

COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED)

Mandatory Social Housing Relief (SHR)

Planning application number:	20/02203/VOC
Site Address:	Tesco Stores 275 Kennington Lane and 145-149 Vauxhall Street London SE11
Description of development:	Redevelopment of the site to provide a mixed-use development comprising the erection of 3 new buildings (Plot A,B,C) ranging from 4-17 storeys to provide residential (Class C3), a replacement Tesco store (Class A1), office (Class B1) and flexible commercial floorspace (Classes A1, A2, A3 or B1).
Claimant:	Berkeley Homes (Central London) Ltd
Claim:	£2,163,089.53

Introduction

A claim for mandatory Social Housing Relief has been made prior to commencement of the above development.

Lambeth Planning must review the information submitted with the claim and confirm what, if any, relief will be granted.

This assessment of the Claim will outline the reasons for Lambeth's decision.

Information submitted

Completed Form 2 assumption of liability

Completed Form 10 Claim for exemption or relief

Floor Plans identifying location of affordable dwellings and communal area for the residents of affordable dwellings in chargeable development.

Extract of affordable housing covenant in S106 agreement

Other supporting evidence (please specify below):

Officer Assessment

This chargeable development comprises one or more qualifying dwellings that satisfies one or more of the following conditions set out under Regulation 49:

Condition 2 Regulation 49(4)

- (4) Condition 2 is that all of the following criteria are met-
- (a) the dwelling is occupied in accordance with shared ownership arrangements within the meaning of section 70(4) of the Housing and Regeneration Act 2008;
 - (b) the percentage of the value of the dwelling paid as a premium on the day on which a lease is granted under the shared ownership arrangement does not exceed 75 per cent of the market value (where the market value at any time is the price which the dwelling might reasonably be expected to fetch if sold at that time on the open market);
 - (c) on the day on which a lease is granted under the shared ownership arrangements, the annual rent payable is not more than three per cent of the value of the unsold interest; and
 - (d) in any given year the annual rent payable does not increase by more than the percentage increase in the retail prices index for the year to September immediately preceding the anniversary of the day on which the lease was granted plus 0.5 per cent.

Condition 3 Regulation 49(5)(a) and (b)

- (5) Condition 3 is that, in England-
- (a) the dwelling is let by a private registered provider of social housing on one of the following-
 - (i) an assured tenancy (including an assured shorthold tenancy);
 - (ii) an assured agricultural occupancy;
 - (iii) an arrangement that would be an assured tenancy or an assured agricultural occupancy but for paragraph 12(1)(h) or 12ZA of Schedule 1 to the Housing Act 1988;
 - (iv) a demoted tenancy; and
 - (b) one of the criteria described in paragraph (6) is met.
- (6) The criteria are-
- (a) the rent is-
 - (i) subject to the national rent regime, and
 - (ii) regulated under a standard controlling rents set by the Regulator of Social Housing under section 194 of the Housing and Regeneration Act 2008;
 - (b) the rent is-
 - (i) not subject to the national rent regime;
 - (ii) not regulated under a standard controlling rents set by the Regulator of Social Housing under section 194 of the Housing and Regeneration Act 2008; and
 - (iii) no more than 80 per cent of market rent;
 - (c) the rent is-
 - (i) not subject to the national rent regime; and
 - (ii) regulated under a standard controlling rents set by the Regulator of Social Housing under section 194 of the Housing and Regeneration Act 2008 which requires the initial rent to be no more than 80 per cent of the market rent of the property (including service charges).

Condition 5 Regulation 49(7A)(a)

(7A) Condition 5 is that-

- (a) the dwelling is let by a person who is not a local housing authority, a private registered provider of social housing or a registered social landlord (within the meaning of Part 1 of the Housing Act 1996) on one of the following-
 - (i) an assured tenancy (including an assured shorthold tenancy);
 - (ii) an assured agricultural occupancy;
 - (iii) an arrangement that would be an assured tenancy or an assured agricultural occupancy but for paragraph 12(1)(h) of Schedule 1 to the Housing Act 19886 ; and
- (b) the following criteria are both met-
 - (i) the dwelling is let to a person whose needs are not adequately served by the commercial housing market; and
 - (ii) the rent is no more than 80 per cent of market rent (including service charges); and
- (c) a planning obligation under section 106 TCPA 1990 designed to ensure compliance with both criteria at sub-paragraph (b) has been entered into in respect of the planning permission which permits the chargeable development.

Condition 6 Regulation 49(7B)

7(B) Condition 6 is that, in England, the following criteria are met –

- (a) The first sale of the dwelling is for no more than 70 per cent of its market value
(where the market value at any time is the price which the dwelling might reasonably be expected to fetch if sold at that time on the open market); and
- (b) a planning obligation has been entered into prior to the first sale of the dwelling designed to ensure that any subsequent sale of the dwelling is for no more than 70 per cent of its market value.

Calculations

GIA of relevant residential development, including the qualifying affordable dwellings	17,949.70sqm
GIA of qualifying affordable dwellings	6,773.00sqm
GIA of communal area for the benefit of residents of qualifying affordable dwellings	3,530.51sqm
GIA of qualifying communal development (X x A/B) as per Regulation 49C	1,658.36sqm
GIA of qualifying affordable dwellings and qualifying communal development	8,431.36sqm
Social Housing Relief in respect of Mayoral CIL	£432,721.37
Social Housing Relief in respect of Lambeth CIL	£1,730,368.16
Total Social Housing Relief	£2,163,089.53

Scheme of Delegation

Under the scheme of delegation set out in Lambeth's constitution, a delegated decision may be authorised as follows:

Part V Scheme of Delegation

Section C(a)(3.5)

- 3.5 The following table sets out the powers delegated to officers in relation to the award of contracts and variations (including extensions).

Value of contract, variation, extension or grant	Authorising Officers
More than £100,000 up to and including £500,000	Director or Strategic Director.
Up to and including £100,000	Head of Service or Assistant Director.

Section C(b)(6.1)(a)

6. Strategic Director of Sustainable Growth and Opportunity

- 6.1 The following delegated powers are subject to the Strategic Director Sustainable Growth and Opportunity vesting, in addition to those powers delegated by the Council to the officers specified in this Scheme of Delegation, similar delegated authority to other appropriate officers. Any delegation of powers made by the Strategic Sustainable Growth and Opportunity in addition to those specified in this Scheme of Delegation, must be made in writing:
- a. the Strategic Director of Sustainable Growth and Opportunity is authorised to act on behalf of the Council on all matters relating to the delivery of the following functions: communities, business growth, employment, planning, regeneration and enterprise which include but are not limited to all functions under the provisions of regeneration, economic development, investment strategy, town planning and development control, community infrastructure levy, management of corporate property, building control, education estates and capital planning and Homes for Lambeth;

Officer Recommendation

The Authorised Delegated Officer is recommended to **GRANT** this claim for Social Housing Relief.

Recommended by:

Name: Neela Ajithkumar

Signature: *neelajithkumar*

Date: 02 September 2021

Reviewed by:

Name: Benny Clutario

Signature: *Benny Clutario*

Date: 02/09/2021