

Decision under Delegated Powers

Officer Requesting Decision (if necessary)

Andrew Thompson, Principal Planning Officer

Officer Making the Decision

Richard Bennett, Head of Planning & Regeneration Services

Recommendation

That a Deed of Variation is completed to the existing s106 Agreement for the development at Land North of Ling Road, Loughborough, Leicestershire

Reason

The s106 Agreement is being amended further to allow for:

1. A phased approach to the delivery of housing based on three phases of development;
2. Implementation of the cascade agreement in the existing S106; and
2. Linked to the above the delivery of the affordable housing balance over Phases 2 and 3 of the development.

Authority for Decision

As this application was received prior to the Council decision to amend the constitution on 27 February 2017 (minute 77.3 16/17 refers) the provision of the previous constitution apply.

Part 2a of the Council Constitution - Delegation to the Head of Planning and Regeneration

2. To agree non-material amendments and minor material amendments to planning permissions where no demonstrable harm would be caused to an interest of acknowledged importance.
21. To negotiate the heads of terms of section 106 agreements.

Decision and Date



Head of Planning and Regeneration
4 May 2017

Background

Outline Planning permission P/12/2641/2 for up to 200 dwellings was granted on the 23rd August 2013 subject to a s106 Legal Agreement. The proposed housing would be located on land to the East of Epinal Way and Terry Yardley Way (TYW), up to the boundary of the Great Central Railway.

The Reserved Matters submission was approved under reference P/14/1843/2 on 13 March 2015.

A Deed of Variation to vary the tenure mix was completed on 26 August 2016 in agreement with the Council's Housing Strategy Team under delegated powers. The existing S106 agreement for the development has a provision for the applicant (Morris Homes) to provide 30% of the total development as Affordable Housing, with the tenure split between rent and intermediate housing (shared ownership).

A s78 planning application was granted on 27th March 2017 under reference P/16/1582/2 to vary condition 1 of planning permission P/14/1843/2. This application amended the layout of open space and affordable housing to reflect the previous Deed of Variation relating to tenure mix which was completed on 26th August 2016.

Policy Considerations

Development Plan

Policy CS3 of the Charnwood Core Strategy 2011 to 2028 - Strategic Housing Needs - sets out affordable housing requirements and an appropriate mix of types, tenures and sizes of homes.

Housing SPD – Draft – 2017 – Due to be adopted by Cabinet on 11 May 2017

A six week consultation on a draft Housing SPD commenced on 16 January 2017. The SPD provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan in respect of Policy CS3: Strategic Housing Needs - for affordable housing and housing mix. The SPD has completed its consultation and is due to be adopted but is still open to challenge. The new SPD includes a flexible and negotiated position in terms of meeting housing needs and tenure mixes.

Consultations

Housing Strategy – Reviewed the proposed DoV and have made comments which are agreed by the applicant. Understand and agree that the affordable housing trigger is only being brought forward for a specific block of affordable housing in Phases and that whilst the triggers contained in the original S106 are still relevant for the remainder of the site, these will now be in relation to a Phase.

Considerations

The development is being implemented. Following discussions with Housing Strategy and Planning Officers it has become apparent that in order to complete the development and meet the trigger points within the S106 a phased approach to the approved development needs to be agreed.

A Phasing Plan (Drawing reference E981/P/AFPP01) has been prepared illustrating the proposed three phases to the development, broadly these are:

-) Phase 1 (outlined red) – southwestern portion of the development
-) Phase 2 (outlined blue) – northern portion of the development
-) Phase 3 (outlined green) – southeastern portion of the development

Phase 1 is under construction and is nearing completion.

The applicant has been carrying out best endeavours to secure a Registered Provider (RP) for the affordable housing in conjunction with Council Housing Officers. The applicant has been unable to secure an RP in relation to plots 124-138 (within Phase 2 of the development) due to the type and number of housing being delivered. As part of the existing cascade arrangements in the S106, plots 124 to 138 will be amended to a discounted sale offer but this agreement is being brought forward from the trigger point in the agreed S106.

The applicant will provide any units lost within the current planning approved layout for Phases 2 & 3 and this is tied into the Draft Deed of Variation.

The amendments and Deed of Variation will allow for the development to continue and be delivered and also to deliver an appropriate level of affordable housing.

Housing Strategy Officers are in agreement that this would be an appropriate approach to the delivery of affordable housing.

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Affordable Housing Delivery	1	2	Housing Strategy Officers and Planning Officers are engaged in the delivery of an appropriate mix of affordable housing and where these are best located.

Key Decision:

No

Background Papers:
Draft Deed of Variation
Phasing Plan (Drawing reference E981/P/AFPP01)