

# **UPDATE SHEET**

## **PLANNING COMMITTEE – 14 January 2025**

**To be read in conjunction with the  
Report of the Head of Planning and Infrastructure to Planning  
Committee**

- (a) Additional information received after the publication of the main reports;**
- (b) Amendments to Conditions;**
- (c) Changes to Recommendations**

**A1      23/01277/OUTM      Demolition of nos. 137 and 139 Church Lane and the redevelopment of the site to provide 13 dwellings with associated works (outline, means of access, layout and scale for approval).**

137 and 139 Church Lane, Whitwick.

### **Additional Information**

#### *Appeal against Non-Determination*

The Council has received confirmation that an appeal to the Planning Inspectorate against the non-determination of the application was lodged by the applicant on the 13<sup>th</sup> January 2025. In such circumstances the District Council can no longer 'determine' the application as the jurisdiction on determination now lies with the Secretary of State (via the Planning Inspectorate).

On this basis only a resolution can be made by Planning Committee on how the Planning Committee would have decided the application which will then form the Council's case presented to the Planning Inspectorate as part of the appeal process.

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

On the 12<sup>th</sup> December 2024 the NPPF was revised and of particular relevance to the affordable housing aspect of the development are the alterations to Paragraph 66 and footnote 36 (now footnote 31) of the NPPF.

Paragraph 66 of the NPPF now states that:

*"Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures."*

*Footnote 31 states:*

*"The requirement to deliver a minimum of 25% of affordable housing as First Homes, as set out in the 'Affordable Homes Update' Written Ministerial Statement dated 24 May 2021, no longer applies. Delivery of First Homes can, however, continue where local planning authorities judge that they meet local need"*

Specifically, the requirements for 10% of the total number of homes to be available for affordable home ownership (AHO) and for 25% First Homes have been removed.

At present the Committee report outlines that the affordable housing to be delivered as part of the development would amount to 3 dwellings, in line with Policy H4 of the adopted Local Plan. Based on the *former* wording of Paragraph 66 of the NPPF, 2 of the 3 affordable units would be AHO (with 1 of the AHO being a first home) and the final unit would be either be social or affordable rent.

### **Officer comment**

The Council's Affordable Housing Enabler (AHE) has been engaged in relation to whether the type of affordable housing to be delivered as part of the development would alter as a result of changes to Paragraph 66 and footnote 31 of the NPPF, but they are not in a position to provide detailed advice at this time.

On this basis it is recommended that the details of agreeing the type of affordable housing, and whether AHO and First Homes should be required or not, should be delegated to officers in conjunction with the Council's AHE as part of the negotiation on any Section 106 agreement provided as part of the appeal against the non-determination of the application. The amount of affordable housing to be delivered as part of the development will remain at 3 units.

**RECOMMENDATION – IF THE COUNCIL WERE ABLE TO DETERMINE THE APPLICATION, THE RECOMMENDATION IS THAT PERMISSION BE GRANTED SUBJECT TO S106 AGREEMENT**