

Residential Redevelopment at : 42-46 Birchett Road, Aldershot

1. Introduction

The development of this site, comprising a total of 58 flats, is nearing completion and the developer is in the process of selling the entire development to a third party. The prospective new owners intend to facilitate the occupation of the entire development as affordable housing consisting of 8 shared ownership, and 50 social rental units. The Council would have nomination rights to all 58 affordable units on terms to be set out in Nomination Agreements with the prospective purchasers.

A s106 Planning Obligation relating to the development as originally approved envisaged a private development and made provision for six units within it to be affordable in order to address the planning policy requirement in this respect.

Notwithstanding the new owners' intention for the whole development to be affordable, the requirements of the existing S.106 agreement to identify and provide six affordable units with associated parking spaces remains part of the planning permission and will do so in any event.

It is therefore necessary for the Nomination Agreements to include and identify these six affordable units, however the prospective purchaser wishes the units and parking subject to this agreement to be different from those currently identified in the S.106 agreement.

The purpose of this report is to seek authority for the Corporate Manager – Legal Services to vary the s106 Planning Obligation accordingly.

2. Background

The development site is located to the north of Birchett Road filling the block between Frederick Street to the west and Heathland Street to the east. To the north the site is bounded by the service area for commercial property at Nos.149-165 Victoria Road. The site was previously occupied by vacant office and warehouse buildings. There was also an open service yard within the site with vehicular access from the service road linking Frederick Street and Heathland Street.

Planning permission was granted on 30 October 2013 for residential re-development of this site to provide 58 flats following demolition of the existing buildings (13/00351/FULPP). The approved development comprises a new building of up to five storeys in height and containing 19 X one-bedroom, 30 X two-bedroom, 8 X three-bedroom and 1 X four-bedroom dwelling units with on-site parking spaces within and below the new building.

The permission was subject to a s106 Planning Obligation securing financial contributions for SPA mitigation and avoidance, public open space and transport. It also secured on-site provision of affordable units, comprising three 2-bedroom and three 1-bedroom properties.

A Non-Material Amendment to re-configure the internal parking provision within the scheme was approved in March 2014, 14/00158/NMA. Pre-Commencement conditions of the above-mentioned planning permission were approved in November 2016, 16/00729/CONDPP. The development was lawfully commenced on site within the 3-year life of the planning permission by the demolition of the existing commercial buildings. Construction of the new development itself then commenced in mid-2017 and is currently scheduled to be completed in early 2019. All s106 financial contributions due to Rushmoor have been paid in full.

The affordable housing provision within the approved development, is identified in the s106 Planning Obligation as comprising six units, each with an allocated on-site parking space. These were to be provided by a Registered Provider of Social Housing (RPSH) nominated by the developer, with the Council to be notified of the identity of the RPSH prior to the implementation of the development. The units are identified by the obligation on the first-floor of 'Block C' facing Heathland Street. They comprise 3 X 1-bedroom affordable housing rental units, one of which to be a lifetime home with an allocated disabled parking space. The other three affordable units were to be 2-bedroom shared ownership units. Five further parking spaces allocated to the affordable units are also identified on a plan appended to the s106 Obligation located within the basement parking area of the scheme.

3. Proposed amendments to the s106 Planning Obligation

Solicitors representing the prospective purchaser are in discussion with the Council with respect to the preparation of a Deed of Variation to the original s106 Planning Obligation. This seeks to locate the three shared ownership affordable units in 'Block A' (i.e. facing Frederick Street). All three would still be 2-bedroom flats, two at ground floor level and one at first floor. The three affordable housing rental units are unchanged from the obligation.

The prospective purchaser has confirmed that on-site parking spaces would be specifically allocated to the s106 Affordable Housing units.

As the developer did not identify a RPSH prior to the implementation of the development as required by the existing s106, the prospective purchasers request that this requirement of the s106 be deleted. It is explained that this is being requested in order to avoid the possibility of problems being encountered with the prospective purchaser's lenders on this issue.

4. Planning considerations

The units identified by the proposal described above are considered to represent an improvement in the provision in respect of the s106 Affordable Housing units since all six units are not now to be located together on the same floor in the same part of the development.

The affordable units would continue to be a mixture of shared ownership and rental units of the same sizes and mix as secured with the original s106. Furthermore, all six identified s106 Affordable Housing units would continue to have specific allocated parking spaces provided within the scheme. Accordingly, there would be no adverse impact from the proposed changes and they are considered acceptable in planning terms.

The developer did not notify the Council of the identity of a RPSH before commencing the development. This was a technical breach of the terms of the s106. However this requirement is now spent and of no ongoing effect or consequence; and it is not considered expedient to pursue this matter. Accordingly, it is considered that there is no on-going planning or other purpose to be served by this requirement remaining and, as such, no objection to the removal of this requirement.

5. Recommendation

It is recommended that the request to vary the existing s106 Planning Obligation with a Deed of Variation, with detailed wording to be in consultation with the Corporate Manager – Legal Services, as outlined above be AGREED.

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