

CHESHIRE EAST COUNCIL NORTHERN PLANNING COMMITTEE

Date of meeting: 13 February 2013

Report of: Development Management & Building Control Manager

Title: Amendments to s106 legal agreements for affordable housing

1 Purpose of Report

1.1 To consider the proposed delegation of amendments to legal agreements considered by Area Committee(s) in respect of affordable housing tenure.

2 Decision Required

2.1 To agree that Authority be delegated to the Development Management and Building Control Manager, in consultation with the Chairman of the Area Planning Committee (depending on which Committee passed the original resolution to approve), to amend, where necessary any resolution relating to the provision of affordable housing to allow for variation in the provision of social or affordable rented units instead of the original resolution.

3 Background

3.1 A number of planning applications are presented to Planning Committee, which are subsequently resolved to be approved subject to legal agreements. These agreements often involve the provision of affordable housing, split into social rented or affordable rented and resolutions made accordingly.

3.2 Members may be aware that increasingly applications have been brought back to Committee for changes to the percentage split of social or affordable rented. These changes are often a result of discussions between colleagues in Housing about the suitability of the tenure to meet the needs in the area at the appropriate time. It has recently become more prevalent due to the continuing economic situation.

3.3 Many of these update reports back to Committee are short, and are normally readily accepted by Members. However it can cause an additional delay in the decision making process due to the Committee schedule, as well as additional work for officers that may otherwise not be needed.

3.4 This delegation would only affect the specific change to affordable housing tenure. Any other changes, such as number of affordable housing units would still need to be referred back to the relevant Area Committee.

3.5 It should be noted that a similar arrangement has been previously agreed for applications that are presented to Strategic Planning Board, so this would give consistency across the Planning Committees.

4 Conclusion

4.1 On the basis of the above, the proposed amendment to the wording of the resolution is considered to be acceptable.

5 Recommendation

5.1 That Committee resolve that Authority be delegated to the Development Management and Building Control Manager, in consultation with the Chairman of the Area Planning Committee (depending on which Committee passed the original resolution to approve), to amend, where necessary any resolution relating to the provision of affordable housing to allow for the provision of social or affordable rented units.

6 Financial Implications

6.1 There are no financial implications.

7 Legal Implications

7.1 The Borough Solicitor has been consulted on the proposals and raised no objections

8 Risk Assessment

8.1 There are no risks associated with this decision.

9 Reasons for Recommendation

9.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable development works to commence in a timely fashion to assist in delivering the 5 year housing land supply for the Borough.

For further information:

Portfolio Holder: Councillor Rachel Bailey

Officer: Peter Hooley – Northern Area Manager

Tel No: 01625 383705

Email: peter.hooley@cheshireeast.gov.uk