



Walsall Council

DEVELOPMENT CONTROL COMMITTEE

Date : 17th February, 2009

Report Of Head Of Planning And Building Control

Variation to type of tenure on application 05/0084/FL/W5 - Residential Development, Granville Street, Willenhall, Walsall

1.0 PURPOSE OF REPORT

To agree a variation to the Section 106 Agreement relating to application 05/0084/FL/W5, approved 14th November, 2005, changing the type of tenure required for plot 21 from affordable housing/shared ownership to intermediate market rent.

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 tenure type of plot 21 only.

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 UDP Policy H4 (requiring 25% on site affordable homes) 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 affordable housing will ensure a type of housing relevant to the community's needs.

7.0 ENVIRONMENTAL IMPACT

None

8.0 WARD(S) AFFECTED

Willenhall South

9.0 **CONSULTEES**

Strategic Housing - acceptable

10.0 **CONTACT OFFICER**

Karon Hulse
Senior Planning Officer
01922 652492

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
17th February, 2009

12.0 BACKGROUND AND REPORT DETAIL

- 12.1 Planning permission (05/0084/FL/W5) was given in November, 2005 for the residential development of the school site on the corner of Bloxwich Road South and Granville Street, Willenhall (location plan attached). Work has been completed with most units now occupied. Section 106 Agreement contributions for open space and affordable housing were identified in the committee report (30th March, 2005). This report only concerns the affordable element of the section 106 agreement that was subsequently signed.
- 12.2 The Section 106 Agreement requires the developer to provide 25% of the site for shared ownership housing.
- 12.3 Due to the downturn in the housing market and current economic climate, the developers are requesting that the tenure of plot 21 is amended to allow it to be marketed for intermediate market rent as opposed to affordable housing/shared ownership.
- 12.4 Intermediate market rent provides an affordable rented property that is usually based on approx 80% market rent. It is a rented, but the rent is not as high as open market rent, and aims to help those (like key workers for example) who do not qualify for social rent but can't afford open market rent. Consequently, affordable housing, albeit rented accommodation, will still be provided on this site. Clearly it has economic implications for the RSL / developer, but officers do not consider this needs to be tested through the District Valuer assessment process, as it remains affordable housing.
- 12.5 This report requests authority for a variation to the Section 106 agreement to allow for the above amendment in order that the unit can be occupied.