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**F/YR25/0088/PLANOB**

**Applicant:**  
**Angela Holleyoake**  
**Accent Housing LTD**

**Agent :**

**Land South Of, 8 - 59 Fairbairn Way, Chatteris, Cambridgeshire**

**Modification of Planning Obligation attached to planning permission F/YR19/0152/O (entered into 03.08.2020) relating to provision of 100% affordable housing (with associated nomination rights) and a reduction in education contributions to £100,000 (£2000 per plot)**

**Officer recommendation: Grant**

**Reason for Committee: The original outline planning permission (which included a Planning Obligation) was determined by the Planning Committee**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks to modify the planning obligation (S106 agreement) attached to planning permission F/YR19/0152/O to enable a 100% affordable rental housing scheme to be secured (with associated nomination rights) and a reduction in education contributions to £100,000 (£2000 per plot); the secured open space contribution of £38,720 remains unchanged.
- 1.2 The Fenland Monitoring Report 2024-2025 confirms that whilst the target of 25% affordable housing was close to being met in 2024-25 (21%) in many of the preceding years there was a significant shortfall and hence historically a significant under provision. The Council's Housing Strategy Officer has confirmed that there are 491 registered with the Council looking for affordable rent in Chatteris and the increase in affordable housing to 100% on this site would contribute to alleviating this need.
- 1.3 The education contributions are proposed to be reduced significantly from those originally secured, and in line with the Local Plan & CIL Viability Assessment which was relevant at the time the outline permission was granted. Cambridgeshire County Council have approved the revised education contribution of £2000 per plot.
- 1.4 Whilst the reduction in education contributions is regrettable, this is considered to be outweighed by the provision of 37 additional affordable rented houses for which there has historically been a significant under provision within the district and will assist towards alleviating this unmet need.
- 1.5 As such, the recommendation is to grant the Deed of Variation.

## 2 SITE DESCRIPTION

The site consists of 1.76-hectares off Fairbairn Way on the southern edge of Chatteris to the west of London Road. The site was recently open fields/grassland with some grazing, however construction of the approved dwellings is now well underway. The site is adjacent to properties at the south side of Millfield Close and the southern sides of Fairbairn Way.

## 3 PROPOSAL

3.1 Application F/YR19/0152/O was referred to Planning Committee for determination on 9<sup>th</sup> October 2019, where it was resolved to grant the application subject to a S106.

3.2 The decision was issued on 26<sup>th</sup> August 2020 and the associated S106 agreement secured:

25% affordable housing (70% social housing for rental and 30% shared ownership) or an affordable housing contribution in accordance with Policy LP5.

Education contributions for Early Years, Primary and Secondary Education as per the calculation set out which Cambridgeshire County Council consider to be £1,462,830; and Libraries and Lifelong Learning Contribution of £5265.

Open Space Contributions of £38,720.

3.3 This application seeks to modify the above planning obligation (S106 agreement) to enable a 100% affordable rental housing scheme to be secured. Fenland District Council will receive nomination rights to all of the new affordable homes (100% of first lets and 75% of any subsequent lets), with Cambridgeshire County Council to have first refusal for five of these.

3.4 A financial contribution of £100,000 (£2000 per plot) is proposed towards the improvement and/or provision of education facilities that will serve the Development

3.5 The open space contribution of £38,720 remains unchanged.

3.6 The Deed Of Variation (DOV) also seeks to amend the definition of various clauses within the S106 relating to affordable housing and the addition of a new paragraph 5 in relation to the disposal of affordable housing.

## 4 SITE PLANNING HISTORY (of relevance)

|                |   |                     |
|----------------|---|---------------------|
| F/YR23/0114/RM | Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR19/0152/O to erect 50 x dwellings (18 x 2-bed, 26 x 3-bed and 6 x 4-bed) with associated access and parking, the formation of an attenuation pond, and alterations to ground levels | Approved<br>22/6/23 |
|----------------|---|---------------------|

F/YR19/0152/O

Erection of up to 50no dwellings (outline application with all matters reserved)

Granted  
26/8/20

## 5 CONSULTATIONS

### 5.1 Housing Strategy (FDC) (19/12/25)

*I have read through the Dov regarding the S106 for F/YR25/0088/PLANO B and have no comments to make regarding the change to the delivery of 100% affordable rental units on this development and nominations clauses attached to these are acceptable.*

### 5.2 Cambridgeshire County Council Development and Policy Manager

*I can confirm that the County Council has approved the revised education contribution of £2,000 per plot. However, due to the significant reduction in the overall contribution, distributing the funding across primary, secondary, and early years provision would limit the feasibility of delivering meaningful mitigation projects. As such, and in line with standard practice, we will pool the funds into a single Education Contribution, which will be allocated at our discretion.*

*Additionally, the principle of nomination rights for the five dwellings has been agreed between Accent and the Adult Social Care team.*

## 6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

## 7 POLICY FRAMEWORK

### **National Planning Policy Framework (NPPF) 2024**

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

### **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **Fenland Local Plan 2014**

LP5 – Meeting Housing Need

LP13 – Supporting and Managing the Impact of a Growing District

### **Developer Contributions SPD 2015**

## 8 ASSESSMENT AND CONCLUSIONS

8.1 Policy LP5 of the Fenland Local Plan 2014 seeks to secure appropriate housing to meet the needs of the area including affordable housing as well as meeting the particular needs of all sectors of the community. Policy LP13 sets out the Council's approach to securing appropriate infrastructure to mitigate the impact of development and a growing district.

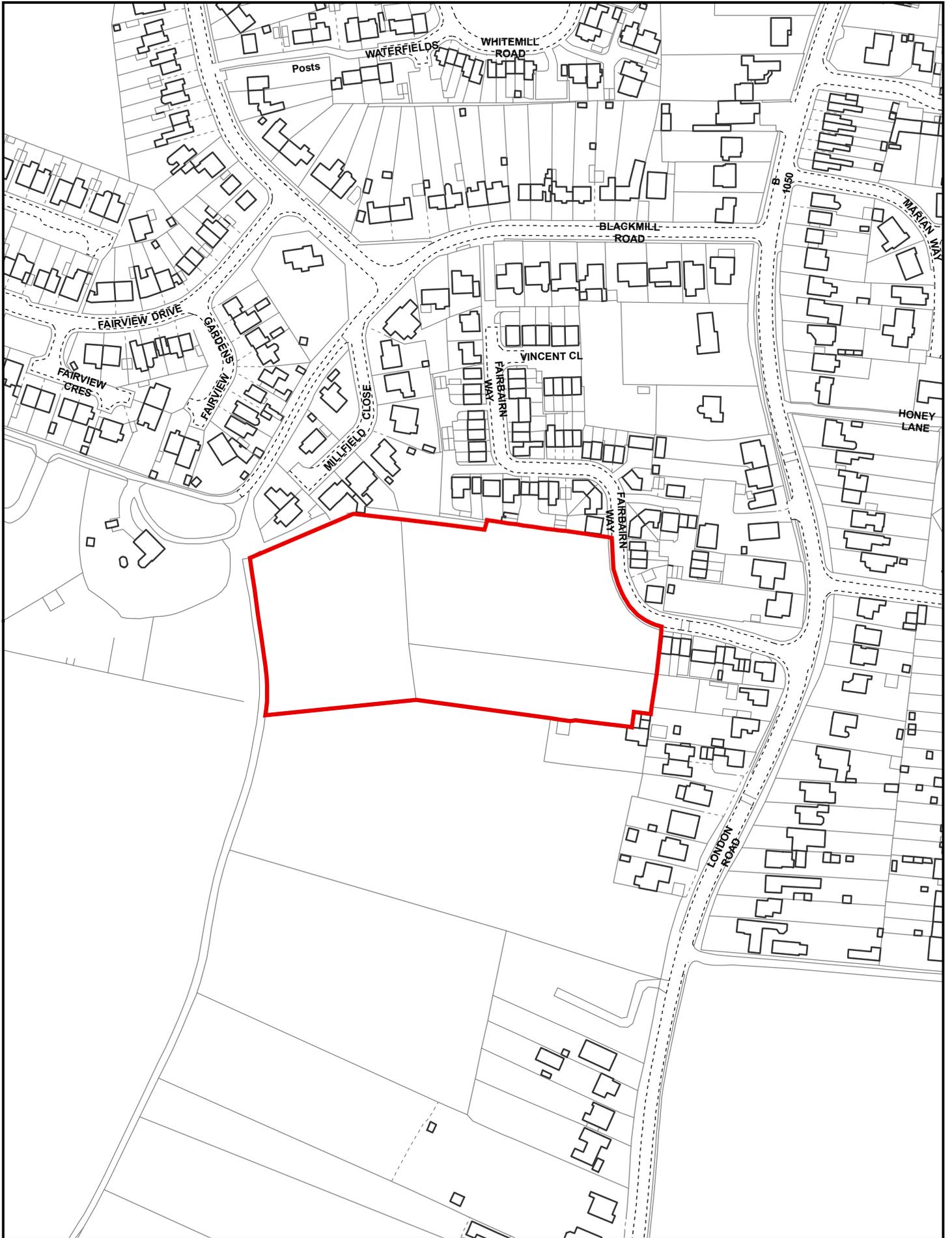
8.2 Section 106A of the Act enables modification or discharge to be achieved either by an agreement with the local planning authority (which must be executed as a deed), or by an application to the local planning authority.

- 8.3 Periods within which applications to modify or discharge an obligation can be made, are as follows:
- for obligations entered into on or before 6 April 2010 – an application can be made at any time
  - for obligations entered into after 6 April 2010 – an application can be made after 5 years beginning with the date the obligation has been entered into to
- 8.4 Application F/YR19/0152/O was referred to Planning Committee for determination on 9<sup>th</sup> October 2019, where it was resolved to grant the application subject to a S106.
- 8.5 The decision was issued on 26<sup>th</sup> August 2020 and the associated S106 agreement secured:
- 25% affordable housing (70% social housing for rental and 30% shared ownership) or an affordable housing contribution in accordance with Policy LP5
  - Education contributions for Early Years, Primary and Secondary Education as per the calculation set out which Cambridgeshire County Council consider to be £1,462,830; and Libraries and Lifelong Learning Contribution of £5265.
  - Open Space Contributions of £38,720.
- 8.6 Reserved Matters application F/YR23/0114/RM was subsequently approved on 22<sup>nd</sup> June 2023, for 50 dwellings indicated as being affordable social rented. An extract from the officer report is provided below:
- Affordable Housing*  
*The outline application included a section 106 agreement that required a minimum of 25% affordable units with a split of 70/30 social rented/shared ownership. The scheme provides 100% affordable and it is intended that all properties are to be Social rented. The applicant has confirmed this will require a variation to the S106 which is to be carried out. The provision of 100% affordable which exceeds policy requirement, is to be welcomed.*
- 8.7 However, at that time there was no Deed of Variation (DOV) to secure this or revise any of the contributions, this application seeks a DOV to conform with the RM approval detailed above.
- 8.8 The scheme is now proposed to be 100% affordable and the Council's adopted Developer Contributions Supplementary Planning Document states that planning obligations will not normally be sought from affordable housing schemes (other than the provision of the homes themselves).
- 8.9 The Fenland Monitoring Report 2024-2025 ([Fenland Monitoring Report](#)) confirms that whilst the target of 25% affordable housing was close to being met in 2024-25 (21%) in many of the preceding years there was a significant shortfall and hence historically a significant under provision. The Council's Housing Strategy Officer has confirmed that there are 491 registered with the Council looking for affordable rent in Chatteris and the increase in affordable housing to 100% on this site would contribute to alleviating this need. Fenland District Council will receive nomination rights to all of the new affordable homes (100% of first lets and 75% of any subsequent lets), with Cambridgeshire County Council to have first refusal for five of these.

- 8.10 The education contributions are proposed to be reduced significantly from those originally secured, and in line with the Local Plan & CIL Viability Assessment which was relevant at the time the outline permission was granted. Cambridgeshire County Council have approved the revised education contribution of £2000 per plot. However, due to the reduction consider that distributing the funding across primary, secondary, and early years provision would limit the feasibility of delivering meaningful mitigation projects, and in line with standard practice, they will pool the funds into a single education contribution, which will be allocated at their discretion.
- 8.11 The open space contribution of £38,720 was secured for off-site provision or improvement of facilities within the area of Chatteris Town Council. This was in accordance with the Developer Contributions SPD as the site was too small (1.76ha) to require anything on site, and very limited open space was proposed within the development at RM stage to balance against this need, as such this is still considered necessary to make the development acceptable planning terms and continues to serve a useful purpose.
- 8.12 In conclusion, the application seeks to modify the planning obligation (S106 agreement) attached to planning permission F/YR19/0152/O to enable an 100% affordable rental housing scheme, secure nomination rights in relation to these, the open space contribution of £38,720 previously secured will remain, however the education contributions are proposed to be reduced to £2000 per plot and pooled into a single education contribution. Whilst the reduction in education contributions is regrettable, this has been approved by Cambridgeshire County Council and is considered to be outweighed by the provision of 37 additional affordable rented houses for which there has historically been a significant under provision within the district and will assist towards alleviating this unmet need.

## **9 RECOMMENDATION**

Grant the Deed of Variation as recommended by the Council's Legal Officer, the Council's Strategic Housing and Enabling Officer and Cambridgeshire County Council.



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