

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 13/12/2023**

**Q/1558/23**

**FAREHAM NORTH**

**RESIDE DEVELOPMENTS LIMITED**

DEED OF VARIATION TO SECTION 106 UNILATERAL UNDERTAKING DATED 9 MARCH 2022 TO ALLOW FOR ADDITIONAL FIVE MONTHS FOR SUBMISSION OF CUSTOM OR SELF BUILD SCHEME, MARKETING STRATEGY AND MARKETING TERMS

LAND SOUTH OF FUNTLEY ROAD, FUNTLEY

### ***Report By***

Richard Wright – direct dial 01329 824758

### ***1.0 Introduction***

- 1.1 In May 2022, following a Planning Inquiry earlier that year, outline planning permission was granted on appeal for up to 125 dwellings including 6 self or custom build plots, community building or local shop (Use Class E & F.2) with associated infrastructure, new community park, landscaping and access following the demolition of existing buildings at land to the south of Funtley Road, Funtley.
- 1.2 The Section 106 unilateral undertaking provided at the appeal inquiry contains obligations in relation to the six self or custom build plots. Amongst these obligations is a requirement to submit details of the self and custom build plots prior to the submission of the first reserved matters application. The details are to include a Custom or Self Build Scheme setting out the proposals for the six plots, a Marketing Strategy explaining how the plots will be marketed and the Marketing Terms for those plots.

### ***2.0 Description of Proposal and Consideration of Planning Issues Arising***

- 2.1 The provision of six self or custom build plots formed part of the proposals considered by the Planning Inspector when determining the appeal. The Inspector recognised that this provision was a benefit of the development and took that into account when reaching his decision to grant permission.
- 2.2 Condition 2 of the outline planning permission granted on appeal required reserved matters to be submitted no later than eighteen months from the date of the appeal decision (so by the end of November 2023). Commonly a period of three years is allowed for the submission of reserved matters of this kind, however in this case the Planning Inspector considering the appeal recognised the need to address the Council's shortfall in housing land supply

at the time of the appeal being heard and so imposed a shorter period. An application for reserved matters relating to 119 dwellings (not including the self and custom build properties) was received on 27<sup>th</sup> November and is currently under consideration (reference P/23/1544/RM).

- 2.3 The Council has recently approved an amendment to condition 2 to allow the reserved matters for the remaining six self and custom build plots to be submitted by the end of May 2025 (reference P/20/1168/MA/A). This is to allow sufficient time for the marketing of these plots for at least 12 months and for prospective purchasers to be found – something that, regrettably, was not allowed for in the Inspector’s appeal decision. Once each of the six plot purchasers have finalised the details of their self or custom build homes they will then be able to submit reserved matters applications individually for the Council’s approval.
- 2.4 To allow sufficient time for the developer to prepare the details of the self and custom build plots ahead of the marketing of these plots starting, the Council has received a request for a Deed of Variation to the Section 106. The proposed variation would allow the submission of the details of the self and custom build plots before the end of April 2024 instead of before the reserved matters application is submitted. Doing so would allow an additional five months for the preparation of these details.
- 2.5 Having regard to the shortened timescale allowed by the Planning Inspector for submission of reserved matters and noting that this did not provide a reasonable timescale for preparation of details of the self and custom build plots ahead of their marketing, Officers recommend that Members agree to entering into a Deed of Variation as requested by the developer.

### **3.0 Recommendation**

3.1 DELEGATE to the Head of Planning in consultation with the Solicitor to the Council to complete a Deed of Variation to the existing Section 106 dated 9<sup>th</sup> March 2022 to:

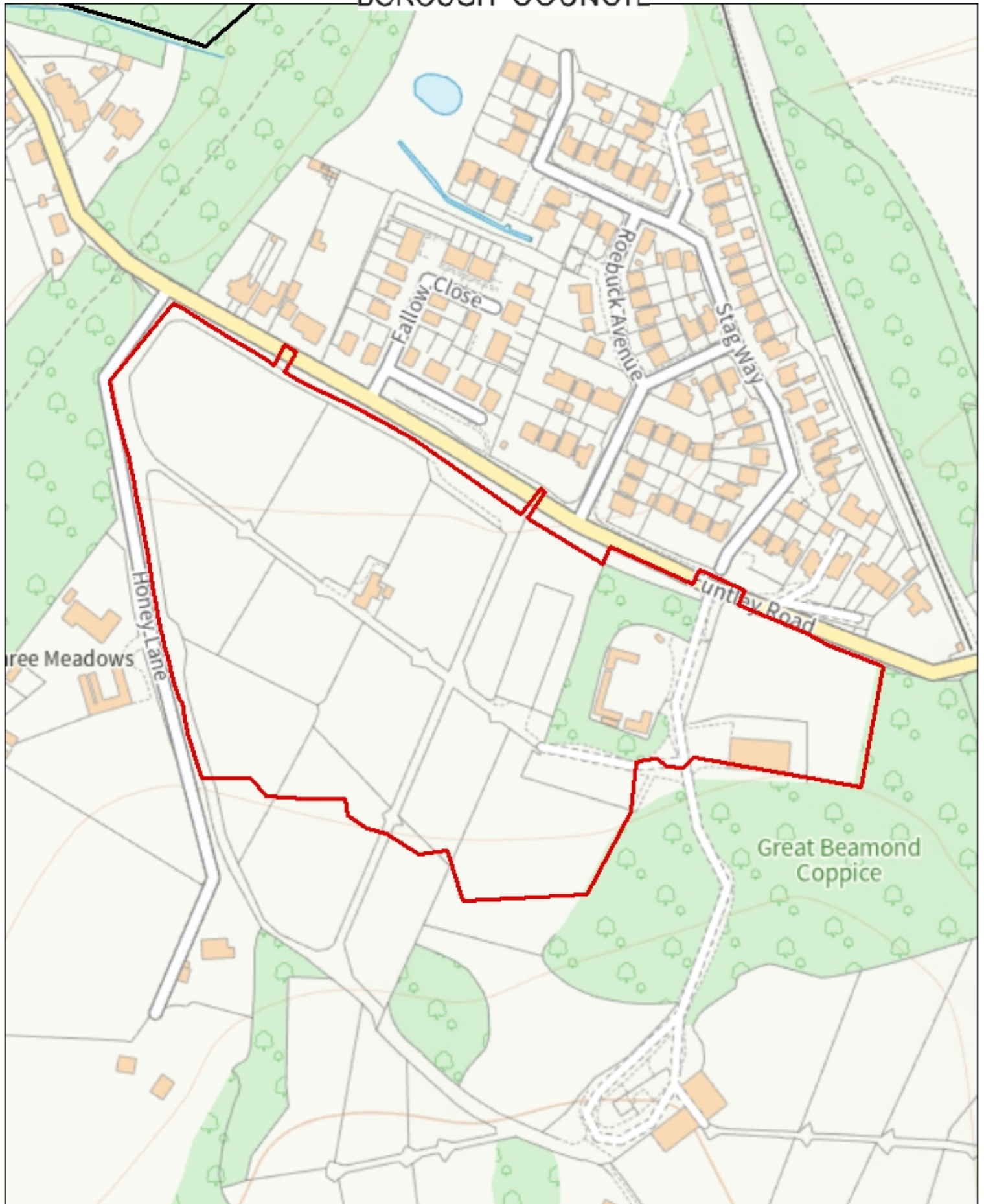
- a) Require the submission of the Custom or Self Build Scheme, Marketing Strategy and Marketing Terms prior to 30<sup>th</sup> April 2024.

### **4.0 Background Papers**

4.1 Application documents and all consultation responses and representations received as listed on the Council’s website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM

BOROUGH COUNCIL



Land to the South of Funtley Road  
Fareham

Scale 1:2,500



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