

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 6th June 2012

Report of: Development Management and Building Control Manager

Title: Proposed Deed of Variation to the Section 106 Agreement to allow for a reduction in the number of affordable units at Marsh Farm, Newcastle Road, Congleton (09/4240C).

1.0 Purpose of Report

- 1.1 To consider a proposed Deed of Variation to the Section 106 Agreement agreed to by Southern Planning Committee in respect of application 09/4240C.
- 1.2 The report is presented to Southern Planning Committee because the original application for a residential development of 52 houses was approved by the Committee on 21st July 2010.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the residential development has already been established by the previous resolution and this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

3.0 Background

- 3.1 The application relates to a 1.66ha site which was farmland and a farmhouse but now contains the 52 dwellings approved on 21st July 2010.
- 3.2 To the northeast of the site is Astbury Mere Country Park; to the south is a care home, to the north a church and to the west residential properties and a garage.
- 3.3 The site is designated as being within the settlement zone line of Congleton, in the adopted local plan..

4.0 Previous Planning Permission

- 4.1 Members may recall that in July 2010, Southern Planning Committee resolved to grant full planning permission for a residential development of 52 units on Marsh Farm, Congleton.
- 4.2 The resolution to approve on 21st July 2010 was subject to the completion of a Section 106 Agreement making a number of provisions including, the provision of 15 affordable homes comprising 5 two bedroom and 3 three bedroom homes for social rent and 7 three bedroom homes for open market discount (30%) sale.
- 4.3 The developer is seeking to amend this to reduce the number to 14 by allowing 2 of the open market discount (30%) to be changed to shared equity, 1 to be changed to social rent and one to be released for the open market. The changes also include the option for open market sale of the 2 shared equity units, with 30% of the sales proceeds being paid back to the Council upon sales completion, as a commuted sum payment. This coming into being if a buyer has not exchanged contracts after a marketing period of 20 weeks from the completion of the Deed of Variation.

5.0 Officer Comment

- 5.1 The application has come forward after negotiations between the Housing Section and the developers.
- 5.2 Bloor Homes began marketing the discount for sale units in May 2011. This advertising took the form of local press advertisements, several property websites and the Cheshire Homechoice website.
- 5.3 Between May and October the Council were only able to nominate 3 people who had applied as eligible for the scheme.
- 5.4 Bloor Homes approached the Council to discuss the variation to the Section 106 Agreement due to the difficulties they were experiencing in finding buyers. This is due to the fact that discount for sale mortgages are limited, in this case only one lender will give mortgages for properties on the site. This particular lender requires a 20% deposit, meaning that purchasers would have to be able to provide a deposit of £23,800.
- 5.5 For shared equity units, the lender only requires a deposit of 5%.
- 5.6 The Council is able to nominate two couples on the basis of shared equity, and an additional social rented unit is something that the Housing Section would welcome.

6.0 Conclusion

- 6.1 On the basis of the above, the proposed Deed of Variation to the Section 106 Agreement is considered to be acceptable.

7.0 Recommendation

- 7.1 That the Southern Planning Committee resolve to agree to a Deed of Variation the Section 106 Agreement linked to application 09/4240C to allow for the plots 36 and 37 to become shared equity tenure, plot 44, social rented and plot 35 to be released for open market sale.

8.0 Financial Implications

- 8.1 There are no financial implications.

9.0 Legal Implications

- 9.1 The views of the Borough Solicitor have been sought and an update will be provided prior to Committee.

10.0 Risk Assessment

- 10.1 There are no risks associated with this decision.

11.0 Reasons for Recommendation

- 11.1 To allow the Deed of Variation to the Section 106 to be progressed to enable the properties to be occupied by people in need of affordable housing.

For further information:

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Background Documents:

- *Application 09/4240C*