

Item 3j	16/00397/S106A
Case Officer	Adele Hayes
Ward	Astley And Buckshaw
Proposal	Application 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 a planning obligation (Affordable Housing) dated 16 December 2002.
Location	Group 1 Euxton Lane Euxton
Applicant	Progress Housing Group
Consultation expiry:	2 June 2016
Decision due by:	28 July 2016

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. Reserved matters consent was granted in March 2014 for the erection of 93 no. residential dwellings on Parcel H1a(ii). The approved scheme involved the delivery of 14 no. affordable dwellings within the same development parcel.

8. 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 this development parcel was approved in May last year.

9. Essentially the approved amendment allows a reduction to 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 also enables the developer to be allowed to practically complete the final market dwelling before 100% of the affordable housing units have been practically completed.

10. This current application has also been submitted under Section 106A of the Town and Country Planning Act 1990 and seeks to modify the planning obligation again insofar as it relates to five of the approved dwellings on plots 31-35 (inc).

11. It is proposed to change the tenure of these dwellings from social rent to shared ownership.

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

Assessment

13. 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.

14. Progress Housing have applied to vary the tenure of 5 no. units and in support of the application they advise that they have now sold or have agreed sales on all of their shared ownership properties now and even though the locality criteria sometimes falls away, they still market the properties on this basis. They add that all their sales have been to people with local connection, or a cascaded connection, such as South Ribble and Preston. Furthermore, in light of the rent reductions they are only now looking at schemes with an element of sales to subsidise the rental units, so this 100% rented scheme is not financially viable since the developer is not prepared to take an exceptionally low value and accordingly they cannot proceed on the approved basis.

15. In addition, on estates where there are Management Companies set up, with annual fees of c£150.00, once this is added to social rents they comment that there is not much difference between those and affordable rents.

16. Colleagues in the Council's Strategic Housing Team have advised, that after careful consideration, they have no objection to the request to convert 5 social rented units to shared ownership on this site and that from a Strategic Housing perspective the application is supported.

Overall Conclusion

It is recommended that the application is approved.

Planning History

The site history of the property is as follows:

97/00509/OUT: Outline application for mixed use development. Approved August 1999.

97/00660/CTY: Erection of a landfill containment facility for the storage of contaminated soils and demolition material and associated land forming. Approved January 1998.

02/00748/OUT: Modification of conditions on outline permission for mixed use development. Approved December 2002.

05/00017/CTY: Variation of conditions 1, 3 and 4 of planning permission 9/97/660 to allow the importation of hazardous waste and to amend the phasing of landfilling and restoration at the existing landfill containment facility. Approved March 2005.

07/01108/CTY: Variation of condition 1 of planning permission 09/05/0017, extending the period of operations of the contained landfill facility by 3 yrs. from 1/03/08 to 1/03/11. Approved by LCC January 2008.

08/00645/FUL: Erection of a bat house at Group One, Buckshaw Village. Approved July 2008.

08/00910/OUTMAJ: 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. Approved December 2009.

08/01002/FUL: Erection of a bat house at group one Buckshaw Village. Approved November 2008.

09/00058/CTY: Construction of a landscape mound for recreational and nature conservation use, utilising surplus excavation soils from the restoration of the site. Approved by LCC April 2009.

09/00084/FUL: Erection of a bat house at group one, Buckshaw Village. Approved April 2009.

09/00095/FULMAJ: Land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village (site area 54.34 hectares). Approved December 2009.

10/00153/DIS: Application to discharge conditions 4, 9, 10, 11, 12, 14, 16, 17, & 18 attached to planning approval 09/00095/FULMAJ. Discharged April 2010.

10/00247/DIS: Application to discharge condition 32 of planning approval 08/00910/OUTMAJ. Discharged April 2010.

10/00309/DIS: Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ (discharge of phase 1 only). Discharged July 2010.

10/00339/DIS: Application to discharge conditions 7, 8 and 23 of planning approval 09/00095/FUL. Discharged June 2010.

10/00608/NLA: Neighbouring local authority application for construction of an access road onto the A49. No objection August 2010.

10/00693/DIS: 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). Discharged September 2010.

10/00940/DIS: Application to discharge conditions 7, 10, 12, 22 & 28 attached to planning approval 08/00910/OUTMAJ. Discharged December 2010.

10/01061/DIS: Application to discharge condition 47 attached to planning approval 8/00910/OUTMAJ. Discharged January 2011.

10/01062/DIS: Application to discharge condition 13 attached to planning approval 9/00095/FULMAJ. Discharged January 2011.

11/00080/DIS: Application to discharge conditions 5, 6, 8, 9, 11, 29, 30 and 46 attached to planning approval 08/00910/OUTMAJ. Discharged March 2011.

11/00099/DIS: Application to discharge condition 14 attached to planning approval 9/00095/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). Discharged February 2011.

11/00361/NLA: Neighbouring Local Authority consultation on a reserved matters application for the construction of an access road, foul water pumping station and layout of the NEAP/ open space (site 0.9ha) at Group 1, Buckshaw Village. No objection May 2011.

11/00403/OUTMAJ: Section 73 application to vary condition 29 (access on the A49) attached to outline planning approval 08/00910/OUTMAJ. Approved July 2011.

11/00784/DIS: Application to discharge condition 45 attached to planning approval 11/00403/OUTMAJ. Discharged October 2011.

11/00897/DIS: Application to discharge condition 24 attached to planning approval 11/00403/OUTMAJ. Discharged October 2011.

12/00007/FUL: Construction of an access road to serve parcels H3 and H4 of Group 1 and the erection of a foul pumping station. Approved May 2012.

12/00265/MNMA: Application for minor non-material amendment to planning application 11/00403/OUTMAJ to amend to the remediation phasing. Approved April 2012.

12/00266/MNMA: Application for minor non-material amendment to planning application 09/00095/FULMAJ to amend to the remediation phasing. Approved April 2012.

12/00448/DIS: Application to discharge condition 17 attached to planning approval 09/00095/FULMAJ. Discharged May 2012.

12/00475/FULMAJ: Section 73 application to vary condition 18 (southern boundary treatment) attached to planning approval 09/00095/FULMAJ. Approved January 2013.

12/00688/FUL: Construction of an access road leading from Central Avenue together with earthworks and landscape treatment associated with the realignment of watercourses. Approved November 2012.

12/00791/MNMA: Application for minor non material amendment to outline planning application 08/00910/OUTMAJ comprising changes to the approved phasing of the development. Approved January 2013.

12/00801/DIS: 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. Discharged December 2012.

12/00835/DIS: 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). Discharged September 2012.

12/00945/REMAJ: Reserved matters application for the erection of 32no residential dwellings and associated landscaping treatment and highway works (pursuant to outline permission reference 08/00910/OUTMAJ). Approved December 2012.

12/00979/DIS: Application to discharge condition numbered 14 (tree survey) of planning approval 09/00095/FULMAJ. Discharged October 2012.

12/01205/DIS: Application to discharge conditions numbered 3 (phasing) and 24 (verification reports) of planning approval 11/00403/OUTMAJ. Discharged December 2012.

12/01237/DIS: Application to discharge condition numbered 14 (tree survey) of planning approval 09/00095/FULMAJ. Discharged February 2013.

13/00126/OUTMAJ: 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. Approved July 2013.

13/00310/FULMAJ: 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. Approved June 2013.

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

13/00945/DIS: 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). Discharged October 2013.

13/01014/DIS: Application to discharge of condition 22 (remediation strategy) and condition 24 (verification report) of planning permission of 13/00126/OUTMAJ. Discharged November 2013.

13/01113/DIS: Application to discharge of condition 22 (remediation strategy) and condition 24 (verification report) of planning permission of 13/00126/OUTMAJ. Discharged December 2013.

13/01132/REMAJ: 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. Approved March 2014.

13/01144/REMAJ: Proposed erection of 20 no. dwellings and associated landscaping and highway works (re-plan of part of site previously approved by permission ref: 12/00945/REMAJ). Approved February 2014.

14/00056/DIS: 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). Discharged April 2014.

14/00177/FULMAJ: Application to vary condition 7 of planning permission ref: 12/00945/REMAJ (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. Withdrawn May 2014.

14/00179/DIS: 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. Pending.

14/00265/REMMAJ: 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). Approved May 2014.

14/00343/DIS: 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). Discharged May 2014.

14/00549/DIS: 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). Discharged July 2014.

14/00635/REMMAJ: 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). Approved September 2014.

14/00659/DIS: 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). Discharged April 2015.

14/00927/OUTMAJ: 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. Approved March 2015.

14/00933/REMMAJ: Reserved matters application for the erection of 51 no. residential dwellings (including 9 no. affordable) and associated landscape and highway works (pursuant to outline permission ref: 13/00126/OUTMAJ). Approved December 2014.

14/00990/ADV: 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). Withdrawn November 2014

14/01014/ADV: 1000 x 360 mm Lamppost mounted signs. Withdrawn January 2015.

14/01151/MNMA: Minor non-material amendment to plots 1 - 4 (approved under 13/01132/REMMAJ) involving repositioning of previously approved house types. Approved December 2014.

14/01152/REM: 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. Approved 22 December 2014.

14/01231/REMMAJ: 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. Approved February 2015.

14/01232/REMMAJ: Reserved matters application for 58 no. 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 6 no. dwellings. Approved January 2015.

15/00144/S106A: 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. Approved 6 May 2015.

15/00207/DIS: Application to discharge condition 4 (foul and surface water drainage) of application ref: 14/01232/REMMAJ (which was for 58 dwellings and associated works). Pending.

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

15/00238/DIS: Application to discharge condition 14 (materials) of outline planning permission ref: 13/00126/OUTMAJ. Discharged May 2015.

15/00248/DIS: 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. Discharged May 2015.

15/00422/MNMA: Minor non-material amendment to plots 31-35 & 53-61 (14 plots) (approved under 13/01132/REMMAJ) involving a substitution of the approved roof tile specification. Approved May 2015.

15/00505/PNOT: Prior notification of the intention to install an electricity substation and pump station. Approved June 2015.

15/00674/OUTMAJ: Section 73 application to vary conditions nos. 28 (Junction configuration) and 30 (Construction of main access road) attached to outline planning permission no. 14/00927/OUTMAJ. Pending.

15/00769/OUTMAJ: Section 73 application to vary conditions nos. 16 (Code for Sustainable Homes) and 17 (Code for Sustainable Homes) in respect of plots 41 to 52 (12 plots) on development parcel H1a(ii), attached to outline planning permission no. 14/00927/OUTMAJ. Pending.

15/00825/DIS: Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H1c for which a reserved matters application is to be submitted) of permission 14/00927/OUTMAJ (outline permission for the development of Group 1). Discharged October 2015.

15/01030/DIS: Application to discharge condition 3 of permission 14/00927/OUTMAJ (revision to agreed extent of the proposed sub-phase H2 to enable extension of shared driveway to provide improved turning head). Discharged November 2015.

15/01037/REMMAJ: Reserved matters application pursuant to outline planning permission 14/00927/OUTMAJ for the erection of 167 no. dwellings (including of 41 no. affordable dwellings). Approved 16 December 2015.

15/01169/DIS: Application to discharge condition 14 of permission 14/00927/OUTMAJ (insofar as it relates to sub-phase H2) to update approved materials schedule. Discharged 14 December 2015.

15/01196/S106A: Application 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 a planning obligation dated 16 December 2002. Pending.

15/01244/FUL: Section 73 application to vary conditions nos. 16 (Code for Sustainable Homes) and 17 (Code for Sustainable Homes) in respect of development parcels H1c, H1d, H1bi, M1 and H1a only attached to outline planning permission no. 14/00927/OUTMAJ. Pending.

15/01207/MNMA: Minor non-material amendment to highway layout (approved under 14/01232/REMMAJ) involving revision to private drives serving Plot 23, Plot 24, Plot 40 and Plot 41 to provide improved turning head. Approved 18 January 2016.

16/00046/REM: Reserved matters application pursuant to outline planning permission 14/00927/OUTMAJ for substitution of house types on plots 23 and 41 on Parcel H2 approved under reserved matters approval 14/01232/REMMAJ. Approved 22 February 2016.

16/00110/REM: Reserved matters application pursuant to outline planning permission 14/00927/OUTMAJ for substitution of house types on plots 24 and 40 on Parcel H2 approved under reserved matters approval 14/01232/REMMAJ. Approved 9 March 2016

16/00397/S106A: Application 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 a planning obligation (Affordable Housing) dated 16 December 2002. Pending.

16/00444/CTY: Lancashire County Council consultation on a planning application for the erection of a new three form entry primary school for pupils aged 4-7 including single storey building, car parking area, hard surface play areas, grass playing pitch and 1.5m and 2.4m high perimeter fencing. Pending.