

Item 3i	15/00144/S106
Case Officer	Adele Hayes
Ward	Astley And Buckshaw
Proposal	Application under Section 106 A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a planning obligation dated 22nd December 2009
Location	Parcel H1A Group 1 Euxton Lane Euxton
Applicant	Redrow Homes Lancashire Division
Consultation expiry:	31 March 2015
Decision due by:	15 May 2015

Recommendation

Recommendation

It is recommended that this application is approved and the terms of the Section 106 Agreement be amended.

Proposal

1. The Group One site is located to the west of Central Avenue and covers an area of 54.34 hectares. It is located to the south west of Buckshaw Village and forms part of the former Royal Ordnance site. It is split between the administrative areas of South Ribble Borough Council and Chorley Borough Council with the larger part of the site within the boundary of Chorley.
2. Outline planning permission was granted in December 2009 for the redevelopment of the Group One site for mixed use development comprising housing and commercial uses and associated landscape treatment and highway works (08/00910/OUTMAJ). Permission was granted subject to a number of conditions and obligations contained within a Section 106 Agreement.
3. Three further Section 73 applications (11/00403/OUTMAJ, 13/00126/OUTMAJ and 14/00927/OUTMAJ) to vary condition 29 (access on the A49) of the outline planning permission, to remove the requirement for the dwellings to achieve Code Level 6 and to realign the main spine road through the site were approved on 27th July 2011, 17 July 2013 and 30 March 2015 respectively.
4. Infrastructure has been constructed to deliver serviced land and reserved matters approval has been given for several of the land parcels. Development is underway.

5. An application to vary the affordable housing obligations contained in the original Section 106 Agreement dated 22 December 2009 (in so far as they relate to the part of the Group 1 site within Chorley Borough Council's administrative area) was approved in September 2013.

6. The amendments involved a reduction in the affordable housing provision from 20 per cent to 15 per cent and for all of the affordable housing units provided to be in the form of social rented housing.

7. This is a further application submitted under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify the planning obligation again insofar as it relates to the delivery timeframe of the affordable units on Parcel H1A(ii).

8. The delivery of affordable housing is set out in the S106 Agreement signed 22nd December 2009 Second Schedule in the following clauses:

Clause 1.8 *That (subject to paragraph 1.13 of the Second Schedule) not more than 50% (fifty per cent) of the Market Dwellings within any Phase or Sub-Phase (as the case may be) shall be Practically Completed before 50% (fifty per cent) of the Affordable Housing Units within that Phase or Sub-Phase (as the case may be) have been Practically Completed in accordance with paragraph 1.7 of this Second Schedule and made ready for residential occupation and written notification of such has been received by the Council(s).*

Clause 1.9 *That (subject to paragraph 1.13 of this Second Schedule) not more than 75% (seventy five per cent) of the Market Dwellings within any Phase or Sub-Phase (as the case may be) shall be Practically Completed before:*

Clause 1.9.1 *100% (one hundred per cent) of the Affordable Housing Units within that Phase or Sub-Phase (as the case may be) have been Practically Completed in accordance with paragraph 1.7 of this Second Schedule and made ready for residential occupation;*

Clause 1.9.2 *written notification of such has been received by the Council(s) and*

Clause 1.9.3 *the Owner has offered to transfer all of the Affordable Housing Units within that Phase or Sub-Phase (as the case may be) to an RSL or RSLs (as the case may be) in accordance with the terms of this Deed such offer to transfer to be accompanied by a draft transfer and a draft contract.*

(please note that paragraph 1.13 relates to the provision of 20% affordable housing of which 70% shall be affordable rent and 30% shall be intermediate housing, this clause has now been superseded).

9. The developer has requested that the wording to clauses 1.8 and 1.9 of the original S106 be amended so as to reduce the amount of affordable housing that needs to have been practically completed, before 50% of the market dwellings have been built, to 35% (thirty five per cent). It is also requested that the developer be

allowed to practically complete the final market dwelling before 100% of the affordable housing units have been practically completed

10. All of the other obligations within the original Agreement are not affected by this application.

Assessment

11. The Town and Country Planning Act allows Local Authorities to determine:
(a) that the planning obligation shall continue to have effect without modification;
(b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
(c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

12. Redrow Homes have applied to vary the wording of the clause 1.8 and 1.9 of the obligation as detailed above and as far as it relates to the development of parcel H1a(ii) which is currently under construction.

13. Redrow are currently implementing the planning approval and the affordable housing units are split across the site in three separate areas. The approved layout provides for affordable housing units at plots 31-35, 53-56 and 57-61. To deliver 50% of the affordable housing units by the time 50% of the market value properties are ready for practical completion creates a construction problem and a health and safety issue.

14. In order to comply with the current obligation Redrow would need to deliver a further two affordable units (at the far eastern side of the site) before 50% of the market value properties are ready.

15. The first five affordable units (plots 31-35) will be ready for practical completion by the time forty six market value properties are also ready (plots 1-30. noting that Redrow do not provide for a plot 13, plots 78-94). This would equate to delivering 35% of the affordable housing units by the time 58% of the market value properties are delivered. The remaining nine affordable units (plots 53 -56 and plots 57-61) are located at the end of the construction programme and as such Redrow have requested that the delivery be changed so that 100% of the affordable housing units be delivered by the time they deliver 100% of the market value properties.

Overall Conclusion

16. Given the location of the approved dwellings and the position of the affordable units within the scheme, it is considered that the request by Redrow to amend the delivery timeframe is a reasonable one. It is therefore recommended that the application is approved.

Planning History

The site history of the property is as follows:

Ref: 08/00645/FUL **Decision:** PERFPP **Decision Date:** 21 July 2008
Description: Erection of a bat house at Group One, Buckshaw Village.

Ref: 08/00910/OUTMAJ **Decision:** PERFPP **Decision Date:** 22 December 2009

Description: Outline planning application for the redevelopment of land at Group One (Site Area 54.34 Hectares), Royal Ordnance Site, Chorley for mixed use development comprising housing and commercial uses (including uses A1, A2, A3, B1, B2, C1, C2 and C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2006) and associated landscape treatment and highway works.

Ref: 08/01002/FUL **Decision:** PERFPP **Decision Date:** 7 November 2008
Description: Erection of a bat house at group one Buckshaw Village.

Ref: 09/00084/FUL **Decision:** PERFPP **Decision Date:** 9 April 2009
Description: Erection of a bat house at group one, Buckshaw Village.

Ref: 09/00095/FULMAJ **Decision:** PERFPP **Decision Date:** 22 December 2009
Description: Land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village (site area 54.34 hectares).

Ref: 10/00153/DIS **Decision:** PEDISZ **Decision Date:** 21 April 2010
Description: Application to discharge conditions 4, 9, 10, 11, 12, 14, 16, 17, & 18 attached to planning approval 09/00095/FULMAJ.

Ref: 10/00247/DIS **Decision:** PEDISZ **Decision Date:** 21 April 2010
Description: Application to discharge condition 32 of planning approval 08/00910/OUTMAJ.

Ref: 10/00309/DIS **Decision:** PEDISZ **Decision Date:** 16 July 2010
Description: Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ (discharge of phase 1 only).

Ref: 10/00339/DIS **Decision:** PEDISZ **Decision Date:** 10 June 2010
Description: Application to discharge conditions 7, 8 and 23 of planning approval 09/00095/FUL.

Ref: 10/00693/DIS **Decision:** PEDISZ **Decision Date:** 24 September 2010
Description: Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ (further phase relating to more information on tree removal/tree retention in the high and medium risk remediation zones).

Ref: 10/00940/DIS **Decision:** PEDISZ **Decision Date:** 14 December 2010
Description: Application to discharge conditions 7, 10, 12, 22 & 28 attached to planning approval 08/00910/OUTMAJ.

Ref: 10/01061/DIS **Decision:** PEDISZ **Decision Date:** 25 January 2011
Description: Application to discharge condition 47 attached to planning approval 08/00910/OUTMAJ.

Ref: 10/01062/DIS **Decision:** PEDISZ **Decision Date:** 25 January 2011
Description: Application to discharge condition 13 attached to planning approval 09/00095/FULMAJ.

Ref: 11/00080/DIS **Decision:** PEDISZ **Decision Date:** 15 March 2011
Description: Application to discharge conditions 5, 6, 8, 9, 11, 29, 30 and 46 attached to planning approval 08/00910/OUTMAJ.

Ref: 11/00099/DIS **Decision:** PEDISZ **Decision Date:** 25 February 2011
Description: Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ. (phase 2 of the tree removal/tree retention and amendments to Phase 1 previously approved as part of 10/00309/DIS and 10/00693/DIS).

Ref: 11/00403/OUTMAJ **Decision:** PERFPP **Decision Date:** 27 July 2011
Description: Section 73 application to vary condition 29 (access on the A49) attached to outline planning approval 08/00910/OUTMAJ.

Ref: 11/00784/DIS **Decision:** PEDISZ **Decision Date:** 12 October 2011
Description: Application to discharge condition 45 attached to planning approval 11/00403/OUTMAJ.

Ref: 11/00897/DIS **Decision:** PEDISZ **Decision Date:** 17 October 2011
Description: Application to discharge condition 24 attached to planning approval 11/00403/OUTMAJ

Ref: 12/00007/FUL **Decision:** PERFPP **Decision Date:** 3 May 2012
Description: Construction of an access roads to serve parcels H3 and H4 of Group 1 and the erection of a foul pumping station.

Ref: 12/00265/MNMA **Decision:** PEMNMZ **Decision Date:** 5 April 2012
Description: Application for minor non-material amendment to planning application 11/00403/OUTMAJ to amend to the remediation phasing.

Ref: 12/00266/MNMA **Decision:** PEMNMZ **Decision Date:** 5 April 2012
Description: Application for minor non-material amendment to planning application 09/00095/FULMAJ to amend to the remediation phasing.

Ref: 12/00448/DIS **Decision:** PEDISZ **Decision Date:** 30 May 2012
Description: Application to discharge condition 17 attached to planning approval 09/00095/FULMAJ.

Ref: 12/00475/FULMAJ **Decision:** PERFPP **Decision Date:** 4 January 2013
Description: Section 73 application to vary condition 18 (southern boundary treatment) attached to planning approval 09/00095/FULMAJ.

Ref: 12/00688/FUL **Decision:** PERFPP **Decision Date:** 2 November 2012
Description: Construction of an access road leading from Central Avenue together with earthworks and landscape treatment associated with the realignment of watercourses.

Ref: 12/00791/MNMA **Decision:** PEMNMZ **Decision Date:** 10 January 2013
Description: Application for minor non material amendment to outline planning application 08/00910/OUTMAJ comprising changes to the approved phasing of the development.

Ref: 12/00801/DIS **Decision:** PEDISZ **Decision Date:** 17 December 2012
Description: Application to discharge conditions numbered 6 (exportation of material), 7 (cleaning of vehicle wheels), and 8 (routing of heavy goods vehicles) of planning approval 09/00095/FULMAJ.

Ref: 12/00835/DIS **Decision:** PEDISZ **Decision Date:** 28 September 2012
Description: Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H3 for which a reserved matters application is to be submitted) of permission 08/00910/OUTMAJ (outline permission for the development of Group 1).

Ref: 12/00979/DIS **Decision:** PEDISZ **Decision Date:** 26 October 2012
Description: Application to discharge condition numbered 14 (tree survey) of planning approval 09/00095/FULMAJ.

Ref: 12/01205/DIS **Decision:** PEDISZ **Decision Date:** 17 December 2012
Description: Application to discharge conditions numbered 3 (phasing) and 24 (verification reports) of planning approval 11/00403/OUTMAJ.

Ref: 12/01237/DIS **Decision:** PEDISZ **Decision Date:** 6 February 2013
Description: Application to discharge condition numbered 14 (tree survey) of planning approval 09/00095/FULMAJ.

Ref: 13/00126/OUTMAJ **Decision:** PERFPP **Decision Date:** 17 July 2013
Description: Section 73 application to vary condition no. 17 (Code for Sustainable Homes) of planning permission no. 11/00403/OUTMAJ to remove the requirement for dwellings built post January 2016 to achieve Level 6.

Ref: 13/00310/FULMAJ **Decision:** PERFPP **Decision Date:** 6 June 2013
Description: Engineering works comprising the re-grading of land at the ordinary watercourse crossing the site on a north-south alignment (following the installation of a culvert) to create a level platform for the construction of a Neighbourhood Equipped Area for Play to serve the planned housing neighbourhood.

Ref: 13/00649/FUL **Decision:** PERFPP **Decision Date:** 20 September 2013
Description: Application under Section 106 BA of the Town and Country Planning Act 1990 (as amended) to modify a planning obligation dated 22 December 2009.

Ref: 13/00945/DIS **Decision:** PEDISZ **Decision Date:** 23 October 2013
Description: Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H1a(ii) for which a reserved matters application is to be submitted) of permission 13/00126/OUTMAJ (outline permission for the development of Group 1).

Ref: 13/01014/DIS **Decision:** PEDISZ **Decision Date:** 8 November 2013
Description: Application to discharge of condition 22 (remediation strategy) and condition 24 (verification report) of planning permission of 13/00126/OUTMAJ

Ref: 13/01113/DIS **Decision:** PEDISZ **Decision Date:** 3 December 2013
Description: Application to discharge of condition 22 (remediation strategy) and condition 24 (verification report) of planning permission of 13/00126/OUTMAJ.

Ref: 13/01132/REMMAJ **Decision:** PERRES **Decision Date:** 26 March 2014
Description: Reserved matters application pursuant to outline planning permission 13/00126/OUTMAJ for the erection of 93 no. 2, 3 and 4 bedroom, 2 storey residential dwellings, together with associated access roads, driveways, garages, private garden areas and means of enclosure. Includes for the provision of 14 no. affordable dwellings within the above.

Ref: 14/00056/DIS **Decision:** PEDISZ **Decision Date:** 25 April 2014
Description: Application to discharge conditions numbered 11, 13, 14, 15, 16, 17, 18, 33, 36, and 37 attached to outline planning approval 13/00126/OUTMAJ in so far as they relate to development parcel H1a(ii).

Ref: 14/00177/FULMAJ **Decision:** WDN **Decision Date:** 8 May 2014
Description: Application to vary condition 7 of planning permission ref: 12/00945/REMMAJ (which was a Reserved Matters application for the erection of 32 no. dwellings) to allow the dwellings to be built to Code Level 3 (but Code 4 Energy) rather than Code Level 4 or 6.

Ref: 14/00179/DIS **Decision:** PCO **Decision Date:** Pending
Description: Application to discharge conditions 6 (carbon emissions statement) and 8 (Design Stage Assessment) of planning approval ref: 12/00945/REMMAJ (which was a Reserved Matters application for the erection of 32 no. residential dwellings).

Ref: 14/00265/REMMAJ **Decision:** PERFPP **Decision Date:** 19 May 2014
Description: Proposed erection of 20 no. dwellings and associated landscaping and highway works (further re-plan of part of site previously approved by permission ref: 13/01144/REMMAJ).

Ref: 14/00343/DIS **Decision:** PEDISZ **Decision Date:** 15 May 2014
Description: Application to discharge condition numbered 25 (site compound) attached to outline planning approval 13/00126/OUTMAJ in so far as it relates to development parcel H1a(ii).

Ref: 14/00549/DIS **Decision:** PEDISZ **Decision Date:** 2 July 2014
Description: Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H2 for which a reserved matters application is to be submitted) of permission 13/00126/OUTMAJ (outline permission for the development of Group 1).

Ref: 14/00635/REMMAJ **Decision:** PERFPP **Decision Date:** 4 September 2014
Description: Reserved matters application for the erection of 64 no. residential dwellings and associated landscape and highway works (pursuant to outline permission ref: 13/00126/OUTMAJ).

Ref: 14/00659/DIS **Decision:** PEDISZ **Decision Date:** 1 April 2015
Description: Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H1e for which a reserved matters application is to be submitted) of permission 13/00126/OUTMAJ (outline permission for the development of Group 1).

Ref: 14/00927/OUTMAJ **Decision:** PEROPP **Decision Date:** 30 March 2015
Description: Section 73 application to vary condition no. 30 (Construction of main access road) of planning permission no. 13/00126/OUTMAJ to enable re-positioning of the main access road through the site.

Ref: 14/00933/REMMAJ **Decision:** PERRES **Decision Date:** 17 December 2014
Description: Reserved matters application for the erection of 45no. residential dwellings (including 9no. affordable) and associated landscape and highway works (pursuant to outline permission ref: 13/00126/OUTMAJ).

Ref: 14/00990/ADV **Decision:** WDN **Decision Date:** 3 November 2014
Description: Erection of 12 no. directional yellow signs (1m x 36cm) fixed to lampposts on routes leading from Euxton, the M61 and the M6 pointing the way to Redrow housing development at Buckshaw Village (Group 1 part of site).

Ref: 14/01014/ADV **Decision:** WDN **Decision Date:** 16 January 2015
Description: 1000 x 360 mm Lampost mounted signs.

Ref: 14/01151/MNMA **Decision:** PEMNMZ **Decision Date:** 5 December 2014
Description: Minor non-material amendment to plots 1 - 4 (approved under 13/01132/REMMAJ) involving repositioning of previously approved house types.

Ref: 14/01152/REM **Decision:** PERRES **Decision Date:** 22 December 2014
Description: Reserved matters application pursuant to outline planning permission 13/00126/OUTMAJ for substitution of house type on Plot 5 approved under reserved matters approval 13/01132/REMMAJ.

Ref: 14/01231/REMMAJ **Decision:** PERRES **Decision Date:** 22 February 2015
Description: Reserved matters application pursuant to outline planning permission 13/00126/OUTMAJ for substitution of house type on Plots 64-68 and 70 approved under reserved matters approval 13/01132/REMMAJ.

Ref: 14/01232/REMMAJ **Decision:** PERRES **Decision Date:** 21 January 2015
Description: Reserved matters application for 58no. dwellings and associated works (pursuant to outline permission ref: 13/00126/OUTMAJ). Variation of the plans approved by permission ref: 14/00635/REMMAJ to amend the layout and house types on the parcel, including a reduction overall of 6no. dwellings.

Ref: 15/00225/DIS **Decision:** PCO **Decision Date:** Pending
Description: Application to discharge condition 4 (foul and surface water drainage) for planning permission ref: 14/01232/REMMAJ (which was for 58 dwellings).

Ref: 15/00238/DIS **Decision:** PCO **Decision Date:** Pending
Description: Application to discharge condition 14 (materials) of outline planning permission ref: 14/00927/OUTMAJ (outline permission for the development of Group 1), in relation to Parcel H1e.

Ref: 15/00248/DIS **Decision:** PCO **Decision Date:** Pending
Description: Application to discharge condition 14 (materials) of outline planning permission ref: 14/00927/OUTMAJ (outline permission for the development of Group 1), in relation to Parcel H2.