

Decision under Delegated Powers

Officer Requesting Decision

Principal Planning Officer

Officer Making the Decision

Head of Planning & Regeneration Services

Recommendation

-) To vary the S106 Agreement in respect of Outline planning application P/11/2150/2 (Linkfield Farm, Mountsorrel) to reflect the reduction in the total amount of units provided from 45 to 42 homes on site through the reserved matters application (P/16/1344/2) which in turn has reduced the amount of affordable housing from 14 to 13 units. Therefore the previous S106 does not cover the correct quantum of Affordable housing. Other amendments to draft errors have also been made.
-) To vary the S106 Agreement in respect of Outline planning application P/11/2150/2 to remove the owners of the land sold for the development of the Care Home (under planning application P/16/0836/2). The landowners would no longer be bound by the obligations in the previous S106 at CI 13.2

Reason

To ensure that the S106 reflects what is being delivered on site.

Authority for Decision

Under section 8.2 of the Council Constitution – the Head of Planning and Regeneration has delegated authority 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.

Decision and Date



26 September 2017

Background

Outline Planning permission was granted for the erection of up to 45 dwellings under reference P/11/2150/2. The outline planning permission required the provision of 30% affordable housing units. As permission was sought for “up to 45 dwellings”, 30% of 45 would be 14 dwellings.

As such the S106 Agreement attached to the Outline permission described, amongst other things, the Affordable housing as “*10 dwellings to be constructed Social Rented Dwellings and the 4 Dwellings to be constructed as intermediate affordable dwellings as part of the development...*”

When the Reserved Matters scheme was submitted, under reference P/16/1344/2, 42 dwellings were proposed, a reduction of 3 dwellings from the original outline. The Reserved Matters required just 13 affordable dwellings (42 x 30% = 12.6). 9 dwellings would be constructed as social rented and 4 dwelling would be constructed as Intermediate Affordable dwellings

Clause 3.1.3.2 of the Section 106 Agreement requires us to “*construct or procure the construction of the Affordable Housing Dwellings in accordance with the Affordable Housing Scheme **or any variation thereto approved in writing by the Borough Council***”.

The Reserved Matters application made reference to the affordable housing plots (13 of them) being plots 14-26.

The reduction in the amount of the affordable homes provided in the reserved matters application falls outside of the original S106 which as the triggered the requirement to vary it.

A separate full application was also submitted (P/16/0836/2) for a 66 bed residential care home. This falls within the land covered by the the outline application. It has been requested to removed the land owners of the care home from the obligation within the S106.

Given that the care home Planning Permission has already been granted (and implemented), and no further Reserved Matters applications can be submitted for the Outline Planning Permission as the time limit has expired it is appropriate to release LNT Care Developments and their land from its obligations under the original s106 Agreement.

Financial Implications

There are no financial implications for the council.

Risk Management

No specific risks have been identified.

Key Decision:

No

Background Papers:
DoV Mountsorrel – Draft Dated 24/05/17