

Planning Committee: 15 October 2013

Item Number: 8

Application Nos: W 11/0467

Town/Parish Council: Lapworth

Registration Date: 31/05/11

Expiry Date: 26/07/11

Case Officer: Penny Butler
01926 456544 penny.butler@warwickdc.gov.uk

Corner of Mill Lane and Old Warwick Road, Lapworth, Solihull, B94 6JX

Demolition of existing shop, chiropody office and apartment over. Erection of new shop, chiropody office, apartment over plus 3No. 2 bed houses and 1No. 3 bed houses with ancillary parking FOR Mr I Potterton

This application is being reported to Planning Committee because it is recommended that an existing legal agreement relating to the approved application be varied.

RECOMMENDATION

Planning Committee are recommended to resolve to vary the Section 106 agreement to accept a financial contribution of £68,750 in lieu of the affordable housing provision on site, with 50% to be paid on completion of the sale of the first dwelling, and the remaining 50% on completion of the sale of the second unit.

PLANNING HISTORY

The application was originally considered by Planning Committee in September 2010 when it was resolved to grant planning permission subject to a legal agreement requiring 3 out of the 4 proposed new dwellings to be affordable. Prior to the completion of the agreement, in February 2012 the applicant asked Planning Committee to consider a revised proposal which provided 2 affordable dwellings out of 4. Planning Committee agreed this revised proposal and the permission was issued following the completion of the legal agreement in April 2012.

DETAILS OF THE DEVELOPMENT

The developer has requested a variation to the legal agreement to allow the payment of a commuted sum to the Council in lieu of the on-site provision of affordable housing, and for the provision of 1 affordable dwelling out of 4, instead of the 2 approved.

THE SITE AND ITS LOCATION

The application site fronts Old Warwick Road and Mill Lane, in Lapworth village (Kingswood) in the Green Belt. The approved development is nearing completion of the build and provides a single two storey building fronting both roads, which

provides a replacement shop, office and flat, with four new attached dwellings, and parking at the rear.

RELEVANT POLICIES

- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Comments awaited.

Housing Development Officer: The sum of £68,750 is acceptable in lieu of affordable housing. 50% can be paid on completion of the sale of the first dwelling, with the remainder on completion of the sale of the second unit.

ASSESSMENT

Earlier this year the applicant contacted the Council to request consideration of a revised proposal to vary the legal agreement, on the grounds of the financial viability of the scheme, and because the property does not meet the required standards of the registered housing provider. They were requested to submit financial information to demonstrate their position. The information has been considered and it is accepted that the provision of 2 affordable units on site, based on the offer that could be made by the housing provider of £50,000 per dwelling, would render the scheme financially unviable.

The developer has therefore requested agreement to pay a commuted sum to the Council in lieu of the on-site provision of one affordable unit. The methodology for calculating the sum is contained within the legal agreement and is based on the open market valuation of the unit, and that the unit would have been for rent as this would have been the preferred tenure. This equates to a commuted sum of £68,750. The payment of a commuted sum in lieu of on-site provision of affordable housing is included within the existing legal agreement but would only be triggered once the dwellings had been completed and left vacant for over 6 months, therefore, the applicants proposal would allow them to market the dwellings on the open market once they are completed rather than following a period of vacancy.

The applicant has requested that they be allowed to make payment of 50% of the sum on completion of the sale of the first dwelling on site, and the remaining 50% on completion of the second sale. The Affordable Housing SPD does not specify how or when commuted sums should be paid and this is acceptable to the Housing Officer.

The NPPF was published in March 2012, following the last decision of the Planning Committee on this application, and at paragraph 173 requires viability to be taken into account to ensure development provides competitive returns to willing land owners, and to enable development to be deliverable. Taking all this information into account, and the response of the Housing Officer, it is considered reasonable to allow variation to the existing legal agreement, in order to ensure the development remains viable and deliverable. Local Plan Policy SC11 permits the payment of contributions in lieu of on site delivery in exceptional circumstances.