

Decision under Delegated Powers

Officer Requesting Decision

Group Leader Development Management

Officer Making the Decision

Richard Bennett, Head of Planning & Regeneration Services

Recommendation

That a Deed of Variation and supplemental agreement 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. The replan of Phase 3 area to provide a mix of smaller more affordable dwellings which has generated an additional 23 dwellings (223 in total across the development and 53 on Phase 3). The original planning permission granted 30 in this location.
2. The inclusion of an additional 7 affordable dwellings in Phase 3 (to be provided as social rent or affordable rent or intermediate tenure), in order to maintain the overall 30% provision across the entire development. These 7 affordable dwellings have been integrated into the re-design along with the 26 No. affordable dwellings already moved into and approved in the Phase 3 development (approved as part of planning permission reference P/17/0960/2).
3. The affordable rented housing units to be provided as affordable rent subject to no Registered Provider being willing to take a transfer of the units as Social Rent

Authority for Decision

As the substantive planning application for residential development that the S106 agreement forms a part was received prior to the Council decision to amend the constitution on 27 February 2018 (minute 77.316/17 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



16 July 2018

Head of Planning and Regeneration

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.

In 2017 the applicant was unable to secure an Registered Provider 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 was amended to a discounted sale offer and this agreement was brought forward from the trigger point in the agreed S106 agreement. The applicant agreed to provide any units lost within the current planning approved layout for Phases 2 & 3 and to tie this into the 2017 Deed of Variation which was signed off as part of approval 17/0960/2 on 24th August 2017.

The original S106 Agreement dated 23rd August 2013 provides for the affordable housing as Social Rent and Intermediate Housing Units. With the introduction of the Affordable Rent model (80% of Local Rents including service charges) many Registered Providers no longer offer to purchase

Social Rent units. Amending the S106 Agreement so that the applicant can provide for social rent and or affordable rent will facilitate the applicant securing a Registered Provider and is in line with more recent S106 Agreements

The amendments and Deed of Variation allowed for the development to continue and be delivered, including an appropriate level of affordable housing.

The current application and deed fo variation/supplemental agreement will confirm the appropriate number, location and tenure to be provided in Phase 3 of the development, including the additional 7 units required as part of the increase in numbers of dweelings on the overall site to 223 from 200.

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 –Adopted

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 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 in liason with legal.

Considerations

The development is being implemented.

The current application and deed fo variation/supplemental agreement will confirm the appropriate number, location and tenure of affordable housing to be provided in Phase 3 of the development, including the additional 7 units required as part of the increase in numbers of dwellings on the overall site to 223 from 200.

The amendments and Deed of Variation will allow for the development to continue and be delivered and also to deliver an appropriate and additional level of affordable housing within the overall development as well as appreciating a better mix of housing across phase 3, which only previously contained 4 and 5 bedroom houses for which there was little demand.

The Housing Strategy Manager 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 and Supplemental Agreement

Additional Affordable Housing Plan (Drawing reference M014/P/AAF/01)