Affordable Housing and Viability SPG (August 2017)
- Mayor's Housing SPG (March 2016)

#### Development Plan

5.5 The relevant Development Plan for the area comprises the LBHF Local Plan (2018), LBHF Local Plan Proposals Map (2018) and London Plan (MALP) (2021). In addition, LBHF Supplementary Planning Guidance Document (2018) is a material planning considerations.

#### LBHF Local Plan (2018)

5.6 The Local Plan (February 2018) sets out the council's vision for the borough until 2035. It contains development policies to be used by the Council in helping to determine individual planning applications. The Local Plan should be read and considered alongside the London Plan and will be supplemented by supplementary planning documents (SPDs). The Local Plan incorporated an increase in target additional new homes within the White City Regeneration Area to 6,000 (from 5,000 in the former Core Strategy). The figure for new homes is proposed to be increased to 7,000 within the Draft London Plan (2017).

5.7 The policies within the Local Plan aim to ensure development within the borough accords with the spatial vision of the borough. The key policies relevant to the proposals are:

- Strategic Policy WRCA – White City Regeneration Area
- Strategic Site Policy WCRA1 – White City East
- Policy HO1 - Housing Supply
- Policy HO3 - Affordable Housing
- Policy HO4 - Housing Quality and Density
- Policy HO5 - Housing Mix

#### Planning Considerations

5.8 The Extant Planning Permission secures 427 affordable homes to be delivered within Phase 2 of the White City Living development (Plot B1). The development comprises a mix of 66 x social rented, 96 x affordable rented, 174 x Council Shared Equity, 31 x London Living Rent and 60 x Extra Care Housing (Rented/Shared Ownership) tenures (see Table 1 of this report). The developer/applicant has entered into discussions with the Preferred Registered Provider who will manage the affordable homes (excluding the Extra Care Homes) and the proposed modifications to the affordable housing provisions are proposed as a result.

5.9 The applicant has applied to amend the Section 106 Agreement by way of Deed of Variation (Sixth Deed of Variation) of the previous s106 and subsequent legal agreements, consolidating the provisions within the various agreements and secure changes to the tenure of the 174 x Council Shared Equity/Discount Market Sale Affordable homes. The changes comprise converting the 174

consented CSE homes into 87 Shared Ownership and 87 Intermediate Rent homes. The total quantum and mix remain the same as the current consent.

- 5.10 Schedule 5 of the Section 106 Agreement sets out the detailed affordable housing provisions which secures the affordable homes in perpetuity alongside the overall affordable tenures, dwelling sizes/unit types and affordability levels. Phase 2 is currently under construction and it is understood practical completion is near.
- 5.11 The proposed resulting affordable housing split for the development would be as follows. The amended Deed of Variation would reflect these provisions:

| PROPERTY TYPE    | AR | SR | IMR       | ISO       | LLR | EXTRA CARE (SO) | EXTRA CARE RENT |
|------------------|----|----|-----------|-----------|-----|-----------------|-----------------|
| <b>Studio</b>    | 0  | 0  | <b>36</b> | <b>37</b> | 3   | 0               | 0               |
| <b>1 Bedroom</b> | 32 | 0  | <b>36</b> | <b>34</b> | 16  | 10              | 42              |
| <b>2 Bedroom</b> | 64 | 0  | <b>15</b> | <b>16</b> | 12  | 5               | 3               |
| <b>3 bedroom</b> | 0  | 57 | <b>0</b>  | <b>0</b>  | 0   | 0               | 0               |
| <b>4 bedroom</b> | 0  | 9  | <b>0</b>  | <b>0</b>  | 0   | 0               | 0               |
| <b>TOTAL</b>     | 96 | 66 | <b>87</b> | <b>87</b> | 31  | 15              | 45              |

Table 3: Revised Affordable Housing Schedule

AR=Affordable Rent. SR=Social Rent. IMR=Intermediate Rent.  
ISO=Intermediate Shared Ownership. LLR=London Living Rent

- 5.12 The Extant Planning Permission secured 174 CSE homes across 3 income groups with a lower, intermediate and upper incomes. 33% of the CSE homes fell within the Lower Income Group, 32% fell within the Intermediate Income Group and 35% fell within the Upper Income Group as follows:

| TYPE OF PROPERTY | PROPERTIES      | CSE/DMS INCOME GROUP |
|------------------|-----------------|----------------------|
| Studio           | 23              | £30,000 (indexed)    |
| Studio           | 21              | £40,000 (indexed)    |
| Studio           | 23              | £66,000 (indexed)    |
| 1 bedroom        | 23              | £30,000 (indexed)    |
| 1 bedroom        | 23              | £40,000 (indexed)    |
| 1 bedroom        | 23              | £66,000 (indexed)    |
| 2 bedrooms       | 12              | £30,000 (indexed)    |
| 2 bedrooms       | 12              | £40,000 (indexed)    |
| 2 bedrooms       | 12              | £66,000 (indexed)    |
|                  | 174 x CSE Homes |                      |

Table 4: Approved Intermediate CSE dwelling mix & income groups

- 5.13 The proposed DoV proposes to change 87 of the 174 x CSE homes to Intermediate Rent homes with an equal no. of properties (e.g. 33%) available to the three income groups to reflect the affordability of the consented CSE units.

| TYPE OF PROPERTY | IMR PROPERTIES | INCOME GROUP         | PERCENTAGE % |
|------------------|----------------|----------------------|--------------|
| Studio           | 29             | IMR Band A - £33,604 | 33%          |
| Studio           | 7              | IMR Band B - £44,805 | 33%          |
| 1 bedroom        | 22             | IMR Band B - £44,805 |              |
| 1 bedroom        | 14             | IMR Band C - £60,000 | 33%          |
| 2 bedroom        | 15             | IMR Band C - £60,000 |              |

Table 5: Revised Intermediate Rent dwelling mix and income groups

- 5.14 The proposed remaining CSE units will be changed to 87 x Shared Ownership units and would be available to households with incomes up to £72,850 (for the Studio Units) and £77,350 (for the one and two bed units) indexed.
- 5.15 An overage payment (to LBHF) in the form of an Affordable Housing Commuted Sum is proposed and this would be secured if the capital value of the revised Intermediate Rent/Shared Ownership is above the value of the former Council Shared Equity provisions, at the time of practical completion. The Commuted Sum would be derived from 50% of the uplift in value which will be calculated and payable at the date of practical completion, estimated to be in June 2022. All other terms are in line with the current S106 Agreement.
- 5.16 The proposed amendment to the affordable housing provisions put forward by the Developer post December 2020 PADCC, seeks to change the tenure of up to 20 of the Shared Ownership studio apartments, following the completion of the marketing programme for these units (which would initially be marketed as Shared Ownership units). The Developer and Council Officers agree this would widen the scope of the affordable housing provisions and would enable flexible tenure change to mid-range income IMR units (without needing to vary the legal agreement). Officers consider the proposed change would result in potentially higher cost SO apartments (at incomes up to £72,850) being made available at an Intermediate Rent to households with an annual income of up to £44,805. This is considered to be acceptable and would preserve and/or reduce the affordability of the apartments in perpetuity. The provisions would also allow the units to be occupied which may otherwise have remained unoccupied/vacant/unsold if they could not be sold to SO occupants whom may consider the mortgage and rental costs prohibitive bearing in mind these are smaller studio units. If up to 20 units were used as IMR units there would be a greater proportion of IMR units – but given the resulting affordability levels would be lower than if they were SO, officers raise no concern about this change.
- 5.17 The other proposed amendment to the SO income thresholds to increase the maximum cap to £77,350 for the one and two bed apartments is considered by Housing Officers to be acceptable as a relatively small increase whilst remaining well under the GLA's maximum income cap of £90,000.
- 5.18 The proposed tenure changes only relates to the intermediate dwellings and does not affect the other social, affordable or London Living rented homes or the

Extra Care units. As such, the proposals are not substantially different from the approved development which provides affordable homes across all of the tenures in order to provide a balanced and mixed community. Officers consider the form of revised intermediate tenure would ensure satisfactory levels of affordability which is within the spirit of the approved intermediate units. The Shared Ownership provisions and affordability level is to be set below the maximum cap set out in the London Plan (£90K) and is agreed with the Council's Housing Team. The additional changes proposed post December 2020 to the Shared Ownership Provisions (to allow up to 20 x studios to be used as IMR units) and the increase to the income cap for the SO 1 and 2 bed units are considered to be acceptable and would enable mixed range of affordable housing tenures and types within the development.

- 5.19 The applicant has engaged with LBHF Housing Officers who raise no objections and the change to the form of intermediate tenure and affordability levels are considered to be acceptable in principle, subject to the appropriate wording being secured in the S106 Agreement. The proposals would ensure the development provides a significant number of genuinely affordable homes at income levels which are compatible with local needs and which are secured in perpetuity.

## **6.0 RECOMMENDATION**

- 6.1 It is recommended that the Committee approves the proposed variation to the Section 106 agreement to allow the following changes to Schedule 5 of the Agreement (Affordable Housing Intermediate Tenure types) in addition to any minor changes to the s106 agreement.