

Planning Committee: 26 April 2022

Item Number: 4

Application No: [W 13 / 0464 & W 14 / 1322](#)

Town/Parish Council: Warwick

Case Officer: Rob Young

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**Land at Earl Rivers Avenue / adj Gallagher House, Gallagher Way,
Warwick, CV34 6AF**

Variation of Section 106 Agreement for planning permission ref: W/13/0464 &
W/14/1322 - Erection of a Continuing Care Retirement Community

INTRODUCTION

This report relates to the above outline planning permission. That permission was subject to a Section 106 Agreement which imposed a range of obligations on the developer. The applicant has requested that the provisions of the section 106 agreement are varied.

RECOMMENDATION

Planning Committee are recommended to delegate authority to the Head of Development Services to vary the Section 106 agreement in relation to the tenure of affordable housing as set out below.

DETAILS OF THE VARIATION

The applicant has requested that the tenure mix for the affordable housing be amended. The current tenure mix is as follows:

- 5 rented units
- 19 shared ownership units

The proposed tenure mix is as follows:

- 16 discounted market sales or affordable rented units (at 75% of their market value)
- 8 shared ownership units

The overall amount of affordable housing remains the same, at 24 units. The changes are to the tenure mix within that 24.

It is also proposed that the units will be subject to a 3 month marketing period to those with a local connection and who are in housing need, after which the units will be offered to anybody in housing need (subject to meeting the Qualifying Person definition as set out in the existing agreement).

The change is proposed because the developer has been unable to secure occupation of the units for the approved tenures. To date, 8 of the shared ownership units have been sold, but none of the rented units have been occupied. The units in phase 1 (12 no.) have been marketed since 2016, whilst the remaining units in phase 3 (12 no.) are nearing completion.

ASSESSMENT

The Council's Housing Strategy team have reviewed the proposed changes. They advise that there is a lot of detail and helpful background information contained within the request which clearly demonstrates that this is a well thought through and carefully considered proposal. They confirm that the proposed tenure is a form of affordable housing as defined in the NPPF. Therefore, as it has not been possible to secure occupation of the units for the approved tenures, they have no objection to the proposed change.

SUMMARY / CONCLUSION

For the above reasons it has been concluded that the proposed change to the section 106 agreement is acceptable. The revised proposals will continue to make suitable provision for affordable housing in accordance with Local Plan Policy H2. Therefore the section 106 agreement should be amended as requested.