

Application No. 15/00108/MOUT

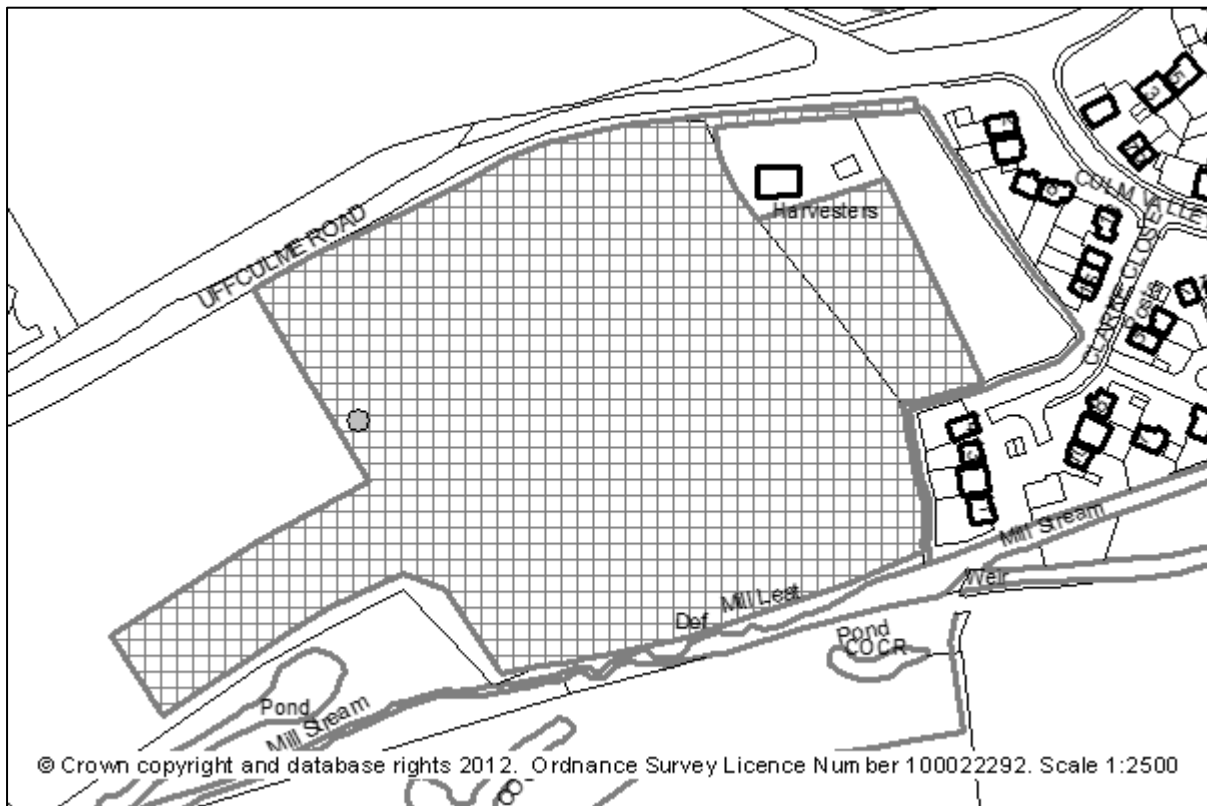
Grid Ref: 112080 : 305658

Applicant: DCH

Location: Land at NGR 305658
112080 (West of The
Harvesters) Uffculme
Road Uffculme Devon

Proposal: Revised S106 relating
to: Outline application
for up to 60 dwellings
with access onto
Uffculme Road, with
all other matters
reserved (APPEAL
ALLOWED WITH
CONDITIONS
11.04.16)

Date Valid: 27th January 2015



REPORT OF THE HEAD OF PLANNING AND REGENERATION

15/00108/MOUT - OUTLINE APPLICATION FOR UP TO 60 DWELLINGS WITH ACCESS ONTO UFFCULME ROAD, WITH ALL OTHER MATTERS RESERVED (APPEAL ALLOWED WITH CONDITIONS 11.04.16) - LAND AT NGR 305658 112080 (WEST OF THE HARVESTERS) UFFCULME ROAD UFFCULME DEVON

Reason for Report:

Cllr Polly Colthorpe and Cllr Ray Radford have requested that this variation is considered by the Planning Committee in the interest of transparency.

RECOMMENDATION(S)

Grant permission to allow the replacement S106 agreement.

Relationship to Corporate Plan:

Provision of housing to include affordable housing.

Financial Implications:

None

Legal Implications:

Change to the original S106 agreement, replacing it with a new agreement.

Risk Assessment:

If this amendment isn't agreed, the residents of Uffculme will have no priority over the occupation of the affordable housing.

Consultation carried out with:

1. Chair of Planning Committee
2. Vice Chair of Planning Committee
3. Ward Member
4. Cabinet Member for Housing

1.0 PROPOSED DEVELOPMENT

- 1.1 An amended S106 primarily to allow Uffculme and Halberton residents to have joint priority in the affordable housing cascade and to reflect the single ownership of the site. The substitute S106 relates to the application 15/00108/MOUT: Outline application for up to 60 dwellings with access onto Uffculme Road, with all other matters reserved (APPEAL ALLOWED WITH CONDITIONS 11.04.16).

2.0 APPLICANTS SUPPORTING INFORMATION

- 2.1 DRAFT S106

3.0 RELEVANT PLANNING HISTORY

- 3.1 15/00108/MOUT - REFUSE DATE 23RD APRIL 2015
OUTLINE APPLICATION FOR UP TO 60 DWELLINGS WITH ACCESS ONTO
UFFCULME ROAD, WITH ALL OTHER MATTERS RESERVED (APPEAL
ALLOWED WITH CONDITIONS 11.04.16)
- 3.2 17/00300/MOUT - REFUSE DATE 16TH JUNE 2017
OUTLINE FOR THE ERECTION OF 30 DWELLINGS AND NEW VEHICULAR AND
PEDESTRIAN ACCESSES
- 3.3 (APPEAL ALLOWED 02.10.17)
17/00886/MOUT - WDN DATE 20TH SEPTEMBER 2017
OUTLINE FOR THE ERECTION OF 30 DWELLINGS AND NEW VEHICULAR AND
PEDESTRIAN ACCESSES
- 3.4 17/01370/MARM - PCO DATE
RESERVED MATTERS FOR THE ERECTION OF 60 DWELLINGS
- 3.5 14/01084/PREAPP - CLO DATE 18TH AUGUST 2014
PROTECT: ERECTION OF DWELLINGS
- 3.6 16/01253/PREAPP - CLO DATE 21ST OCTOBER 2016
PROTECT - PRE-APPLICATION RESERVED MATTERS ADVICE FOR THE
ERECTION OF 60 DWELLINGS

4.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

4.1 POLICY AND PROCEDURE

Policy COR1 relates to sustainable communities and seeks to meet the housing needs of all sectors of the community, including the provision of affordable housing. This is addressed more specifically in policy COR3 which concerns meeting housing needs, including a target of 30% affordable dwellings, and is also included in COR17 which concerns villages, including Uffculme.

The planning permission granted includes 35% affordable housing and is subject to a signed S106 agreement relating to amongst other things, the number and form of affordable housing, as well as the cascade for the allocation of the affordable housing. This request does not affect the ability to determine the live reserved matters application 17/01370/MARM. Subject to gaining reserved matters permission, the development could proceed in accordance with the existing approved S106.

The S106 is being replaced in this instance as the current agreement was signed by the previous owners when the site was not in a single ownership. Amending the agreement will allow the single ownership to also be reflected in the agreement, along with a revised cascade for the allocation of the affordable housing.

4.2 REASONS AND IMPACTS OF THE CHANGE TO THE AFFORDABLE HOUSING CASCADE

The current S106 agreement gives priority to the 'Parish' which in this case is Halberton. Despite the physical proximity of the development to the Uffculme, the proposal is not in the parish of Uffculme due to the current boundary arrangement. The cascade in the original S106 also includes residents in neighbouring parishes lower down in the priority scale, Uffculme is also omitted from the list of neighbouring parishes, but Halberton is included. Accordingly, it is reasonable to conclude that the original S106 assumes the parish is Uffculme.

However, in accordance with the current S106, Uffculme residents do not have priority over the occupation of the affordable dwellings, but would be included at the end of the cascade (under criterion 11 and 12) as Mid Devon residents and as Devon Home Choice applicants. Uffculme residents would only benefit from the affordable homes if the houses could not be filled by persons with greater priority (who meet criterion 1-10 of the agreed cascade).

The revised S106 agreement seeks to amend the cascade to give joint priority to the parishes of Uffculme and Halberton, so that residents in both can benefit from the affordable housing. Joint priority is considered appropriate in this instance due to the development being within the parish boundary of Halberton, but within close physical proximity of the village of Uffculme. The S106 also amends the ownership details to reflect the current ownership and in turn removes the restriction relating to the Harding land and removes the associated supplemental deed. In all other respects the S106 agreement reflects that previously agreed.

5.0 SUMMARY

- 5.1 The request vary the original agreement has been instigated by Council Officers and agreed by the applicants for the reserved matters application. The replacement S106 agreement will give joint priority over the affordable housing to the residents of Uffculme and Halberton. At present, the residents of Uffculme do not have priority, due to an error on the original S106 agreement. It is respectfully requested that Committee Members resolve to approve this amendment.

Contact for any more information	Hannah Cameron, Planning Officer 01884234218
Background Papers	N/A
File Reference	15/00108/MOUT; 17/01370/MARM
Circulation of the Report	Cllrs Richard Chesterton Members of the Planning Committee