

Application No: W/02/1472

Town/Parish Council: Warwick

Case Officer: Dan Charles

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Portobello Works, Emscote Road, Warwick, CV34 5QU

Residential and Office Development; New road bridge across the River Avon
together with appropriate supporting infrastructure

For Clarion Housing Group

INTRODUCTION

This report relates to the above planning permission which was granted by Planning Committee in August 2004. That permission was subject to a Section 106 Agreement which imposed a range of obligations on the developer. This included a requirement for affordable housing. The applicant has requested that the provisions of the Section 106 agreement in relation to affordable housing are varied.

RECOMMENDATION

Planning Committee are recommended to resolve to vary the Section 106 agreement to allow changes to the affordable housing provision as requested by the applicant.

HISTORY

W/07/1029 - Erection of a two storey medical surgery with associated car parking area and detached three storey office building – **GRANTED 22.08.2007**

W/06/1665 - Application for approval of reserved matters for details (siting, design, external appearance, and means of access) of residential development for 59 dwellings and associated parking and refuse stores pursuant to outline planning application no. W/02/1472 – **GRANTED 15.01.2007**

W/06/0456 - Mixed use development including 2320 square metres (gross) B1 space, 13 No. Residential dwellings, car parking and access from Greville Road – **GRANTED 26.05.2006**

W/05/1258 - Application for Approval of Reserved Matters for erection of 251 dwellings (Outline Planning Permissions W02/1472 and W05/0376) – **GRANTED 26.05.2005**

W/05/0376 – Extension to existing residential site – **GRANTED 29.04.2005**

W/03/1966 - A new road, footpath and cycleway, a new bridge across river Avon linking Rock Mill Lane to former Portobello Works, and associated landscaping works and including Flood Compensation Works on land north of Emscote Road/Rugby Road, Warwick/Leamington Spa – **GRANTED 27.04.2004**

W/02/1472 - Residential development on about 3.3ha, 2323 sq.m. gross B1 office space, public open space (about 3.8ha), New road bridge across River Avon together with appropriate supporting infrastructure (including drainage, roads, paths and cycleways) and car parking – **GRANTED 12.08.2004**

DETAILS OF THE VARIATION

Following the acquisition and provision of 72 units for shared ownership purposes, the applicant has requested that the affordable housing provisions of the Section 106 Agreement be revised to omit the previously requested financial contribution of £150,000 towards the provision of two additional units of affordable housing within the District as opposed to their provision within the site as required by the agreement.

RELEVANT POLICIES

- National Planning Policy Framework
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- Affordable Housing (Supplementary Planning Document - January 2008)
- H2 – Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft - published April 2014)

ASSESSMENT

The main issue relevant to the consideration of this matter is whether the amended proposals would continue to enable the provision of an adequate amount and type of affordable housing, having regard to the Council's policies and national planning guidance.

Since the grant of planning permission, the development of the site has proceeded in a protracted manner which has included long periods when works have ceased and the development has remained part complete along with changes in ownership. Nevertheless, notwithstanding those difficulties, affordable housing has been provided as part of the wider development at the level agreed.

By mid-2013, there remained a requirement for two further three-bedroomed affordable homes. Whilst an affordable housing provider had expressed interest in those properties, they required revisions to the section 106 agreement in order to proceed.

However, at that point the wider development stalled such that negotiations over this element ceased. Subsequently, there was no further activity on the site for some two years until development recommenced in 2015.

In mid-2016, representatives of the developers made contact to discuss the remaining affordable housing and changes to the overall provision. In addition, there also remained the issue that the section 106 agreement would require variation.

Given the range of challenges and the length of time over which this matter had been outstanding, a commuted sum was agreed to be provided rather than insisting on the on-site provision. Following negotiations, a figure of £150,000 was agreed with the Housing Strategy & Development Officer.

At that time, the Housing Strategy and Development Manager considered that in the particular circumstances of this case and having carefully considered all options, the proposed contribution of £150,000 comprised the most effective solution to ensure that appropriate provision is made, albeit not within the application site itself in compliance with the Council's policies. This revision was secured through a variation to the existing S106 Agreement to reflect the requirement for the financial contribution.

In the intervening period following the agreement set out above, the applicants, Clarion Housing Group have acquired an additional 72 units on the development (Phase 1C, Plots 90-161) with the benefit of a Homes England Grant in February 2019. These units are to be provided as shared ownership properties in accordance with the definitions set out within the Section 106 Agreement. These properties were previously not identified as affordable housing units.

As a result of this acquisition, there is a significant net gain in the overall quantum of affordable units within the development as a whole. The level of affordable housing across the site exceeds the required level as set out within Council Policy.

In light of the greatly increased on-site provision, the proposal for a commuted sum of £150,000 towards the provision of off-site affordable housing is no longer required. This proposal therefore seeks to omit the required £150,000 contribution from the Section 106 Agreement.

SUMMARY / CONCLUSION

The acquisition and provision of an additional 72 units for shared ownership use, operated by a Registered Affordable Housing Provider provides a significant increase in the level of affordable housing on the development site. This increase in overall numbers negates the need for any off-site provision as previously sought.

The proposed changes to the affordable housing provisions of the Section 106 Agreement are considered to be in accordance with the Council's policies and it is therefore it is recommended that the Section 106 Agreement is amended to delete the requirement for a financial contribution of £150,000 as requested.