

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 Legal Agreement (as amended) for the development at Cropston Road, Loughborough approved planning permission under reference P/14/0428/2

Reason

The s106 Legal Agreement is being amended further to allow for changes to be made to the affordable housing clauses to the original and revised Deed of Variation to the Legal Agreement completed in October 2017 to planning permission P/14/0428/2 to facilitate the transfer of land to the registered provider.

Authority for Decision

As this application was approved 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



Date 8 March 2018

Background

Relevant Planning History

The detailed history is set out in the officer's report to P/14/0428/2. The site has planning permission for up to 160 dwellings on which work has commenced. Reserved Matters approval has been granted under P/17/1898/2 with the conditions also discharged.

An application under P/17/2338/2 (relating to highway works and bus stop provision) is also being considered and this will also require a Deed of Variation. The Deed is being sought by the Registered Provider and is needed in advance of the variation under P/17/2338/2 due to the time pressures in transferring the affordable housing to Midland Heart Housing. This further Deed of Variation is being prepared in the context of this Deed.

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 (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 amended clauses are noted and agreed. The risk is extremely low as Homes England (formally the HCA) would intervene prior to any Registered Provider entering such financial difficulty.

Proposals

The proposals are to further amend the s106 Legal Agreement attached to planning permission P/14/0428/2 to reflect the requirements of the Registered Provider who will be taking over the affordable housing on the development.

Following discussions with Housing Strategy Officers, it is considered the proposals will facilitate the delivery of affordable housing on the development and make a contribution towards meeting housing needs. The amended clauses protect the future tenant in the event that the Registered Provider goes bankrupt. This is secured through amended definitions of the Mortgagee. The registered Provider, Midland Heart, are part of the Deed of Variation and a signatory to the S106 agreement.

The proposals for will help facilitate the delivery of dwellings and will therefore also support the Council's Housing Land Supply. The development is currently being implemented

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 housing and where these are best located.

Key Decision:

No

Background Papers:

Planning files: P/14/0428/2; P/17/1898/2

Agreed Deed of Variation