

PARISH South Normanton

APPLICATION Variation of S106
LOCATION Land to The Rear Of 1 To 35 Red Lane South Normanton
APPLICANT Michael Merriman -
APPLICATION NO. 16/00231/OTHER
CASE OFFICER Mr Chris Doy
DATE RECEIVED 25th May 2016

SITE

Approximately 1.59ha Greenfield site within the settlement framework which is to the south of Red Lane, west of Birchwood lane and to the north of the A38 slip road. Fields/paddock to the west. There is a mix of property types adjacent to the site although predominantly single storey dwellings on Red Lane and 2 storey dwellings on Birchwood Lane. The site has recently been used as horse paddock (no horses at time of site visit) and is crossed north-south by public footpath No 7 which has been unofficially blocked off for about 10 years at both ends of the site. The line of the path is marked by a hedgerow to one side and is a single width farm track with a farm gate to Red Lane and to the paddock. Existing trees and vegetation along the southern boundary to the A38 slip road which provides a visual screen. Ground levels drop to the south west of the site and whilst there is a significant embankment to the A38 road noise is still quite noticeable from this direction beyond the site.

Access to the site is proposed from where 35 Red Lane once stood (now demolished).

PROPOSAL

Outline planning permission and reserved matters consent have been issued for the site for 50 dwellings. There have been a number of extensions of time. The development is also subject to a S106 Agreement which incorporates the affordable housing waiver policy. The last version required the first 10% (5 houses) to be built by 10th July 2016. Reserved matters consent was only granted on 29th April 2016. There are a number of conditions to discharge and before a start can reasonably be made on the houses site preparation including road and drainage elements need to be built.

The applicant is therefore seeking an extension of time for the first 10% of houses to be delivered by 1 year. (They do not seek any extension of the 5 year 50% target period).

HISTORY (if relevant)

02/00639/OUT Outline application for residential development on land to the rear of 15-35 Red lane refused 20.3.03 being premature to the review of the local plan. Appeal dismissed 27.5.04

06/00789/OUTMAJ Residential development (including demolition of no. 35 Red Lane for access road) approved 13.06.07 subject to a S106 obligation re:-

- Informal Leisure £570 per dwelling (on or off site)

- Maintenance sum if public open space on site is to be transferred to the Council
- Formal Leisure £678 per dwelling (off site within the parish)
- Public art £692 per dwelling
- Education ref Glebe Junior £923 per dwelling requested
- 10% on site affordable housing or 5 units whichever is greater

10/00169/VARMAJ Residential development (extension of time period for start of previously approved scheme 06/00789/OUTMAJ) approved 14.07.10 with a unilateral undertaking under S106 of the Act. This confirmed that if the land is developed pursuant to the Second Permission (10/00169/VARMAJ) it shall be subject to the same planning obligations as if it had been developed pursuant to the First Permission (06/00789/OUTMAJ).

Outline planning permission granted 10th July 2013 (13/00162/VARMAJ) subject to conditions and revised S106 Unilateral Agreement on same terms as previously agreed.

14/00397/OTHER: application for Deed of Variation of S106 Agreement to take revise affordable housing provision to take advantage of Council's "delivery" policy. The Deed removes the obligation to provide 10% affordable housing and this requirement is replaced with an obligation to complete 10% of the market houses within 3 years of the date of the planning permission i.e. by 10th July 2016 and 50% to be completed by 10th July 2018. In the event of a failure to deliver the agreement would revert to the need to provide affordable housing in accordance with policy i.e. 10% of the un-built units on site. Approved

CONSULTATIONS

None

PUBLICITY

None

POLICY

Bolsover District Local Plan: Policy HOU6 (Affordable Housing)

Interim policy on Affordable Housing: The Council's interim policy on affordable housing allows the normal requirement for 10% provision on site to be set aside in return for meeting delivery targets for the approved market housing of 10% within 3 years and 50% within 5 years. This policy is due for review this year but is still in force at the moment.

National Planning Policy Framework

Approve development that complies with policy. Aim to have a 5 year supply of affordable housing. Viability can be a material consideration in terms of negotiations on S106 contributions to assist on delivery.

Para' 205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

ASSESSMENT

The modification to the Section 106 obligation is sought by agreement with the Council and is in line with the Council's interim policy on affordable housing designed to encourage the delivery of housing at a time when market conditions are still challenging.

This site has benefited from permission for a number of years (not implemented) but it has now progressed to approval of reserved matters, so delivery of development is now feasible. It is regrettable that the earlier agreement to these revised terms was insufficient to secure delivery of the site, and it could be argued that the incentive has not worked so why continue with it. If the applicant were to apply for a new planning permission on the site the interim policy would need to be considered and applied for consistency. The applicant has stated that the site is only just viable with that option in place, so reverting back to the 10% requirement would stall delivery and they have a development partner who is willing to move onto the site now that reserved matters are approved. Since the modification is in line with policy it is considered to be acceptable even without a viability case being made.

It is felt a one year extension is appropriate.

This should encourage delivery of the scheme, but if it does not, the position in respect of affordable housing and delivery on the site more generally can be reviewed toward the end of the extended period. At that point it is expected that this interim policy will have been reviewed and/or the replacement Local Plan has been published or progressed to a stage where more up to date policies will apply.

If the proposal increases the likelihood of further housing delivery this will contribute to the Council's 5 year deliverable supply in line with the NPPF.

Other Matters

Equalities: No impact

Access for Disabled: No impact

Human Rights: no impact

RECOMMENDATION: Agree to an extension of the time period for the delivery of 10% of the houses by 1 year (10th July 2017) all other terms of the S106 Agreement to remain the same.