

URGENT BUSINESS

WARD: Ashton on Mersey **78926/FULL/2012**

VARIATION OF EXISTING SECTION 106 AGREEMENT IN RELATION TO PLANNING PERMISSION 78926/FULL/2012 FOR: CHANGE OF USE FROM OFFICES TO RESIDENTIAL APARTMENTS AND ERECTION OF THIRD FLOOR EXTENSION ABOVE EXISTING BUILDING RESULTING IN A PART THREE, PART FOUR STOREY BUILDING TO FORM 18 NO. ONE BED APARTMENTS; ERECTION OF LIFT SHAFT AND REMODELLING OF EXISTING ELEVATIONS INCLUDING CREATION OF SCREENED WALKWAY TO THE REAR ELEVATION AND OPEN BALCONIES TO THE FRONT AND SIDE ELEVATIONS AND ASSOCIATED LANDSCAPING AND CAR PARKING.

100 Washway Road, Sale, M33 7RE

APPLICANT: Ravenstone UK Ltd

AGENT: Howard & Seddon ARIBA

RECOMMENDATION: VARY EXISTING SECTION 106 AGREEMENT IN RELATION TO PLANNING PERMISSION 78926/FULL/2012

This application was considered at the meeting on the 9th May 2013 where the Committee resolved that it was Minded to Grant planning permission subject to a Section 106 agreement. The Section 106 agreement was completed by the applicant and planning permission was subsequently issued on the 9th December 2013. Following the grant of planning permission, the applicant has sold the site and the new owner, together with Adactus Housing Group, which is a registered social landlord, is seeking to develop all the residential units as affordable housing.

The application is being brought to the Committee as an urgent matter as the development is being supported by the Homes and Communities Agency Affordable Homes Programme, which requires that development is commenced on site before the end of March for grant funding to be provided.

As the development would now comprise fully of affordable units, in accordance with the Council's Supplementary Planning Document 1: Planning Obligations, the development is exempt from paying any financial contributions. The developer is therefore seeking a deed of variation of the Section 106 agreement in order to reflect that, should the development be 100% affordable housing, then no financial payments are required.

It is considered that the provision of 18no. affordable housing units in Sale would be a positive development for the area. It is therefore recommended that a deed of variation of the Section 106 agreement is permitted.

RECOMMENDATION: GRANT DEED OF VARIATION TO EXISTING LEGAL AGREEMENT

- (A) That the legal agreement is revised to allow for the development to be carried out either with the developer contributions as previously approved:

That the application will propose a satisfactory development for the site upon completion of an appropriate legal agreement to secure 4 affordable units on the site and a maximum financial contribution of £11,849.54 for Spatial Green Infrastructure, Sports and Recreation.

OR

In the event the site is developed by a Registered Provider as affordable housing, vary the legal agreement to reflect the fact that SPD1 does not require any financial contributions. The legal agreement shall also include a requirement that, in this case, the units shall only be used for the purposes of providing affordable housing or special needs housing and shall not be offered for sale or rent on the open market.

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