

Committee: Planning

Agenda Item

Date: 15.October 2014

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Title: UTT/14/2891/FUL Application to Vary Section 106 Agreement dated 9 October 2013 related to UTT/12/5198/OP; Carnation Nurseries, Cambridge Road, NEWPORT

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Item for decision

Summary

1. Outline planning permission was approved under reference UTT/12/5198/OP for the Demolition of Existing Buildings, Residential Development for up to 23 Dwellings and Estate Road on 9 October 2013.
2. Planning permission was approved subject to Section 106 Obligation securing the following.
 - Provision of 40% Affordable Housing; to be positioned on the land in two separate groups will not be contiguous and each group will not comprise more than four affordable housing units
 - Financial Contributions to Early Years; Primary and Secondary Education
 - Improvements to the two nearest bus stops in Cambridge Road, Newport.
3. The developers have approached the Local Planning Authority to make two variations to the Section 106 Obligation namely:
 - To provide the option to offer gifted units to the Local Planning Authority in lieu of 40% affordable housing provision. It should be clarified that the amount of gifted units would be less than the amount of 40% (9 units) provision traditionally provided.
 - To allow all of the affordable units to be provided in a single cluster.

Recommendations

It is recommended that the proposed variation be accepted and the Council's Legal Team to be instructed to complete an appropriate Draft of Variation to cover these changes.

Financial Implications

None. There are no costs associated with the recommendation.

Impact

Communication/Consultation	
Community Safety	
Equalities	
Health and Safety	
Human Rights/Legal Implications	None
Sustainability	
Ward-specific impacts	
Workforce/Workplace	

Situation

1. To two variations sought to the extant Section 106 Obligation are:
 - To provide the option to offer gifted units to the Local Planning Authority in lieu of 40% affordable housing provision. It should be clarified that the amount of gifted units would be less than the amount of 40% (9 units) provision traditionally provided.
 - To allow all of the affordable units to be provided in a single cluster.
2. Option For Gifted Units
 - 2.1. For clarification it should be highlighted that this variation only allows the option for the delivery of gifted units and does not commit the Council or the developer in any way for this option. All it allows for is that prior to first occupation the developer can offer the option of gifted units. Within a given period the Council must respond whether it wishes to receive gifted units and if so how many. If the Council opts not accept gifted units then the development defaults to the traditional provision of 40% affordable housing. The ultimate choice of provision remains with Uttlesford District Council.
3. Allowance for a Single Cluster of affordable housing.
 - 3.1 Due to the initial preference of the landowner the Section 106 restricted clustering to no more than four in any one cluster. The move to a single cluster of nine is wholly appropriate and fully compliant with Council's Housing Strategy of no more than ten in a cluster.

Conclusion

It is considered that proposed variations would still result in the appropriate delivery of affordable housing in line with Council's Housing Strategy and appropriate Planning Policies.