

APPLICATION NO PA/2014/1053

APPLICANT Redrow Homes Yorkshire

DEVELOPMENT Application to modify Section 106 agreement attached to planning permission PA/2003/0696 at Tofts Road

LOCATION Tofts Road, Barton-upon-Humber

PARISH BARTON-UPON-HUMBER

WARD Barton-upon-Humber

CASE OFFICER Tanya Coggon

SUMMARY RECOMMENDATION That the Section 106 agreement be varied

REASONS FOR REFERENCE TO COMMITTEE Objection by Barton-upon-Humber Town Council

POLICIES

National Planning Policy Framework: Paragraphs 19 (Delivering sustainable Development), 173 (Ensuring viability and deliverability) and 203-206 (planning conditions and obligations)

National Planning Guidance – Viability: Paragraphs 001, 016-023

North Lincolnshire Local Plan: SPG8 (Developer Contributions to Schools)

North Lincolnshire Core Strategy: CS27 (Planning Obligations)

CONSULTATIONS

Highways: No objection.

Education: The developer is willing to make a final payment of £291,847 for the educational contribution. This amount is based on the figure quoted in the original S106 of £3,816 per dwelling for primary and secondary education contributions. This figure has not been inflated since the S106 was signed in 2005. The S106 does state that the figure would be inflated using the Retail Price Index (RPI). However, it is considered that the secondary element of the calculation is not required as Baysgarth school and schools in Brigg have sufficient capacity. As a result the educational contribution is calculated on 139 houses for primary school places.

The second trigger point of 30% was reached on 30 March 2012 and using the RPI inflated calculations for 2011/12 = £111,523.95 (primary places).

The third trigger point of 40% was reached on 28 June 2013 and using the RPI inflated calculations for 2013/14 = £168,830.09 (primary places).

In 2010 the council received a payment of £236,122 when the first trigger was reached and the first 30% was paid. This was for both primary and secondary contributions which at the time was required. This money was spent at extensions at Bowmandale and Castledyke primary schools and an element of the secondary contribution was spent at Baysgarth school. However, the council still has £67,304 remaining unallocated on the secondary contribution. The S106 agreement states that if the contribution is not spent within five years of receipt then it should be returned to the developer.

We are therefore seeking a final payment of £280,354- £67,304 = **£213,050**

TOWN COUNCIL

Objection. The developer previously submitted a planning application in 2012 (PA/2012/0920) for the S106 to be modified. However, since the site has continued to be developed numerous planning applications have been submitted for minor alterations and to vary the original planning consent in order for the changes to allow the developer to sell the properties which it has done considerably. In light of this the town council objects to the application.

PUBLICITY

Advertised by site and press notice. No responses have been received.

ASSESSMENT

The site is located to the south-west of Barton-upon-Humber. It was purchased by Redrow Homes in 2006 and development has been underway since 2007. The site has a complex planning history with various applications being submitted for the site since the original outline planning permission was granted in 2005. The site is now substantially complete and Redrow Homes anticipate that they will be off site in March 2015.

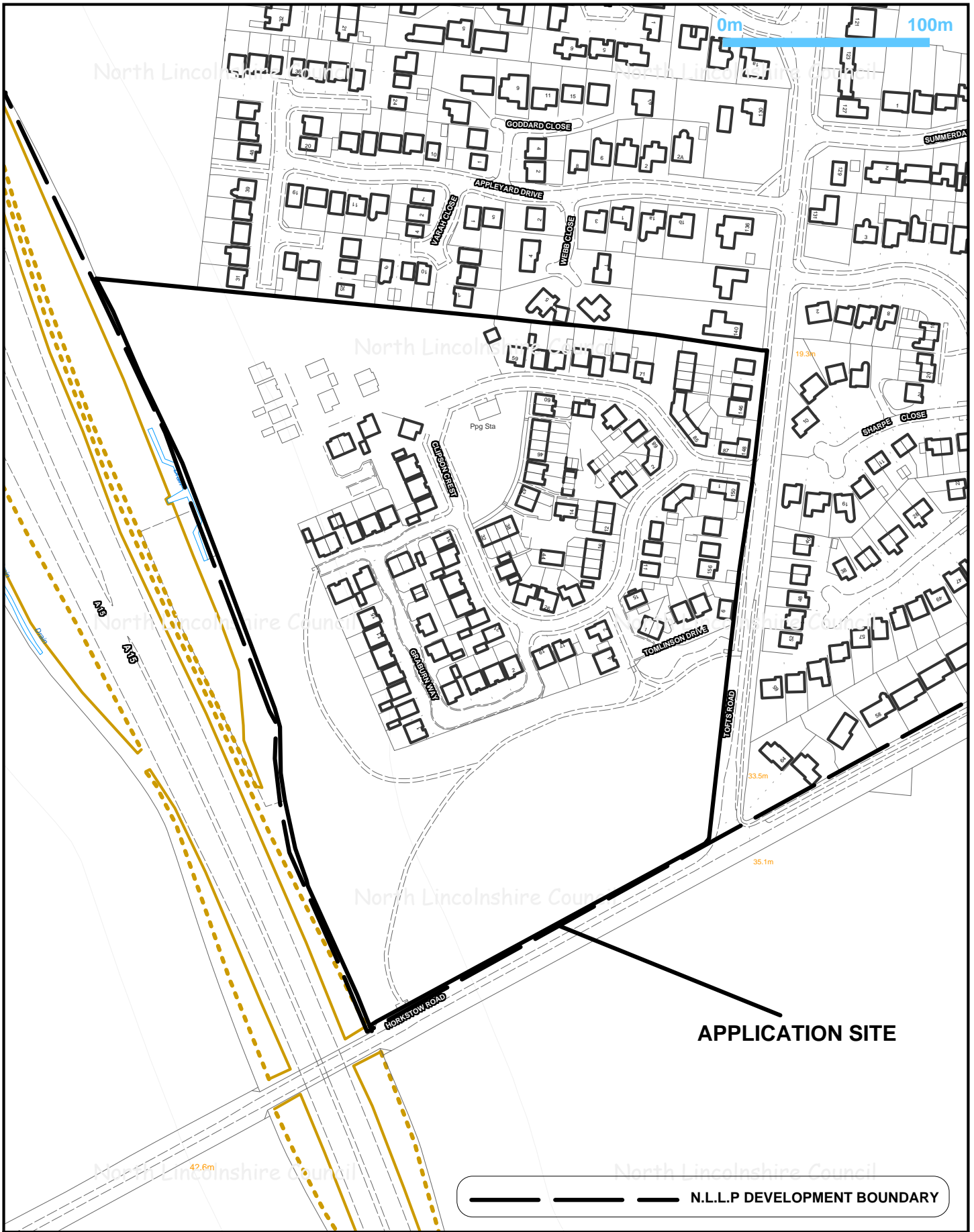
This application is made under Regulation 3 of the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to vary the existing S106 agreement for the site in terms of education contributions. Redrow Homes have provided financial information that confirms, due to the impact the recession has had on the development, and in particular on the house prices for the site, the scheme is no longer financially viable. Redrow Homes therefore considers that the educational contributions can no longer be justified.

Paragraph 205 of the National Planning Policy Framework states that, 'where obligations are being sought or revised, local planning authorities should take into account changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planned development being stalled'. Paragraph 173 of the National Planning Policy Framework also states that, 'sites and the scale of development identified in the plan should not be subject to such scale of obligations and policy burdens that their ability to be developed viably is threatened'. Within policy CS27 (paragraph 16.14) it states that, 'it is important that development costs, including the costs of implementing planning obligation agreements, should not prejudice development that supports North Lincolnshire Council's aspiration to see the regeneration, improvement and revitalisation of the area. If it is claimed that development is unable to support the cost of a planning obligation then this could be subject of negotiations. In such cases the developer will have to demonstrate non-viability via an "open book" approach'.

In this case the council does not dispute the applicant's case that the site is running at a loss. Redrow Homes have already paid a substantial contribution to education (£236,132) and are willing to provide a final payment calculated by the council of £213,050. Once the final payment is received this will give a total education contribution for the whole site of £236,132 + £213,050 = £449,182. This figure is considered to be fair and reasonable by the council for this particular site. It is therefore recommended that Members agree to vary the S106 in order for a final payment for the education contribution to be made.

RECOMMENDATION

That Members agree to the variation of the Section 106 agreement to allow a final payment for education contributions of £213,050 being paid to the council by 11 April 2015.

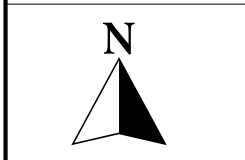


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Drawn by: Clare Allcock

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