



Request to vary Section 106 Agreement in relation to Planning Permission 15/010109/OUT, Heckadeck Lane, Nether Broughton

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr J Orson
Date of consultation with Ward Member(s):	17 January 2022
Exempt Information:	No

1 Summary

- 1.1 The purpose of this report is to consider proposed amendments to the Section 106 agreement associated within this application that have been requested by the applicant.
- 1.2 Planning Permission was granted in 2017 for residential development (15/010109/OUT) with an associated s106 that included provision for affordable housing units as 40% of the total units (75% affordable rent and 25% shared ownership properties). This equates to 8 dwellings.
- 1.3 In January 2022 the Council was approached by the developers, Grace Homes (who have acquired the site from the original applicants) proposing a Deed of Variation to the s106 agreement. The proposal is as follows:
- Retain the figure of 8 referred to in the s106
 - A proposed mix of :
 - (i) 2 affordable rented dwellings and 6 intermediate dwellings (as opposed to the current agreement of 6 and 2 respectively),
- 1.4 In addition, the developers have offered £50,000 for off site highways improvement works. This is associated with a footpath link from the site towards the centre of the village that was requested by the Parish Council during the planning application but is not a requirement of the conditions imposed by the Highways Authority.

RECOMMENDATION(S)

1. It is recommended that:
 - (ii) the request for a Deed of Variation is agreed

2 Reason for Recommendations

2.1 The proposed tenure mix would result in delivery of affordable housing of a type for which there is local need and would facilitate funds for the footpath proposal which is desired at a local level.

2.2 Reason for Committee Determination

2.2.1 The deed of variation would impact on the composition of the provision of affordable housing, and determination by Committee has been suggested by the Director of Growth and Regeneration, in consultation with the Chair, under Chapter 2, Part 9 of the Constitution as a material consideration appropriate for consideration of the Committee.

2.3 Relevant Policies

2.3.1 Policy C4 of the Adopted Local Plan relates to affordable housing and requires 25% affordable housing in Nether Broughton, of various tenures. It should be noted that the s106 in this location was determined significantly before the Local Plan was adopted and the Neighbourhood Plan was made, and that the figure of 8 equates to 40%.

2.3.2 The adopted 'Affordable Housing and Housing Mix SPD' (July 2019) elaborates on the quantity, mix and tenure of affordable housing and also states that in rural areas occupancy conditions shall apply.

2.3.3 Neighbourhood Plan policies require;

- Policy H5: Affordable Housing Provision - Development proposals for new housing where there is a net gain of more than ten dwellings should provide at least 25% affordable housing, or other figure within the Local Plan.

2.4 Main Issues

2.4.1 The main issues associated with this proposal are considered to be whether the proposed (new) Tenure Mix is acceptable

3 Report Detail

3.1 Background

3.1.1 The planning application was considered at the meeting in November 2017 and was approved, subject to the completion of a S106 Agreement to provide affordable housing. Detailed within the S106 Agreement is a requirement for 40% Affordable Dwellings, specified as 75% discount market rent and 25% shared ownership ('intermediate'). The development is being built out as 20 dwellings hence the affordable housing provision is 8.

3.1.2 The agreement also sets out a local connections criteria for all types of affordable housing on a 'cascade' basis and there is no request to adjust these mechanisms

3.1.3 The Local Plan does not specify a required, or preferred, tenure mix but the Supplementary Planning Document advises that the Council's approach is to facilitate the negotiation of affordable housing and housing mix in order to:

- Ensure positive and flexible approach to facilitating sustainable

development;

- Maximise the quantum and quality of affordable housing delivered;
- Ensure residential developments create mixed and balanced communities
- Ensure reasonable returns for developers

3.1.4 The Housing Policy Officer is supportive of the proposal to amend to 6 shared ownership and 2 discount market rent properties, based upon the limited sustainability of the site for affordable rent. Nether Broughton is a 'rural settlement' in the Local Plan owing to its limited range of facilities and therefore less conducive for affordable rent. Delivery to date, and that currently under construction, has satisfied local needs which are predominantly derivative of Old Dalby and are located there (including Queensway) (see details in the Consultations section below). The revised mix of tenures would retain a mix catering for different needs and assist towards a mixed and balanced community, without undermining provision for locally derived needs. and shared ownership itself provides flexibility in respect of ownership through 'staircasing' opportunities.

3.2 **Other matters**

3.2.1 The proposed revisions also include funds for the construction of a footpath. A desire for this was expressed during consideration of the reserved matters application but it was not a 'reserved matter' in its own right but a condition under the outline planning permission with the scope already determined. The Highways Authority were not supportive of the need for an extended footpath and agreed to more localised works, but the developer is attuned to this aspiration and suggested funds of £50,000 to produce the desired outcome.

3.2.2 CIL Regulations require that any developer contribution is :

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

(NPPG ref ID: 23b-002-20190901)

3.2.3 The footpath would link the application site to the centre of the village to the east and provide for safe pedestrian passage on Heckadeck Lane, which, east of the site, becomes narrow and provides limited visibility of oncoming traffic due to tight bends. Heckadeck Lane is a well-used route from the A606 Nottingham Rd. to the Borough's northern villages such as Long Clawson, Harby and Hose and carries significant traffic. The footpath would provide connection to exiting provision further east on Heckadeck Lane allowing for continuous passage without having to make use of the road surface itself. Verges in this area provide space for a footpath. The footpath is therefore considered to be necessary in order to secure connectivity for residents of the houses with the focal points of the village and to address a road safety concern. It is directly associated with the development because it would connect the site itself with its wider surroundings in a safe manner and is considered to be fair within the context of the development of 20 dwellings.

4 **Consultation & Feedback**

4.1 The Ward Councillor has not provided written feedback on the proposal

5 **Financial Implications**

- 5.1 The financial implications arising from this request relate to the proposed receipt of funds for the footpath which will need to be ringfenced for that purpose only and awareness of its spend by date adhered to.

Financial Implications reviewed by: N/A

6 Legal and Governance Implications

- 6.1 Variation of S106 is required to be agreed by the successors to the original signatories (as owners) to the s106 and the Council also as signatory in its capacity as Local planning Authority.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

7 Background Papers

- 7.1 15/01019/OUT Committee Report
7.2 Sealed (Original) Section 106 Agreement

8 Appendices

- 8.1 A : Consultation responses

Officer Contact Details	Celia Bown ; Housing Policy Officer cbown@melton.gov.uk
Report Author:	J Worley , Assistant Director for Planning and Delivery
Chief Officer Sign Off:	01664 502359 JWorley@melton.gov.uk

Appendix A : Summary Consultation Responses

Housing Policy Officer:

Within the Parish, the majority of the affordable housing for rent needs will be in Old Dalby. The applicants view regarding the sustainability of shared ownership rather than rented in Nether Broughton is supported.

Therefore, the proposal made by the applicant is supported.

Background information:

Housing Needs Survey for the parish – undertaken in 2014:

6 were assessed as being in need of affordable housing for rent or shared ownership (5 were connected to Old Dalby, 1 to Nether Broughton):

1 x 3 bed house for rent

2 x 1 bed bungalow for rent

2 x 2 bed houses for shared ownership

1 x 3 bed house for shared ownership

MBC Housing Register at the time of the HNS found:

8 were assessed as being in need of affordable housing (8 were connected to Old Dalby, 0 to Nether Broughton):

4 x 1 Bed house – affordable rented

3 x 2 Bed house – affordable rented

1 x 4 Bed house – affordable rented

Total – 11 x affordable rented and 3 x shared ownership

Delivery:

'OLD1': Longcliffe Hill, Old Dalby

2 x affordable housing for rent dwellings (Nottingham Community Housing Association)

3 x Starter Homes

4 x Discounted Market Sale

Planning commitment:

Land West of Marquis Rd, Old Dalby (18/01436/REM) for 16 x affordable dwellings – permitted 30/7/2019. Currently under construction.