

Decision under Delegated Powers

Officer Requesting Decision

Principal Planning Officer - Planning and Regeneration Services

Officer Making the Decision

Head of Strategic Support

Recommendation

That a Deed of Variation be agreed to the Principal S106 Agreement dated 26th February 2021 in relation to planning permission reference P/19/1543/2.

Reason

The Deed of Variation seeks to vary an existing S106 Agreement in relation to:

- Securing a £475,000.00 contribution towards off-site affordable housing provision in lieu of providing on-site affordable housing following the grant of the planning permission for planning application P/19/1543/2.

Authority for Decision

A variation of a S106 Agreement can be made under the delegated authority of the Head of Strategic Support.

Decision and Date

Background

Full planning permission was granted for the erection of 15 dwellings (ref. P/19/1543/2) at Long Meadow Way, Birstall on 26th February 2021. This was subject to a S106 Agreement dated 17th August 2018 relating to contributions towards infrastructure contributions including on-site affordable housing provision.

The Local Planning Authority is currently considering the following planning application for the site:

P/21/2007/2 - Erection of 15 dwellings. Variation of condition 2 of planning permission P/19/1543/2 (substitution of housetypes).

Planning application P/21/2007/2 seeks to vary the approved plans for the development to allow for the previously approved on-site affordable housing to be substituted for open market dwellings. A £475,000.00 contribution towards off-site affordable housing provision is proposed instead to meet the need for affordable housing generated by the development. This is because the housing developer has been unable to secure a registered social housing provider for the on-site affordable dwellings. The contribution will be paid directly to the Borough Council to contribute to affordable housing provision in the locality of the development. The Borough Council will have 10 years upon receipt of the contribution to spend the contribution before being liable to repay any unspent monies.

The Head of Strategic and Private Housing has been consulted and is satisfied with the proposal. The financial contribution has been assessed as being in compliance with the CIL Regulations.

The grant of planning permission P/21/2007/2 would replace the full planning permission granted previously under P/19/1543/2, and become the implemented consent for the development. A Deed of Variation to the S106 Agreement is therefore necessary to transfer the contributions contained in the principle agreement, along with the amended affordable housing contribution, to the new planning application P/21/2007/2.

Comments from HR

Not applicable.

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Applicant doesn't comply with the S106 Agreement	Very Low	Low	Very Low (1 - 2)	Routine monitoring of the S106 Agreement.

Key Decision: No

Background Papers:

- P/19/15432 – planning file and officer recommendation
- P/21/2007/2 – planning file and officer recommendation

