



DEVELOPMENT CONTROL COMMITTEE

Date: 29th April 2010

Report of Head of Planning and Building Control- Regeneration

Residential Development providing up to a maximum of 445 dwellings at former St. Margaret's Hospital, Queslett Road, Application No 02/2417/OL/E2

1.0 PURPOSE OF REPORT

To decide whether to agree a further variation of a Section 299A (Crown Land) Agreement (equivalent to a S106 Agreement) associated with outline permission 02/2417/OL/E2, by varying the obligations relating to housing tenure.

2.0 RECOMMENDATIONS

Revise the S299A Agreement to allow for the properties owned by Midland Heart Limited to be used for the purposes of intermediate rented in addition to shared ownership, low cost market dwellings and general needs rented.

3.0 FINANCIAL IMPLICATIONS

The developer will meet all the Council's costs in order to prepare a Deed of Variation to the original Agreement.

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 S299A 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 02/2417/OL/E2.

8.0 WARD(S) AFFECTED

Pheasey Park Farm.

9.0 **CONSULTEES**

9.1 Housing Services

Support the proposals. Midland Heart has requested that some of their shared ownership units are converted to intermediate rented. A mix of intermediate rented in addition to social rented on the site is acceptable.

10.0 **CONTACT OFFICER**

Alison Deakin
Principal Planning Officer 01922 652487

11.0 **BACKGROUND PAPERS**

Outline Planning Consent 02/2417/OL/E2.

David Elsworthy
Head of Planning and Building Control.

Development Control Committee
29th April 2010

12.0 BACKGROUND AND REPORT DETAIL

- 12.1 The proposal is to vary the obligation relating to provision of affordable housing units to include intermediate rented housing in addition to shared ownership housing units, low cost market dwellings and general needs rented housing. Intermediate rented properties are available at a reduced open market rental value which is above social rented value. Outline planning permission 02/2417/OL/E2 for residential development of the former St. Margaret's Hospital site, Queslett Road was granted on appeal in November 2004 subject to a legal agreement (equivalent to a S106 Agreement) to secure, amongst other matters, provision of an element of affordable housing. A Supplemental Agreement was approved by Committee and completed on 26th November 2008 varying the tenure and amending the definitions of affordable housing units to include shared ownership housing units, low cost market dwellings and general needs rented housing.
- 12.2 The current proposal is a request by the new owner of the affordable housing plots, Midland Heart Limited, to vary the supplemental agreement further to amend the affordable housing definition to include intermediate rented in addition to shared ownership housing units, low cost market dwellings and general needs rented housing. They have identified 15 plots which they intend to rent as intermediate rented housing.
- 12.2 The level of affordable housing remains the same as that approved by committee it is merely the tenure that is to change to allow for intermediate rented properties to be available at a reduced rental value. A supplemental agreement to reduce the overall level of affordable housing throughout the site from 20% to 18% was agreed by Committee on 3rd December 2009 but the agreement is yet to be completed. This request was from the developer Bovis Homes.
- 12.3 In light of the advice given by Housing Services in section 9.0 of this report, and as the level of affordable housing is not changing, merely the tenure, this will support an appropriate mix of housing tenures as referred to in policy H10. It is recommended that Committee supports the proposal to revise the supplemental agreement to allow the inclusion of intermediate rented housing within the definition of affordable housing.