

# Carlisle City Council

Report to:-	The Chairman & Members of the Development Control Committee		
Date of Meeting:-	15th November 2002	Agenda Item No:-	
Public	Operational	Delegated: Yes	
Accompanying Comments and Statements		Required	Included
Environmental Impact Statement:		No	No
Corporate Management Team Comments:		No	No
City Treasurers Comments:		No	No
City Solicitor & Secretary Comments:		No	No
Head of Personnel Services Comments:		No	No
Title:-	Substitution of House Types: Carleton Grange, The Garlands, Carlisle		
Report of:-	The Director of Environment & Development		
Report reference:-	EN.128/02		

## Summary:-

The Report refers to an application to substitute a number of house types within plots at the above development, which the Committee considered in November of last year. The applicants seek further revisions and related modifications to the existing S106 Agreement as a result of an impasse that exists in relation to the provision of Social Housing.

## Recommendation:-

That these proposals are approved and authority given to Officers to issue that approval when a Deed of Variation to the legal agreement is secured.

M Battersby

Director Environment and Development

**Contact Officer:** Alan Taylor

**Ext:** 7171

## **To the Chairman and Members of the EN.128 /02**

### **Development Control Committee**

#### **1.0 Introduction**

1.1 In October 1997 planning permission was granted to Barratt Manchester to develop an extensive area of land that was formerly part of the Garlands Hospital for housing purposes. That approval, for 443 dwellings, was linked to a S106 Agreement that covered a number of matters including the incorporation of 40 dwellings as social housing.

1.2 There have been several modifications to the layout and mix of house types accepted as amendments in 1998, 1999, 2000 and March 2001 resulting in the overall approved dwelling numbers increasing to 462 units. The development has been progressively under construction and, at 30<sup>th</sup> September 2002, a total of 180 units had been completed and another 50 were under construction. Within the initial phases of development the developers have completed 20 of the original 40 social housing units, that had been identified in 1996/1997 by the Director of Housing within an overall requirement for 4 bungalows, 12 flats, 12 x 2-bed semi's and 12 x 3 bed semi's (houses).

1.3 In November last year, the Development Control Committee considered an application from Barratt Manchester to further modify the approved scheme by substituting the house types that had been approved in relation to 187 units that remained to be built within the site. These proposals were essentially in respect of changes in house design and layout within the areas of the site that the applicants were building for sale and reflected customer demand that they were experiencing. Members will realise that this is not uncommon with regard to sizeable housing estates built over an extended period of time and is only to be expected within a site that was anticipated to take 10/11 years to completion.

1.4 However, the applicants also included within these proposals a request to substitute the remaining 20 houses within the social housing obligation for 17 bungalows. These had been identified, following further analysis of housing need, as more appropriate provision within this part of the city by both the Director of Housing and Two Castles Housing Association, the nominated social landlord with whom the Council wished this social housing provision to be made. The application therefore showed 17 bungalows from the "Norfolk" standard bungalow that Barratt Manchester has within their overall portfolio.

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1.5 That application was considered by this Committee on 2<sup>nd</sup> November 2001 and Members resolved to approve the substitutions of house types within these 187 units and to give Officers "Authority to Issue" the approval once the related Deed of Variation to the existing S106 Agreement had been secured. Whilst there has been a considerable amount of work on that Deed of Variation it has, however, not been able to be settled and the planning permission has not been able to be issued.

1.6 The inability to conclude the Deed of Variation and issue planning permission for the proposed amendments is wholly attributable to problems associated with the provision of the 17 bungalows. In short, although the applicants believed they had an agreement with Two Castles Housing Association for these units and have, somewhat unwisely, actually substantially built several of them, no formal contract with the Housing Association was in place. Moreover, Two Castles consider that the specific dwelling type that Barratt Manchester has constructed does not comply with the standards that Housing Associations are required to meet to secure funding from the Housing Corporation.

1.7 In addition to commencing building work on those 17 bungalows, the developers have continued to build within the overall site including the modified house types that were shown in their outstanding 2001 application for amendments. Whilst there is no planning issue with these dwelling designs, layouts, finishes, etc. the fact remains that they do not currently possess planning permission.

1.8 The present situation has led, as Members will have read from local press reports, to a situation where prospective purchasers are unable/unwilling to complete their property purchase when their solicitors have, quite correctly, pointed out that they would be buying a home that does not have planning approval.

1.9 Discussions have been taking place with the applicants, Two Castles Housing Association, the Director of Housing and the City Solicitor over many weeks to try to resolve the matter. It is still hoped that agreement can be reached with regard to the social housing aspect of the overall site development. However, these discussions may still take some time to resolve and the present impasse with purchasers needs to be addressed.

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1.10 Consequently, it has been agreed that the applicants should modify their current application so that the only formal variation that they seek relates to the changes of house types on the properties they are building for sale. This means that the issue of the variation to the social housing can be isolated from the core nature of that application and can continue to be addressed in the on-going discussions with all the other parties without further delaying prospective purchasers.

1.11 Thus, Members are asked to deal only with the changes of house types proposed at plots 1-70; 252-269; 287-359; 351A; 352A; 353A; 354A; 355A; 356A; 357A; 358A; and 359A with the change to the 17 bungalows at plots 270-286 now being omitted. There are no changes in the design or finishes or layout of those 170 dwellings that are now to be considered compared to what Members accepted in principle in November 2001. There would still be a need to vary the S106 Agreement since, as it stands, it incorporates the earlier versions of the approved layout (and associated schedule of house types). That is, however, a relatively straight forwards matter.

## **2.0 RECOMMENDATION**

### **2.1**

- (i) That the revised application relating only to the variation of the house types within that part of the site to be developed as homes for sale on the general housing market be accepted subject to the necessary modification to the existing legal agreement; and
- (ii) That the Officers be authorised to issue the revised Notice of Approval following notification from the City Solicitor of the successful completion of the Deed of Variation.

M Battersby

Director Environment and Development

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