

**APPLICATION REPORT – 16/00686/S106A**

**Validation Date: 27 July 2016**

**Ward: Clayton-le-Woods West And Cuerden**

**Type of Application: Section 106 Amendment**

**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 within Phases 4 and 5) dated 24 March 2011**

**Location: Land South Of Cuerden Farm And Woodcocks Farm And Land North Of Caton Drive Wigan Road Clayton-Le-Woods**

**Case Officer: Adele Hayes**

**Applicant: Ian Harrison**

**Agent: Nathan Matta**

**Consultation expiry: None required**

**Decision due by: 26 October 2016**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site comprises 13.65ha of land located to the east of the A49 Wigan Road and junction 28 of the M6, to the north of Clayton-le-Woods, and is approximately 6km from Chorley Town Centre and 8km from Preston.
3. The site was formerly in agricultural use with a network of trees, hedgerows and ponds throughout.
4. Following the grant of outline planning permission on appeal in 2011, reserved matters consent was granted in 2013 for a residential development comprising 294 dwellings, of which 88 were proposed to be affordable, associated highways, infrastructure, car parking and pedestrian / cycle routes, formal and informal open space provision.
5. Development is now well underway with the site split between Taylor Wimpey and David Wilson Homes.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

6. This current application has 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 3 of

the 15 approved affordable dwellings on Phases 4 and 5 that are being developed by Taylor Wimpey.

7. It is proposed to change the tenure of 3no.x 3 bedroom dwellings on plots 125-127 from social rent to shared ownership due to a proliferation of 3 bedroom dwellings on the parcel.

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

## **REPRESENTATIONS**

9. No representations received

## **CONSULTATIONS**

10. Strategic Housing - Have no objection to the proposed changes to the delivery of the affordable housing.

## **PLANNING CONSIDERATIONS**

11. The Government wrote to all Local Planning Authorities last year advising that, following feedback by key partners, it is clear that housing associations are reviewing their existing financial commitments following the Budget 2015 announcement of reductions in social rents in the four years from 2016-17.

12. Section 106 agreements may be renegotiated at any time by mutual consent. Several developers have already approached the Council to renegotiate Section 106 Agreements to make adjustments to planned schemes, including the type of affordable housing provided.

13. The Government's planning guidance is clear that local planning authorities should be flexible in their requirements, taking into account specific site circumstances and changing circumstances.

14. Developers are already entitled to apply to modify any obligation over five years old. The Government has urged planning authorities to respond constructively, rapidly and positively to requests for such renegotiations and to take a pragmatic and proportionate approach to viability. Where it is simply proposed that the tenure mix is adjusted, with the overall affordable housing contribution remaining the same, it is the Government's view that this is unlikely to justify reopening viability by either side. Local authorities are asked to expedite such renegotiations so they can be dealt with in a timely manner, and avoid action which might result in unnecessary delay.

15. Taylor Wimpey are developing a total of 150 units on the site, of which 45 (30%) are affordable housing in line a condition of the original Outline Planning Permission. Of the 45 affordable housing, the approved tenure split is currently 32 (71%) rented and 13 (29%) shared ownership.

16. Phases 1, 2 and 3 have already been delivered in accordance with the approved split.

17. Earlier this year the developer began discussions with Adactus in relation to Phases 4 and 5 and since the budget announcement there has been clarity that with Social Rent, the reduction applies cumulatively in the rent setting process as well as annual decreases once properties are completed. The implications are such that there has been an impact on the value that could be offered for the rented units and in order that the scheme viability can be maintained, it requires 3 rented units to be switched to shared ownership tenure. Adactus have delivered shared ownership units on the earlier phases on this site and are committed to delivering shared ownership units within phases 4 and 5 but with an additional 3 units being delivered if this application is approved.

18. The total affordable housing remains at 45 (30%), with 29 rented and 16 shared ownership.

19. Colleagues in the Council's Strategic Housing Team have advised, that after careful consideration, they have no objection to the request to convert 3 social rented units to shared ownership on this site and that from a Strategic Housing perspective the application is supported.

## **CONCLUSION**

20. It is recommended that the application is approved.

## **CONSTRAINTS**

**Biological Heritage Sites**  
**Chorley Core Area**  
**Highway Adoptions**  
**Outside Coalfield**  
**Parish**  
**Safeguarded Land**  
**Ward**

## **RELEVANT HISTORY OF THE SITE**

**Ref: 95/00479/FUL Decision: WDN Decision Date: 30 April 1996**  
**Description: Erection of 330 houses together with estate roads and the provision of open space on approximately 42 acres (17 Ha) of land.**

**Ref: 10/00275/SCE Decision: PESCEZ Decision Date: 30 April 2010**  
**Description: EIA Screening Opinion for Land off A49 Wigan Road, Clayton-le-Woods.**

**Ref: 10/00414/OUTMAJ Decision: Allowed Decision Date: 22 July 2011**  
**Description: Outline application for residential development of up to 300 dwellings (comprising 2, 2.5, & 3 storeys) with details of access and highway works and indicative proposals for open space, landscape and associated works.**

**Ref: 11/00990/SCE Decision: PESCEZ Decision Date: 7 December 2011**  
**Description: Request for a screening opinion under the Town and Country Planning (EIA) regulations by Redrow Homes for Land off Wigan Road, Clayton le Woods.**

**Ref: 11/01085/OUTMAJ Decision: PERFPP Decision Date: 4 April 2012**  
**Description: Section 73 application to amend condition 20 (Layout of Highway Improvements at Hayrick Junction) of Outline application 10/00414/OUTMAJ relating to the residential development of up to 300 dwellings (comprising 2, 2.5, & 3 storeys) with details of access and highway works and indicative proposals for open space, landscape and associated works.**

**Ref: 13/00095/SCE Decision: PESCEZ Decision Date: 19 April 2013**  
**Description: Request for Screening Opinion Pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.**

**Ref: 13/00138/REMAJ Decision: PERRES Decision Date: 7 May 2013**  
**Description: Reserved matters application pursuant to outline planning permission 11/01085/OUTMAJ for the erection of 294 dwellings, associated highways infrastructure, car parking and pedestrian / cycle routes, formal and informal open space provision and associated works.**

**Ref: 13/00139/DIS Decision: PEDISZ Decision Date: 28 August 2013**  
**Description: Application to discharge conditions numbered 2 (affordable housing), 3 (phasing programme), 4 (external facing materials), 5 (hard ground surfacing materials), 6 (ground and slab levels), 7 (walls and fences), 8 (surface water drainage), 9 (foul water drainage), 10 (ground contamination), 11 (landscaping), 12 (public open space and play**

space provision), 15 (bat mitigation), 17 (construction method statement). 18 (ecological management plan), 21 (design of sewer network), 22 (archaeological work), 24 (maximum number of dwellings) and 25 (masterplan and design code) of planning approval 11/01085/OUTMAJ.

Ref: 13/00874/DIS Decision: REDISZ Decision Date: 6 December 2013  
Description: Application to discharge conditions numbered 12 (marketing documentation), 13 (estate street phasing plan), 14 (highway works), and 16 (construction method statement) of reserved matters approval 13/00138/REMMAJ

Ref: 14/00079/DIS Decision: PEDISZ Decision Date: 12 May 2014  
Description: Application to discharge conditions 12 (marketing documentation), 13 (phasing plan), 14 (highway works) and 16 (Construction Method Statement) of planning permission ref: 13/00138/REMMAJ (which was a reserved matters permission for the erection of 294 dwellings).

Ref: 14/00161/MNMA Decision: PEMNMZ Decision Date: 7 March 2014  
Description: Minor non-material amendment to plots T1, T9-T31, T34, T36-T40, T42-T46, T49 and T50 (approved under 13/00138/REMMAJ) involving repositioning of previously approved house types

Ref: 14/00730/REMMAJ Decision: PERRES Decision Date: 17 September 2014  
Description: Reserved matters application pursuant to outline planning permission 11/01085/OUTMAJ for substitution of house types on Plots D78 - D85 and D89 - D101 approved under reserved matters approval 13/00138/REMMAJ.

Ref: 14/00750/MNMA Decision: PEMMAZ Decision Date: 19 August 2014  
Description: Minor non-material amendment to plots D61 -D68 (approved under 13/00138/REMMAJ) involving repositioning of previously approved house types.

Ref: 15/00200/MNMA Decision: PEMNMZ Decision Date: 20 March 2015  
Description: Minor non-material amendment to highway layout (approved under 13/00138/REMMAJ) involving extension of shared driveway to provide improved turning head.

Ref: 16/00202/MNMA Decision: PEMNMZ Decision Date: 15 April 2016  
Description: Minor non-material amendment to plots 62, 66 & 109 approved under 13/00138/REMMAJ involving changes to the approved house types comprising replacement of 2.5 storey dwellings with 2 storey dwellings.

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.