

ALFOLD PARISH COUNCIL

1st August 2023

Ms. Kate Edwards
Case Officer - Planning
Waverley Borough Council
The Burys
Godalming
GU4

Dear Ms. Edwards,

RE: S52/2023/01486 HOLLYOAK AND LAND TO REAR COORDS 503762 135006 LOXWOOD ROAD ALFOLD. Request to modify a Section 106 legal agreement (WA/2020/1684) for removal of reference to shared ownership units; amendments to mortgagee exclusion clause; removal of definition of bus service contribution; management company amendments.

I am writing with regards to the above application. Alfold Parish Council has the following comments to make on the application on the signed and sealed s106 agreement dated 22nd December 2021:

Removal of reference to Shared Ownership Units in definition of “Nominations Agreement”

Alfold Parish Councillors note that the applicant is seeking to remove the restrictions on the sites affordable housing, which would then give rise to Waverley Borough Council being able to determine the residency of the affordable rented units only. All occupation of the shared ownership units would be open to people outside Alfold on a first-come-first-served basis, rather than awarding priority to those who have connections to the village through family, work, historic links, etc.

It is Alfold Parish Council’s understanding that this is to ensure that funding is secured from the Homes England Capital Funding Program, which is secured on the Shared Ownership properties only.

Within its eligibility criteria, this program sets requirements on the maximum household income of £80,000 for the applicants in order to be qualify to live in the property, which in itself lends to issues in an area which has a huge infrastructure deficit on even the most basic of services.

Alfold Parish Council objects to the amendment of the definition of “Nominations Agreement” as we believe that this would be detrimental to the residents of Alfold not least because they are not prioritised in terms of their links to the area. We feel that changing the definition of the “Nominations Agreement” only serves to benefit the developer, to the detriment of Alfold residents.

Amendments to the Mortgage Exclusion Clause

Alfold Parish Council believes that this clause requires the mortgagee to write to Waverley Borough Council or housing provider to register their intention to dispose of the affordable housing unit and make reasonable endeavours to dispose of the unit of a value of not less than what is owed on the house. This is required to take place within 3 months of the notice, rather than 20 working days in the original s106 agreement dated 22nd December 2021.

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2 Farm Cottages, Combe Court Farm, Prestwick Lane, Chiddingfold GU8 4XW
Tel: 01428 683 903 Email: clerk@alfoldparishcouncil.gov.uk

After the expiry of the 3 months, the mortgagee is able to dispose of the property on the open market. This clause is to ensure that reasonable time has been given to both Waverley and the housing provider to ensure that the house remains within the scope of affordable housing units before being allowed to go to open market.

If our understanding of this clause is correct, Alfold Parish Council has no objections to the replacement of the wording detailed in the letter from Foot Anstey date 29th June 2023.

Removal of definition of Bus Service Conditions

Alfold Parish Council understands that the contributions totalling £400,000 for the bus service in Alfold will remain; this is a removal of the redundant definition “Bus service contribution” and replacing it with “Demand Responsive Transport Service”.

If our understanding is correct, we have no objection to this alteration.

Management Company amendments

Alfold Parish Council understands that a Management Company would be necessary to maintain the site. We would request that any services charges levied be mindful of the fact that there are lower income families on site. As such, Alfold Parish Council have no objection to the amendments to Sections 5.1, 5.2 and 5.3 of Part 2, Schedule 1.

Housing Mix & CIL Contributions

We have seen no variation to the housing numbers and mix that were fixed and agreed in the signed s106 Agreement dated 22nd December 2021, either having been applied for by the applicant or agreed by Waverley BC. So our understanding is that the mix remains as 30 Affordable units and 69 market units. This is contrary to unconfirmed reports we have received that the applicant is seeking to change the mix to 100% affordable units. Therefore, if any variation to the agreed mix has been made or is in hand, we need to know as a matter of urgency. We note that Waverley BC's Constitution (Item 02, page 109, v7.4 July 2023) does not allow such a change to be made by delegated authority by Officers.

Further, we seek confirmation that, in line with Waverley Borough Council's CIL Charging Schedule, all units (including affordable housing units) are liable to pay CIL. We request clarification on:

- a) whether a CIL Liability Notice has been served on the applicant and to see a copy of the Notice, and
- b) whether any application for CIL relief (in respect of social housing) has been submitted by the applicant or agreed by Waverley, and if so, to see a copy.

Alfold Parish Council needs urgent clarification on all the above points from Waverley BC, since if any of our assumptions are incorrect, our responses in this letter to the current application (S52/2023/01486) may have to be modified.

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If there are any proposals to make material changes to the s106 Agreement as is, dated 22nd December 2021, including the housing mix, it would need to be redrafted to reflect such changes, and in that event the Parish Council would request that we are involved in any such negotiations going forward, where previously we have not been consulted.

Yours sincerely

Julie Flenley
Clerk to Alfold Parish Council

cc. Claire Upton-Brown – Head of Place, Waverley Borough Council

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