

CHESHIRE EAST COUNCIL STRATEGIC PLANNING BOARD

Date: 10th December 2014

Report of: David Malcolm Principal Planning Manager

Title: Update following the resolution to approve application 13/3449C subject to a S106 Agreement

Site: GLEBE FARM, BOOTH LANE, MIDDLEWICH,

1.0 Purpose of Report

- 1.1 Planning application 13/3449C was determined by the Strategic Planning Board on 2nd April 2014. This report is to consider an amendment to the Section 106 requirements within the SPB resolution for this application in respect of affordable housing.
- 1.2 The minutes from the meeting are as follows:

That for the reasons set out in the report and in the written update to Board the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- 1. A contribution towards playing pitch improvements at Sutton Lane £220,000 (Sum to be paid prior to the commencement of development)*
- 2. A contribution towards Middlewich Eastern Bypass of £4,780,000. If the MEB is not delivered the sum will be spent on the following highway/sustainability measures: Bus Service/Facility Improvements; Town Bridge– Signal Junction Improvements; Cycle Lanes -Towpath: Middlewich to Glebe Farm; Cycle Lanes -Carriageway Modification: Middlewich to Glebe Farm; and Cycle Lanes -Towpath: Glebe Farm to Elworth. The sum is to be submitted prior to the commencement of development.*
- 3. A scheme for the provision of 10% affordable housing all to be affordable rent. The scheme shall include:*
 - The numbers, type and location on the site of the affordable housing provision*
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing*
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved*

- *The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- *The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

4. Provision of Public Open Space, a NEAP and LEAP to be maintained by a private management company

2.0 Decision Required

- 2.1 To agree to the proposed changes to the affordable housing element of the s106 legal agreement.

3.0 Background

- 3.1 The site of the proposed development extends to 15.3ha and is located to the south of Middlewich. The site is within open countryside. To the north is residential development fronting Kingswood Crescent, Shilton Close, Northwood Avenue and Inglewood Avenue. To the north is agricultural land. A former sports ground is included within the site. To the east of the site is Booth Lane with the Trent and Mersey Canal beyond, to the west of the site is Warrington Lane. The majority of the site is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site. The site also includes a number of ponds.
- 3.2 A resolution to approve outline permission for residential development (approximately 450 dwellings), retail unit (A1, A2, A3, A4 and/or A5) and supporting infrastructure was granted by Members in April 2014.
- 3.3 Further negotiations have now taken place with the applicant. They have requested that the requirement to provide all the affordable housing as Affordable Rent be changed to 65% Affordable Rent and 35% intermediate tenure (eg. shared ownership or shared equity).
- 3.4 The applicant has also requested that should they be unable to find a Registered Provider to take the Affordable Rented units then they are able to sell these units as shared equity with a 30% discount from the open market value and initially to purchasers approved by the Council. (If such purchasers cannot be found the units can be sold on the open market on the same terms).
- 3.5 The applicant states that these amendments are required to avoid putting the wider Middlewich bypass project at risk. Further delays to signing the section 106 agreement will impact on the amount of money able to be claimed from the Government's Regional Growth Fund as an approved project, which would undermine overall viability and deliverability of the bypass scheme.

4 Officer Comment

- 4.1 In this case it is accepted that the applicant's requests can be agreed. This follows negotiations with the Councils Strategic Housing Team who have confirmed that the amendments will be acceptable.
- 4.2 The change in tenure split of the affordable housing is in line with the policy requirement and provides for a mix of tenures on the site.
- 4.3 If a Registered Provider cannot be found for the rented units then the alternative situation still provides affordable housing through the shared equity process. In order to make the rented units attractive to Registered Providers the applicant has agreed to build the rented units to the Homes and Communities Agency Design and Quality Standards (2007). This will increase the possibility of the rented units being taken by a Registered Provider and mean the alternative is a last resort.

5 Conclusion

- 5.1 On the basis of the above, it is considered that the minor amendment to the committee resolution is acceptable.

6 Recommendation

- 6.1 To agree to the proposed changes to the affordable housing element of the s106 legal agreement.

The resolution be changed to the following: -

3. A scheme for the provision of 10% affordable housing with 65% to be rented and 35% intermediate (all affordable units to be intermediate if proof that no Registered Provider will take the rented units). The scheme shall include:

- The numbers, type and location on the site of the affordable housing provision*
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing*
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved*
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

7 Financial Implications

7.1 There are no financial implications.

8 Legal Implications

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

9 Risk Assessment

9.1 There are no risks associated with this decision.

10 Reasons for Recommendation

10.1 For the purpose of negotiating and completing a S106 Agreement for application 13/3449C and to issue the planning permission.

For further information:

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Background Documents:

Application 13/3449C