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Our ref: 2024-02-15
Date: 15 February 2024

Dear Mrs Roscoe,

LAND AT AUTOMETERS SYSTEMS LTD, 4B ALBANY ROAD, CHORLTON, MANCHESTER, M21 0AW

NON-MATERIAL AMENDMENT - REVISING WORDING OF CONDITION 33 (SCHEME FOR PROVISION OF AFFORDABLE HOUSING) ON PLANNING PERMISSION 136878/FO/2023.

PLANNING PORTAL REFERENCE: PP-12808137

We are instructed by Bowsall Developments Ltd in relation to the above-mentioned site and hereby submit an application for a non-material amendment on Planning Permission 136878/FO/2023 following pre-application discussions between both myself and Southway Housing Trust and your Senior Officer, Mr Robert Griffin. The application is made in joint names of Bowsall Developments Ltd and Southway Housing Trust. As the Council is fully aware, Southway Housing Trust is the Registered Provider (RP) appointed to deliver the affordable homes at the subject site.

Supporting Documents

Given the nature of this application, the supporting documents comprise the completed application form and ownership certificate, the Decision Notice for the Original Planning Permission, and this covering letter.

Statutory Planning Application Fee

According to the Planning Portal, because the original application was submitted before 06 December 2023, then an application fee is not required to be paid.

Justification for Non-Material Amendment to Condition 33

Planning permission was granted on 23 October 2023 (136878/FO/2023) for the erection of a 4 storey building to form 40 no. residential apartments, together with cycle and car parking, bin store, landscaping, and boundary treatments following demolition of existing buildings. The Applicant on that planning application is the same for this current submission.

Condition 33 on permission 136878/FO/2023 requires that a scheme for the provision of affordable housing is submitted and agreed in writing by the Council prior to the commencement of above ground works. The condition



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is worded very specifically, and at the time the planning application was being determined by the Council, both the Applicant and the Council were content that the condition would satisfy the requirements of Homes England (HE), and that the grant funding necessary to support the capital costs of developing the affordable homes would be forthcoming on that basis.

As the Council is fully aware through our pre-application discussions with Rob Griffin, HE has recently altered their position on how such a condition should be worded in order to meet their financial requirements and they require the condition to be reworded. Southway Housing Trust has held detailed discussions with HE in order to agree a way forward to enable the affordable homes to be brought forward. I understand from my own telephone conversation with Rob Griffin that he has also been liaising directly with HE, so he is fully aware of the current situation that the Applicant finds themselves in. I understand it is not an isolated case, and that the delivery of other affordable housing schemes with the City Council area have been affected, with their delivery being potentially delayed.

To that end, and further to discussions between Rob Griffin and Southway Housing Trust, it has been agreed that the wording of Condition 33 on permission 136878/FO/2023 should be amended as follows:

"Prior to the commencement of the development (excluding demolition works), a scheme for the provision of affordable housing on the site shall be submitted for approval in writing by the City Council, as Local Planning Authority. The scheme shall comprise:

- i. The type and tenure (such tenures being consistent with the definition of affordable housing in Annex 2 of the NPPF or any definition of affordable housing that replaces it) which shall consist of 100% of the dwelling houses;
- ii. Confirmation that the affordable dwellings will be made available on affordable housing terms for both first and subsequent occupiers of the affordable housing dwellings (subject to such exclusions and exemptions as may be approved by the City Council); and
- iii. The eligibility criteria to be used for determining who may occupy the affordable housing dwellings (which shall not be required to include any local connection criteria in the case of shared ownership housing).
- iv. The approved affordable housing scheme shall be implemented as part of the development and thereafter observed subject to the following exclusions and exemptions:
 1. The affordable housing scheme shall not be binding upon a mortgagee, chargee or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (however appointed) including a housing administrator (each a receiver) of the whole or any part of the affordable housing or any persons or bodies deriving title through such mortgagee or chargee or receiver.
 2. The affordable housing scheme which is the subject of this condition shall cease to apply (and shall be of no further effect) to any dwelling that has been acquired by an individual owner/purchaser and/or their mortgagee OR any dwelling in respect of which a statutory or voluntary right to buy or acquire has been exercised."

I am advised by the Applicant that the above wording would be satisfactory to HE, the Council and the RP.

Pre-application discussions with Rob Griffin has also confirmed that the Council understand the need to get the matter resolved as soon as possible, and therefore the Council is in agreement that the most appropriate and expedient way forward to deal with the matter in hand would be via the non-material amendment route.

Summary

I trust that you will find this application to be in order, and I look forward to receiving confirmation that the application has been registered and validated at the earliest opportunity. Given the importance of addressing the issues associated with the need to vary the precise mechanism to deliver this 100% affordable housing development, I trust the Council will do everything it can to expediate the matter.

If you have any queries about the enclosed submission, please do not hesitate to contact me; in my absence please speak with my colleagues Marc Hourigan or Nick Brookman.

Yours sincerely

A handwritten signature in black ink, appearing to read 'BMoss', with a long horizontal line extending to the right.

BEVERLEY MOSS BA (Hons) MA MRTPI
Associate Director

cc: Bowsall Developments Ltd
Southway Housing Trust
Marc Hourigan } Hourigan Planning
Nick Brookman }

Encl Non-material amendment submission