

**48/14/0001VSC
Miscellaneous Report**

PEGASUS GROUP

Section 106BA Variation of S106 conditions

Application for the amendment of schedule 1 and clause 1.1 of the section 106 agreement for planning application 48/05/0072 requiring 25% of the housing shall be affordable and not 35% concerning land at Monkton Heathfield.

Recommendation

The Planning Committee to agree to grant permission for the S106BA Variation in affordable housing levels from 35% to 25% subject to a suitable mechanism being established to ensure the funding provision of the Western Relief Road in a timely manner.

Report

The Consortium have submitted an application for the level of affordable housing on the Monkton Heathfield Local Plan site (planning permission 48/05/0072) to be reduced from the 35% to 25% in order to release sufficient funds to enable the provision of the Western Relief Road.

In April 2013 the Government introduced S106BA into the Town and Country Planning Act 1990 to allow for a variation of S106 agreements relating solely to the quantum of Affordable housing in cases where the cost of that level of Affordable housing made the scheme unviable. Any permission relating to this section is to remain for up to 3 years.

Taunton Deane Borough Council have commissioned an independent viability report which concludes that the scheme granted planning permission under 48/05/0072 is indeed unviable, taking into account the provision of the Western Relief Road.

The Housing enabling Officer has been involved in the process and accepts to the principle of the reduction in this case given the long term benefits to the continued delivery of Affordable housing for this site and the future Core strategy site.

Discussions are currently underway to ensure that there is a mechanism for the monies released by any reduction in affordable housing to be used to ensure that the Western Relief Road can be delivered without impacting on the timing of the delivery of the approved housing.