

PLANNING COMMITTEE

4th December 2019

Planning Application 18/01515/OUT

Outline application for the demolition of redundant factory and erection of up to 75 residential units (matter of scale to be considered under application)

Victoria Works, Edward Street, Enfield, Redditch, B97 6HA

Applicant: Accord Group
Ward: Central Ward

(see additional papers for site plan)

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

RECOMMENDATION:

That Members endorse the revised recommendation as detailed below and the associated comments under the heading The Amendments.

Background

Members will recall that at the meeting of the Redditch Borough Council Planning Committee on 10th April 2019, they resolved;

That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration to GRANT outline planning permission subject to:-

- a) The satisfactory completion of a S106 planning obligation ensuring that:
 - 1. Contributions are paid to the Borough Council in respect to off-site open space, and equipped play in accordance with the Councils adopted SPD.
 - 2. Contributions are paid to the Borough Council towards the provision of domestic and recycling bins for the new development in accordance with the County's Waste Strategy.
 - 3. Contributions are paid to Worcestershire County Council towards County education infrastructure in accordance with the Councils adopted SPD
 - 4. Contributions are paid to Worcestershire County Council for localised improvements to the cycle network and for personal travel planning
- b) Conditions and informatives as set out in the report pack.

(See original report under APPENDIX A).

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Procedural Matters

This matter is reported to members because the scheme of delegation to planning officers requires that:

All planning decisions, actions or advice/responses on behalf of the Local Planning Authority cannot be dealt with under delegated powers (so must be reported to committee) where:

- The application is for major development (more than 10 residential units) where the recommendation is for approval.
- Any application where the Council will be required to become a party to a Planning Legal Agreement under Section 106.
- Deletion of one or more heads of terms in a Planning Legal Agreement under Section 106.

The Amendments

Following the resolution of the Planning Committee on 10th April 2019; the completion of the S106 agreement and the issuing of the planning permission, Accord Housing Association (the Developer) acquired the site from the then applicant (Birgan Ltd) and now intends to implement a residential scheme subject to securing a full planning consent or approval under a 'reserved matters' application following the grant of consent in outline under application 18/01515/OUT for up to 75 residential units as 100% open market housing.

Substantial changes will be made to the tenure of the scheme which will now change from Open Market to 100% Affordable Rent. In light of this change, the developer have asked for all the commuted sums for items such as open space enhancements, waste and recycling provision, highway enhancements and contributions payable to Worcestershire County Council to be reduced to zero and have advanced a Viability Assessment.

Blackswan Property Ltd on behalf of the Council have considered the viability arguments put forward in respect to the intended change in tenure and request for the contributions to be reduced to zero.

Under National Planning Practice Guidance (NPPG): Sept 2019 it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment. Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people).

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In this situation, the proposed development has changed from an open market scheme to fully rented development and as such raises viability issues. Blackswan has considered the arguments put forward in the Viability Assessment and has recommended that the Council accept the arguments as proof of non-viability.

Members will recall that your officers previously referred to the application of the 'Vacant Building Credit': Para 63 of the NPPF and Para 21 of the NPPG – (see Appendix 2) and that due to the application of the credit, no affordable housing needed to be provided.

Whilst it is disappointing that all contributions would be reduced to zero, the intended tenure change does mean that there would be much needed affordable accommodation in this area of the Town, and should be considered as compensation for the loss of the S106 contributions.

Worcestershire County Council previously sought contributions towards education provision based on the open market scheme proposed. However WCC do not seek such contributions when tenure is 100% affordable rent which means that irrespective of any viability argument being advanced by the developer, this contribution would not have been sought under a deed of variation to the extant S106 agreement.

Conclusion

Your Officers conclude that contributions to be paid towards open space enhancements; the provision of domestic and recycling bins; County education infrastructure and localised improvements to the cycle network and for personal travel planning should be reduced to zero. All housing should be provided for affordable rent.

There is a need for a consequential change to the terms of the original resolution, as taken on 10th April 2019 and subsequently minuted.

Criteria 1-4 as set out on the first page of this report are now removed, as detailed in the revised recommendation.

Revised recommendation

That the Section 106 Agreement for application 18/01515/OUT be varied to permit the deletion of criteria 1-4 and the insertion of a new criteria 1A:-

1-4 Contributions to be paid to the Council towards the enhancement of open space areas locally; the provision of waste and recycling bins; contributions to be paid to the County Council towards education infrastructure and localised improvements to the cycle network and for personal travel planning to be removed from the obligation.

1A. All housing units to be provided as affordable rent in perpetuity.

All other requirements as set out under b) Conditions and informatives as set out in the report pack remain