

## 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 6<sup>th</sup> November 2015 in relation to planning permission reference P/14/0242/2.

### Reason

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

- Securing a variation to the affordable housing mortgagee exemption clause (MEC) as set out in paragraph 10.1 of the principal agreement.

### 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

Outline planning permission was granted for '*site for residential development (1.61ha) and creation of an access*' (ref. P/14/0242/2) at Land off Lodge End, Loughborough Road, Woodthorpe on 9<sup>th</sup> November 2015. This was subject to a S106 Agreement dated 6<sup>th</sup> November 2015 relating to contributions towards numerous infrastructure contributions including on-site affordable housing provision.

The Local Planning Authority has received a formal written request on behalf of the developer to amend the wording of the affordable housing mortgagee exemption clause (MEC) in the principal agreement. This is because the existing wording of the clause does not reflect the National Housing Federation's standard wording, which is a requirement of Housing Associations. The Local Planning Authority has dealt with a number of similar requests for amendments to mortgagee exemption clauses in recent times.

The Head of Strategic and Private Housing has been consulted and is satisfied with the proposal.

The proposed deed of variation to the principal agreement would amend the wording of the mortgagee exemption clause (MEC) to meet the updated requirements of the Housing Associations. All other infrastructure contributions set out in the principal agreement would be unaffected and would remain secured.

### 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 and S106 Deed of Variation Agreement	Very Low (1)	Low (1)	Very Low (1)	Routine monitoring of the S106 Agreement.

Key Decision: No

Background Papers:

P/14/0242/2 – planning file and Plans Committee report