

# Wolverhampton City Council

## **OPEN DECISION ITEM**

**Committee / Panel**                    **PLANNING COMMITTEE**                    **Date: 31<sup>st</sup> January 2012**

**Originating Service Group**                    **EDUCATION AND ENTERPRISE**

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**Title: Deed of Variation to Section 106 Agreement 03/0156/OP – Former GKN Site Off Birmingham New Road – Housing, Very Sheltered Housing, B1 Business, B2 General Industry and B8 Storage and Distribution, Open Space and Infrastructure**

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### **Recommendation:**

That delegated authority is granted to the Director for Education and Enterprise to vary the existing S106 agreement to remove the requirement to transfer the very sheltered housing land to the Council.

# **Deed of Variation to Section 106 Agreement 03/0156/OP – Former GKN Site Off Birmingham New Road – Housing, Very Sheltered Housing, B1 Business, B2 General Industry and B8 Storage and Distribution, Open Space and Infrastructure**

## **1.0 Purpose of the Report**

1.1 To advise Committee and recommend a variation to an existing S106 agreement.

## **2.0 Background**

2.1 Planning permission 03/0156/OP - for housing, very sheltered housing, B1 Business, B2 General Industry and B8 Storage and Distribution, open space and infrastructure - was granted on 5<sup>th</sup> October 2004.

2.2 The permission is subject to a S106 agreement dated 23rd September 2004, which requires (amongst other things) that the land for the very sheltered housing is transferred to the Council for no more than £1.

2.3 With regard to this very sheltered housing land, the report to Cabinet (Resources) Panel on 29<sup>th</sup> November 2011 advised that:

*“Registered Social Landlords have indicated that the site is considered to be financially uneconomical for the development of very sheltered housing due to its size, which would limit consent to a development of a maximum of thirty/forty units.”*

2.4 Cabinet (Resources) Panel resolved:

*“To formally advise the landowner that the Council no longer wishes to take ownership of the site, and to request that the landowner seek a deed of variation to the S106 agreement to delete this requirement.”*

## **3.0 Proposal**

3.1 Subsequent to the Cabinet (Resources) Panel resolution the landowner, Taylor Wimpey Developments Ltd, seeks the local planning authority’s agreement to a deed of variation to the S106 agreement to remove the requirement to transfer the very sheltered housing land to the Council.

## **4.0 Appraisal and Conclusion**

4.0 The proposed variation to the S106 agreement is in accordance with the resolution of the Cabinet (Resources) Panel and having regard to the circumstances it is considered appropriate to recommend to committee that this obligation be deleted as there is no longer a requirement for this land by the Registered Providers whom it was intended would take the land for the development of very sheltered housing.

## **5.0 Financial, Environmental and Equalities Implications**

5.1 As the recommendation of this report is consistent with the Cabinet (Resources) Panel decision not to take possession of the land for very sheltered housing, there are no financial, environmental or equalities implications to this report.

## **6.0 Legal Implications**

- 6.1 A S106 agreement can be varied at anytime by agreement under S106A (1) (a) between the planning authority and those against whom the Agreement is enforceable. Any variation must be done by way of a Deed of Variation. [LC/16012012/A]