

# Crawley Borough Council

## Report to Planning Committee 5 June 2018

### **PROPOSED DEED OF VARIATION TO PLANNING APPLICATION CR/2016/0662/FUL RELATING TO NOS. 11-13 THE BOULEVARD, CRAWLEY**

Report of the Head of Economic & Environmental Services  
PES299

#### **1. Purpose**

- 1.1. This report sets out proposed changes to the completed Section 106 Agreement prepared pursuant to planning permission CR/2016/00662/FUL and the reasons for the proposed amendments. These changes, which are not minor variations to the legal agreement, require the approval of the Planning Committee.
- 1.2. The proposed changes relate to the delivery of affordable housing within the proposed development at Nos. 11-13 The Boulevard. The changes are necessary to secure appropriate and acceptable affordable housing provision on the site, taking account of the current planning application (CR/2017/0997/OUT) on the adjoining Town Hall site which is reported elsewhere on this agenda.

#### **2. Recommendation**

- 2.1. It is recommended that the Planning Committee **AGREE** to the making of a Deed of Variation to reflect the changes as set out in para 5.1 of this report.

#### **3. Background**

- 3.1. The site to which this report relates is the two storey car park site immediately to the west of the Crawley Town Hall site and east of Woodall Duckham House.
- 3.2. On 15 August 2016, a planning application was submitted for the demolition of the existing car park and the erection of a part 3, part 6 and part 9 storey building to provide a total of 91 flats with associated car parking.
- 3.3. The Planning Committee resolved, on 27 February 2017, to grant planning permission for the development subject to the conclusion of a Section 106 Agreement to deliver the infrastructure necessary to support /mitigate the impacts of the development.
- 3.4. The provisions in the S106 Agreement were agreed as follows:
  - a financial contribution of £200,000 towards affordable housing provision in Crawley;

- open space (£10,978) and tree mitigation (£63,700) infrastructure contributions;
- the implementation of measures contained within the submitted Travel Plan, including Car Club provision; and
- the early review of the scheme's viability and related affordable housing provision after 24 months if the physical building works have not been commenced on site.

3.5. This agreement was concluded and the planning permission was issued on 19 July 2017.

3.6. Development has not subsequently commenced on site.

#### **4. Proposed changes**

4.1. As Members will recall and as set out in the Officer's report in February 2017, the applicant for the scheme at Nos. 11-13 The Boulevard submitted a Viability Assessment in relation to affordable housing delivery. This was independently assessed by the District Valuer. The District Valuer concluded that the scheme could not support the 40% level of on-site affordable housing provision sought by Policy H4 of the Crawley Borough Local Plan 2015-2030. Consequently he recommended the acceptance of an offer by the applicant to contribute £200,000 towards affordable housing provision instead. This was subject to a clause requiring review after 24 months if the development had not commenced.

4.2. The same applicant, Westrock, has now submitted a hybrid planning application (CR/2017/0997/OUT) for the adjoining Town Hall site. That application is reported elsewhere on this Planning Committee agenda and has also been the subject of a Viability Assessment scrutinised by the District Valuer. The applicant now proposes to deliver 91 units of affordable housing on the Nos. 11-13 The Boulevard site (CR/2016/0662/FUL), in effect 100% of total dwellings within this block, and a further 18 units within the Town Hall site (CR/2017/0997/OUT). This represents 40% of the total of 273 residential units proposed across the two sites within the two planning applications.

4.3. No change is proposed to the other contributions secured through the Section 106 agreement for the car park application (CR/2016/0662/FUL).

4.4. Viability and affordable housing issues associated with the Town Hall planning application (CR/2017/0997/OUT) are set out in the report covering that application elsewhere on this agenda.

4.5. The Community Infrastructure Levy Regulations and the National Planning Policy Framework set out the following tests in relation to planning obligations. They must:

- Be necessary to make the development acceptable in planning terms;
- Be directly related to the development;
- Be fairly and reasonably related in scale and kind.

- 4.6. Affordable housing is required through Policy H4 of the Crawley Borough Local Plan 2015-2030 to make a development acceptable in planning terms. Westrock is the applicant for two adjoining sites, which are subject to separate planning applications. Whilst the Local Planning Authority would not normally seek to secure 100% affordable housing provision within a single scheme, in this case the applicant is proposing that the two adjoining sites are effectively treated as a single scheme. On this basis, the provision of 91 units of affordable housing at Nos. 11-13 The Boulevard (CR/2016/0662/FUL) and a further 18 units of affordable housing on the Town Hall site (CR/2017/0997/OUT) equates to 40% affordable housing across the two sites. Having assessed the viability of the application relating to the Town Hall site, officers consider that the proposed level of affordable housing across the two sites is directly related to the developments and fairly and reasonably related in scale and kind.
- 4.7. In relation to the Nos. 11-13 The Boulevard scheme (CR/2016/0662/FUL) alone, the proposed Deed of Variation represents a major increase in affordable housing provision, rising from a financial contribution of only £200,000 to provision within the site of 91 affordable units. Officers consider this to be a significant improvement in affordable housing provision on the site, which will help to address local housing need in Crawley, and one which, taking account of the adjoining Town Hall application, meets the statutory tests set out in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

## **5. Amendments to be addressed by the Deed of Variation**

5.1 The Planning Committee is asked to agree to the following amendments to be addressed by the Deed of Variation:

- Deletion of the previously agreed £200,000 contribution towards affordable housing;
- Deletion of the required Viability Reassessment if the development has not commenced after 24 months; and
- Securing the delivery of 91 units (100%) affordable housing within the development approved under planning application CR/2016/0662/FUL.

## **6. Background Documents**

- Application CR/2016/0662/FUL
- Application CR/2017/0997/OUT

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