

## Decision under Delegated Powers

### Officer Requesting Decision

Principal Planning Officer

### 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 Tickow Lane, Shepshed (application P/13/1826/2 refers)

### Reason

To amend the s106 Agreement to allow for:

1. Amendments to the S106 to reduce the level of affordable housing from 30% to 25%
2. Contribution of £293,134.40 towards improvements to junction 23 of the M1 Motorway

The contribution to highway works will allow for the removal of Condition 7 of Planning Permission reference P/13/1826/2 and a fresh permission to be issued.

### Authority for Decision

The request was made under application ref P/17/0424/2 and considered by Plans Committee on 12 October 2017. The S106 has been completed in accordance with the resolution of the Plans Committee as set out in the Officers Report (minute 20 (4) 17/18 refers).

Part 2a of the Council Constitution - Delegation to the Head of Planning and Regeneration applies and therefore there is authority to agree:

- ) 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.
- ) To negotiate the heads of terms of section 106 agreements.

### Decision and Date



6 December 2017

## **Background**

The Section 106 Agreement to which this Deed of Variation relates was completed on 27 February 2017 under planning permission P/13/1826/2. This agreement comprised a residential development of up to 380 dwellings and secured 30% of the dwellings constructed on site to be affordable housing along with other contributions towards community infrastructure.

Following detailed assessment the reduced level of affordable housing was accepted at 25% due to the changes in the Development Plan policy.

The contribution to the wider enhancement of the M1 Motorway at Junction 23 was considered appropriate in light of the wider improvements to the M1 and the upgrades as part of the Smarter Motorway initiative being considered by Highways England.

The proposals for additional dwellings would also support the Council's Housing Land Supply.

## **Relevant Planning History**

This is set out in the planning history and the officer's report and extras paper but the site has planning permission for up to 380 dwellings on which work has commenced.

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

## **Consultations**

Housing Strategy Officer – The changes to the affordable housing provision are noted and agreed.

County Council – The County Council are Party to the Agreement and the agreement to deliver highway improvements as part of the wider scheme would lessen the disruption to the highway network.

### **Considerations**

The first phase of the development is being implemented.

The proposed 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.

### **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.
Highway Improvements	unlikely	minor	The wider scheme has obtained Government approval and is due to commence work in 2018.

Key Decision: No

Background Papers:

Planning files: P/17/0424/2 and P/13/1826/2

Officer Report and Extras Paper to 12 October 2017 Plans Committee

Draft Deed of Variation