

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 Legal Agreement for the development at Strancliffe Hall, 96 Cotes Road, Barrow Upon Soar, Leicestershire, LE12 8JS (reference P/11/2540/2)

Reason

To:

1. Allow for additional affordable housing, highway, education and healthcare contributions to be secured to reflect new housing mix and requirements of the County Council and other partners; and
2. Tie in all relevant permissions and reserved matters approvals

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 and the matter may be determined using delegated authority of the Head of Planning and Regeneration. The previous provisions are:

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.

The planning application will be determined under delegated powers following the completion of the Deed of Variation.

Decision and Date



Date: 23 August 2016

Background

The scheme under development by Barwood Homes is located to the eastern side of Cotes Road. The site was granted planning permission in 2013 for residential development under reference P/11/2540/2 for 72 dwellings. An amended scheme was subsequently approved in 2014 on part of the site, under reference P/14/0750/2, which provides for a net increase of 11 dwellings on the wider site. This additional capacity was made possible by selecting smaller house types and increasing the density of the site.

A scheme was submitted under P/16/2583/2 to vary condition 2 of planning permission P/11/2540/2 to further modify the layout and house types approved on the site. These revisions if approved will provide for a further net increase of 11 dwellings taking the overall total for the site to 94 dwellings – an increase of 22 dwellings from that originally approved in 2013.

An offer of one further additional affordable dwelling for rent has been offered along with additional contributions as requested by County Council and other partners. These matters are required to be considered in a legal agreement in the form of a Deed of Variation to the original S106 legal agreement for P/11/2540/2. The application has been the subject to a viability assessment which has informed the level of additional contributions capable of being delivered.

The application has been considered against all matters and has been considered to be acceptable subject to completion of the S106 legal agreement.

Relevant Planning History

The application was first considered under planning permission reference P/11/2540/2, following a site visit, detailed consideration of the points raised by residents and consultees, and taking account of a number of factors (e.g. housing supply and planning policy for the area), the application was considered by the Plans Committee on 21 June 2012. A decision to grant planning permission was formally issued on 3 March 2013 following completion of a legal agreement to secure matters such as affordable housing.

planning permission under reference P/14/0750/2 was considered at Plans Committee on 11th September 2014 and subsequently approved on 21

November 2014. Submissions made to discharge planning conditions under than permission were considered under references P/15/1158/2 and P/15/1398/2.

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 additional unit is noted and agreed

County Council – The contributions sought as part of the consultation to the planning application are included in the Deed of Variation.

Considerations

The development has been implemented.

Following discussions with Housing Strategy Officers the proposals will facilitate the delivery of affordable housing on the development and make a contribution towards meeting housing needs.

The inclusion of all the planning permissions within a single Deed of Variation will also aid the transparency and single point of reference for previous decisions relating to the site.

The proposed Deed of Variation would also include the provision of one additional affordable housing unit and uplift County Council contributions secured under P/16/2583/2.

The proposed mix and changes to the S106 s would be in accordance with the aims and objectives of Policies CS3 and CS24 of the Core Strategy and the new Housing SPD.

Financial Implications

Whilst there would be changes to the S106 Agreement there would be no financial implications to Charnwood Borough Council as a result of these changes.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Affordable Housing Delivery	1	1	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/11/2540/2, P/14/0750/2 and P/16/2583/2

Site Plan

Draft Delegated Report

Draft Deed of Variation – with initial comments