



DEVELOPMENT CONTROL COMMITTEE

Date: 8th October 2009

Report of Head of Planning and Building Control- Regeneration

Residential Development of dwellings and associated works (revisions to application 05/0411/FL/E2 including increase number of dwellings from 76 to 93) at former Eagle Envelopes, Bloxwich Road, Walsall, West Midlands, WS3 2XG
Application No 06/2220/FL/E11

1.0 PURPOSE OF REPORT

To seek Committee's decision on whether to agree a variation of a Section 106 Agreement associated with permission 06/2220/FL/E11, by varying the obligations relating to provision of affordable housing to allow the shared ownership properties on plots 8 and 9 to be converted to social rented properties.

2.0 RECOMMENDATIONS

Revise the S106 Agreement to allow a change in tenure on plots 8 and 9 from shared ownership to social rented housing.

3.0 FINANCIAL IMPLICATIONS

None for the Council but the owner will lose revenue on plots 8 and 9.

4.0 POLICY IMPLICATIONS

Policy GP3 of Walsall Unitary Development Plan states that Planning Obligations will be used, as appropriate, to secure the provision of any on or off-site infrastructure, facilities, services or mitigating measures made necessary by a development. Policy H4 seeks to provide affordable homes. Supplementary Planning Document: Affordable Housing explains the policy aims and sets out the requirements for affordable housing provision.

5.0 LEGAL IMPLICATIONS

A Deed of Variation to the existing S106 Agreement would need to be prepared in regard to the revised proposals.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7.0 ENVIRONMENTAL IMPACT

The environmental impact of the development has already been considered in determining planning permission 06/2220/FL/E11.

8.0 WARD(S) AFFECTED

Blakenhall.

9.0 **CONSULTEES**

9.1 Housing Services

The conversion of two shared ownership homes to social rent is welcomed and supported as there is now a much greater demand for this tenure. It will also provide a better tenure mix on site as there are only 4 social rented homes on the development.

10.0 **CONTACT OFFICER**

Alison Deakin
Principal Planning Officer 01922 652487

11.0 **BACKGROUND PAPERS**

Planning Application 06/2220/FL/E11.

David Elsworthy
Head of Planning and Building Control.

Development Control Committee
17th February 2009

12.0 BACKGROUND AND REPORT DETAIL

- 12.1 Planning permission 05/0411/FL/E2 for residential development of the former Eagle Envelopes site, Bloxwich Road was granted on 7th July 2007 subject to a S106 Agreement. At that time 76 properties were proposed. Part of the S106 Agreement was for provision of 13% affordable shared ownership homes at the site. A subsequent application, reference 06/2220/FL/E11, proposed revisions to application reference 05/0411/FL/E2 including an increase in the number of dwellings from 76 to 93. This application was also granted subjected to conditions following completion of a Supplemental S106 Agreement on 31st July 2007. The Supplemental Agreement required provision of an additional four shared ownership units at the site. The units were to comprise 2 two bedroom apartments on plots 77 and 78 and 2 three bedroom houses on plots 8 and 9.
- 12.2 The current proposal is a request by the Registered Social Landlord, Waterloo Housing Association, to vary the completed supplemental S106 agreement to allow the affordable housing on plots 8 and 9 to be converted from shared ownership units to social rented units. They state that due to the current market conditions the shared ownership units on plots 8 and 9 remain unsold. As a consequence they have sought grant funding from the Homes and Community Agency to convert them to social rented tenure.
- 12.3 Waterloo Housing Association states that they will be making no financial gain from conversion of the two plots to social rented properties. They also state it would in fact be to their detriment as the social rented units would remain so in perpetuity and they will not be able to access any capital receipt as they would have done if the units remained in shared ownership.
- 12.4 In light of the advice given by Housing Services in section 9.0 of this report and to allow the Housing Association to find occupiers for the dwellings it is recommended that Committee supports proposals to revise the supplemental S106 Agreement to allow conversion of units 8 and 9 from shared ownership to social rented tenure. Policy H4 of the UDP requires provision of affordable housing which the properties will remain and policy H10 supports an appropriate mix of housing tenures. As Housing Services have advised the proposal offers the opportunity to provide a better mix on the site.