
REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	2nd JUNE 2015	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	TONY BURDETT 01283 595746 Tony.Burdett@south-derbys.gov.uk	DOC:
SUBJECT:	DEED OF VARIATION TO SECTION 106 AGREEMENT TO PROVIDE 30% AFFORDABLE HOUSING IN RESPECT OF PLANNING PERMISSION FOR 1058 HOUSES ON LAND AT BOULTON MOOR ELVASTON	REF: 9/2010/1134/RM
WARD AFFECTED:	ASTON	TERMS OF REFERENCE: P01

1.0 Recommendations

1.1 That the Committee authorises a Deed of Variation to the Section 106 Agreement attached to planning permission ref: 9/2010/1134/RM to reduce the amount of affordable housing to be provided across the site from 40% to 30%; with 75% of the Affordable Housing Units to be provided as Social Rented Dwellings or Affordable Rented Dwellings and 25% of the Affordable Housing Units to be provided as Intermediate Dwellings or such other mix of tenures as may be agreed with the District Council.

2.0 Purpose of Report

2.1 To review the amount and composition of affordable housing to be provided at Boulton Moor, Elvaston, pursuant to planning permission 9/2010/1134/RM.

3.0 Detail

3.1 The existing Section 106 Agreement was made in late 2008 following a lengthy conjoined planning inquiry. Planning permission for the subject site (up to 1058 houses and associated infrastructure), and two others, was subsequently granted by the Secretary of State in early 2009.

3.2 The applicant has stated that a viability assessment indicates the development would support 20% affordable housing (50% social rent, 50% shared ownership). This assessment is not necessarily accepted and has not been agreed by officers. The applicant now proposes 30% affordable housing provision, this figure being in

accordance with the published Strategic Housing Market Assessment (SHMA) Final Report dated July 2013.

- 3.3 The Strategic Housing Manager affirms that the proposal accords with the SHMA and would therefore contribute towards meeting the identified housing needs for the district. This amount of affordable housing is also consistent with Policy H20 of the emerging local plan which seeks up to 30% affordable housing provision on sites of 15 dwellings or more. In the light of these considerations the amount and mix of affordable housing secured in the original Section 106 Agreement is no longer consistent with the current evidence base for housing need. The proposed variation is thus better placed to provide the size, tenure and range of housing that is required in the area, in accordance with Paragraph 50 of the National Planning Policy Framework.
- 3.4 Proportionate publicity has been undertaken by way of direct notification to the parish council and advertisement by notice posted at the site.

4.0 Financial Implications

- 4.1 The legal costs for producing the Deed of Variation would be met by the developer. There are thus no financial implications for the Council.

5.0 Corporate Implications

- 5.1 The proposal would contribute to the long term delivery of housing provision (Objective S01 of the Corporate Action Plan 2013/14) to address community requirements, based on current evidence.
- 5.2 Legal implications – none.

6.0 Background Papers

- 6.1 Planning application file 9/2010/1134.