

Outline planning permission for residential development of up to 78 units including provision of affordable housing, public open space and vehicular and pedestrian accesses was granted in September 2015 following the completion of an agreement under Section 106 securing various planning obligations (Ref. 15/00202/OUT). Reserved matters were subsequently approved for 73 dwellings on part of the site in August 2018 (Ref. 18/00315/REM) and full planning permission (18/00314/FUL) for 5 dwellings on the remainder of the site was granted in November 2018 following the entering into of a Deed of Variation of the original agreement (to ensure that its provisions were triggered should the 5 house development be commenced). The development has commenced on the main part of the site.

Earlier this year, the Registered Provider for this development, Sage Housing, sought some variations to the Section 106 agreement and the Council agreed to allow staircasing to 100% of the market value and to vary the wording of the Mortgagee Protection Clause. The Developer, Elan Homes now seeks to vary an obligation concerning the timing of the delivery of the affordable housing units.

RECOMMENDATION

That Elan Homes be advised that the Council as the Local Planning Authority is willing to agree to a variation to the Section 106 agreement to require the provision of 8 affordable units prior to occupation of 50% of the open market dwellings with the remaining 12 affordable units to be provided prior to occupation of 90% of the open market dwellings.

Key Issues

Currently the agreement states that *“no more than 50% of the Open Market Dwellings will be Occupied until all of the Affordable Housing has been constructed in accordance with the Consent and transferred to a Registered Social Landlord”*. It is requested that this is varied to require the provision of 8 affordable units (plots 20-24 & 28-30) prior to occupation of 50% of the open market dwellings with the remaining 12 affordable units (plots 48-51 & 62-69) to be provided prior to occupation of 90% of the open market dwellings.

The approved site layout incorporates four groups of affordable units – plots 20-24, 28-30, 48-51 and 62-69. The “Planning layout” drawing showing these plots (marked with an asterisk) is viewable as an associate document to application 18/00315/REM and this plan will also be displayed at the meeting. Plots 20-24 and 28-30 are located centrally within the site and would be accessed via the second spur from the main access road into the site. The build programme for this site involves implementing the site access first and then building out in phases moving south through the site. This means that plots 20-24 and 28-30 would logically be included in the earlier phases and would be delivered by occupation of 50% of the open market housing.

However, plots 48-51 and 62-69 are located at the southern end of the site of the site and would logically form part of the later phases of the development. According to Elan Homes’ agent this means that they cannot feasibly be delivered by “50% occupation”. Instead it is proposed that these would be delivered by 90% occupation of the open market dwellings.

Officers are satisfied that the revised delivery schedule does make logical sense in the context of where the affordable housing plots are located within the site, the position of the affordable housing plots having been approved as part of the reserved matters application. Given that provision of all of the affordable housing would still be required by “90% occupation” the risk of non-provision of all of affordable housing element as a result of the housing development coming to a halt is very small, given the financial incentive there would still be to complete the last 10% of the open market houses - a still significant number. Sage Housing have written a letter of support for the proposed change to the required affordable housing delivery schedule.

On this basis, it is recommended that the request to vary the agreement is agreed.

APPENDIX

Policies and Proposals in the Approved Development Plan relevant to this decision: -

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted CSS)

Policy CSP6: Affordable Housing

Policy CSP10: Planning Obligations

Other Material Considerations

National Planning Policy Framework (NPPF) (2019)

Planning Practice Guidance (PPG) (2014, as amended)

Supplementary Planning Documents/Guidance

Affordable housing SPD (2009)

Views of Consultees

None undertaken

The existing section 106 can be viewed as an associated document to permission 15/00202/OUT on <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/15/00202/OUT> and the approved layout can be viewed as an associated document to permission 18/00315/REM on <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00315/REM>

Date report prepared

13th March 2019