

Reference No: P/MPO/2023/03270

Proposal: Modify section 106 agreement dated 17 August 2016 - Relating to Phases 2-4 at Curtis Fields (WP/14/00777/OUT) - to modify a portion of the affordable housing requirements from 30% to 26.24% following receipt of independent viability report (revised description)

Address: Phases 2-4 Curtis Fields Land South of Chickerell Road Weymouth DT4 0TR

Case Officer: James Lytton-Trevers

Ward Members: Cllr Fuhrmann & Cllr Hope

1.0 Reason application is going to committee:

This application is being reported to the planning committee following deferral of the item at the meeting of the planning committee on 18 April 2024 for officers to explore with the applicant what other options there could be to make the scheme viable while still delivering 30% affordable housing instead of the 26.24% which is now sought.

The committee report from the April 2024 meeting is attached at appendix 1 below.

2.0 Summary of recommendation:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to approve subject to the completion of a deed of variation of the s106 dated 17th August 2016 to secure 26.24% affordable housing.

3.0 Update

3.1 An approach was made to the applicant to consider the request of the planning committee to consider what other options had been considered to make the scheme viable as it seemed appropriate for the Council to give the applicant that opportunity to respond before a decision is taken by the Committee and to ensure that Members are satisfied that all avenues have been explored.

3.2 The applicant has responded that in terms of negotiation, *‘during the consultation stage of this application, Chesters Commercial and the District Valuer (DV) met to negotiate the costs the applicant presented. At that stage the DV would not accept the reduction the applicant originally specified but after lengthy discussion agreed that a reduction to 26.24% was necessary given the unexpected costs Betterment were faced with.’* The applicant puts forward that this was a negotiation and therefore other options to increase the viability and therefore for the percentage of affordable housing have already been carried out.

3.3 The applicant states that *‘this Application is not aimed at avoiding the provision of Affordable Homes, it is simply an Industry standard and NPPF compliant procedural request for the S106 terms to be reconsidered and modified to reflect unforeseen and abnormal development costs. It would be helpful if Officers could remind Members that Betterment Properties (BP) has already delivered a large number of Affordable Homes at Curtis Fields and has made substantial payments to fund other community benefits. None of this would be possible without BP’s*

investment, which also makes a significant contribution to the Council's Housing supply target. In this instance, as the DVS has advised the Council, a modest reduction in the Affordable Housing quota is demonstrably valid and reasonable. BP, like any other Developer, simply expects a reasonable return for that initiative, endeavour and risk and should not be required to offer 'options'.

3.4 We are grateful that you acknowledge that this Application has already been informed by negotiations between Chesters and the DV who produced, for the Council's benefit, two reports on the matter. In the circumstances we consider that BP should not have to widen the scope of this specific Application – it should be determined in line with the demonstrably reasonable, evidence based, independent assessment that concludes that the Curtis Fields scheme can deliver a quota of 26.24% Affordable Homes along with all the other benefits reserved in the S106.'

4.0 Conclusion

4.1 Officers in April 2024 recommended that the application should be approved and the S106 modified to secure the reduced percentage of affordable housing provision. The information supplied by the applicant following the deferral at the April meeting does not alter that recommendation. The proposal would only be able to viably make provision for 26.24% affordable housing instead of 30%. Provision of the housing would still be on the development site as opposed to off-site or through a financial contribution. The proposal would be able to meet all other financial obligations contained within the s106. A deed of modification of the s106 would need to be prepared to make the adjustment to the amount of affordable housing provision. The proposal is considered to be in accordance with Policy HOUS1 of the West Dorset, Weymouth and Portland Local Plan (2015) and paragraphs 58 and 64 of the NPPF (2023).

5.0 Recommendation

5.1 Recommendation: Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to approve the modification of the S106 agreement dated 17th August 2016, subject to a deed of modification to secure 26.24% affordable housing having been satisfactorily completed.