



# Walsall Council

## **DEVELOPMENT CONTROL COMMITTEE**

**Date : 21<sup>st</sup> May, 2009**

### **Report Of Head Of Planning And Building Control**

#### **Variation to modify the provision of affordable housing on application 07/2000/OL/W5 – Residential Development, Brockhurst Crescent, Walsall**

##### **1.0 PURPOSE OF REPORT**

To agree a variation to the Section 106 Agreement relating to application 07/2000/OL/W5, approved 15<sup>th</sup> November, 2007, to reduce the percentage of affordable housing to be provided within the site from 20% to 10%.

##### **2.0 RECOMMENDATIONS**

That the Assistant Director - Legal and Constitutional Services in consultation with the Head of Planning and Building Control, be authorised to amend the Section 106, to change the requirement to provide 20% of affordable housing on the site to 10%.

##### **3.0 FINANCIAL IMPLICATIONS**

The developer will meet all the council's reasonable legal costs to enable a Deed of Variation to the Section 106 agreement.

##### **4.0 POLICY IMPLICATIONS**

The provision of affordable housing on this site was secured in line with Unitary Development Plan Policy H4 and the current Supplementary Planning Document for affordable housing.

##### **5.0 LEGAL IMPLICATIONS**

This report requires the council's Legal Services and the developer's solicitors to produce and agree a Deed of Variation on the Section 106.

##### **6.0 EQUAL OPPORTUNITY IMPLICATIONS**

The provision of an element of affordable housing on this site will ensure a type of housing relevant to the community needs.

##### **7.0 ENVIRONMENTAL IMPACT**

None

##### **8.0 WARD(S) AFFECTED**

Palfrey

9.0 **CONSULTEES**

Strategic Housing - Acceptable

10.0 **CONTACT OFFICER**

Karon Hulse

Senior Planning Officer

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11.0 **BACKGROUND PAPERS**

Walsall Unitary Development Plan 2005

Supplementary Planning Document for Affordable Housing July 2005

David Elsworthy

Head of Planning and Building Control

**Development Control Committee**  
**21<sup>st</sup> April, 2009**

**12.0 BACKGROUND AND REPORT DETAIL**

12.1 Outline planning permission (07/2000/OL/W5) was granted on 15<sup>th</sup> November, 2007 for the residential development of land corner of Brockhurst Crescent and Walstead Road West, Walsall (location plan attached).

12.2 Work has not begun. The committee report (9<sup>th</sup> October, 2007) identified section 106 agreement contributions for education, open space, affordable housing, education and healthcare provision.

12.3 This report only concerns the affordable housing provision of the section 106 agreement that was subsequently signed.

12.4 The committee report outlined that in accordance with the Unitary Development Plan and Supplementary Planning Document there was a requirement to provide affordable housing, the committee approved outline consent with a requirement to provide 20% of the site as affordable dwellings.

12.5 This report now outlines the applicants request to modify the provision of affordable housing on the site due to the downturn in the housing market and current economic climate. The applicants are requesting that the percentage is reduced to 10% social rent consisting of all houses, no apartments/flats. Previously the section 106 agreement was for 20% shared ownership with some units proposed to be apartments/flats.

12.6 In addition to the request to vary the Section 106 Agreement, the applicants are also seeking the removal of a planning condition on the outline consent. This is subject to a separate report on this agenda. A development appraisal has been submitted to support their request for both changes.

12.7 The development appraisal outlines the proposed construction cost based on a basic build cost. This would result in the development being constructed in line with the current minimum Building Regulations and NHBC standard requirements. The District Valuer has stated that the proposed construction costs are a fair overall figure and take into account the cost of any remediation necessary. Furthermore, the development appraisal also indicates that the projected profit margins, based on the proposed standard of construction together with the reduced affordable housing provision, will be below the normal acceptable commercial margins.

12.8 The District Valuer has agreed that any increased construction costs together with the requirement for more affordable housing on the site would render the site unviable. Even with the reduced amount of affordable housing proposed a useful proportion of the site will be secured for affordable housing. The change from the previously agreed affordable element of shared ownership in flats and houses is preferable as it will provide rented housing rather than flats.