

## Decision under Delegated Powers

### Officer Requesting Decision

Principal Planning Officer, Development Management

### Officer Making the Decision

Head of Planning & Regeneration Services

### Recommendation

That a Deed of Variation is completed to the existing s106 Agreement for the development at Grange Park, Loughborough

### Reason

The s106 Agreement is being amended further to allow for corrections to the affordable housing clauses to the original and revised Deed of Variation to the previously completed to planning permission P/00/2078/2 and reserved matters approval P09/0234/2 as amended by planning permission P/16/1348/2 and P/16/2823/2.

The proposed amendment at clause 9 changes the Affordable Housing from 25 two bed and 25 three bed, to 22 two bed and 28 three bed. The units have already been provided on site, and this is a retrospective request to regularise the development.

### Authority for Decision

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

S.W. Stray

2<sup>nd</sup> March 2018

### Background

In 2002 planning permission was granted for a large, residential led development (now known as Grange Park) under planning permission P/00/2078/2. A s106 was completed at the time of the original outline planning

permisison. Over the past 15+years the development has been implemented and the proposals are now at Phase 5 of the development. Several reserved matters approvals have been approved with the reserved matters approval for Phase 5 being P09/0234/2.

Deeds of Variation to the s106 have been previously agreed to relate to the local centre and the timetable for the delivery of community facilities.

Due to changes in circumstances, marketing and housetype designs there have been a number of plot substitutions and alterations to the Reserved Matters.

In the case of this Phase drawing 8219/P022AJ was originally covered by P/09/0234/2 with plots 863-868, 891-894, 1001-1002 and 1008-1011 covered by a Variation of Condition approval P/16/1348/2 (drawing number 8219/P022AA) and plots 1012-1013 covered by a Variation of Condition approval under reference P/16/2823/2 (drawing number 8219/P022AG).

Approval under reference P/16/2823/2 also references layout under drawing number 8219/P022AA as part of the approved plans. The development has been constructed in accordance with drawing number 8219/P022AG.

The s106 and affordable housing offer does not appear to have been updated to reflect these changes. Whilst there is flexibility within the S106 to account for such changes the Register Provider wants to tie the S106 together to the approved housing mix for the avoidance of doubt.

Therefore the Register Provider and Developer are seeking to complete a further Deed of Variation to the original s106 to allow the transfer of the agreed affordable housing units (22 two bed and 28 three bed) to the Registered Provider. Tenants are awaiting the completion of this Deed to move into the properties.

### **Relevant Planning History**

P/00/2078/2 - Site for residential development with recreational open space, local centre, linear park and road link to proposed Epinal Way extension (48ha) – Granted 02/05/2002

P/02/1114/2 - Phase 1 of linear park with 6 car parking spaces, link road for future residential development, balancing pond, sports ground and landscaping. (Reserved matters - planning permission P/00/2078/2 refers) – Granted 29/08/2002

P/02/3188/2 - Phase 1 development - Erection of 109 dwellings and associated works. (Reserved matters - outline planning permission P/00/2078/2 refers) - Granted 23/05/2003

P/06/1894/2 - Erection of 57 houses and 14 flats, with associated works. (Phase 2 - Plots 215 to 286 - Reserved Matters P/00/2078/2) – Granted 26/10/2006

P/07/1524/2 - Erection of 102 dwellings (Plots 401-502) and associated works including internal spine road (Phase 4 reserved matters - outline planning permission P/00/2078/2) – Granted 14/10/2008

P/08/0269/2 - Erection of 16 dwellings (Substitution of house types for Plots 242-247, 303-305, 307-309 and 312-315 - P/06/1893/2 refers). Granted 15/04/2008

P/08/0808/2 - Erection of 10 dwellings (Substitution of house types on plots 319-323 and 336-340 with courtyard parking amendments - outline P/00/2078/2 refers) - Granted 15/05/2008

P/09/0233/2 - Local centre comprising flats over shops, place of worship, health centre, community hall and associated parking - Granted 19/06/2009

P/09/0234/2 - Residential development, recreational open space and linear park – Granted 19/06/2009

P/09/0868/2 - Erection of 133 dwellings and associated garages, parking courts, roads and sewers and landscaping. (Outline P/00/2078/2 refers) – Granted 12/10/2009

P/13/1362/2 - Variation of condition 1 to application P/07/1524/2 to revise house types - Granted 28/11/2013

P/14/2516/2 - Variation of Condition 1 of P/09/0234/2 to update site layout plan to enable substitution of house types on plots 848, 851, 854, 856, 857, 858, 859, 862 and amendments to garages and drives - Granted 25/02/2015

P/15/2496/2 - Variation of condition 1 of P/09/0234/2 to enable the substitution of house types on plots 934, 935, 936, 937, 938, 939, 941, 943, 944, 945, 946, 947, 952, 953, 954 and 955, and minor plot and garage amendments to plots 934, 936, 937, 938, 940, 942, 943, 947, 948, 949, 950, 951, 958, 959 - Granted 20/04/2016

P/16/1348/2 - Amendments to and substitution of house types and plot layouts on plots 863 - 1011, amendment to footpath in Central Open Space Area (Variation of condition 1 of planning application P/09/0234/2 refers) - Granted 13/09/2016

P/16/2823/2 - Variation of condition 01 of planning permission ref P/09/0234/2 including house type substitutions and amendments to plots. Granted 8 June 2017.

P/17/2344/2 - Proposals for new community hall and associated parking, landscaping and community garden as part of the Grange Park Local Centre

previously secured under planning permission P/00/2078/2 and reserved matters approval P09/0233/2. Granted 9 February 2018.

### **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.

Policy CS24 of the Charnwood Core Strategy 2011 to 2028 - Delivering Infrastructure – sets out that infrastructure should be delivered having regard to the economic viability and circumstances.

#### **Housing SPD (May 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 new SPD includes a flexible and negotiated position in terms of meeting housing needs and tenure mixes.

### **Consultations**

Housing Strategy – The revised affordable housing provision is agreed with Homes England and the Registered Provider (East Midlands Homes).

### **Considerations**

The development is being implemented and in the case of the affordable housing units, the transfer and provision of housing to those in housing need is awaiting the completion of this Deed of Variation. The proposal will regularise/tie the s106 to what already has permission.

The proposed mix and changes to the S106 Agreement would be in accordance with the aims and objectives of Policies CS3 and CS24 of the Core Strategy and the new Housing SPD and the provision of affordable housing would not be lessened by the development.

### **Financial Implications**

None

### **Risk Management**

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Affordable Housing Delivery	Unlikely	Minor	Housing Strategy Officers and Planning Officers are engaged in and have agreed the delivery of an appropriate mix of affordable

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
			housing and where these are best located.

Key Decision:

No

Background Papers:

Planning files: P/00/2078/2

Agreed Deed of Variation