

Planning Committee: 22 June 2022

Item Number: 5

Application No: [W/17/2371](#) & [W/20/0502](#)

Town/Parish Council: Cubbington

Case Officer: Dan Charles

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Land off Rugby Road and Coventry Road, Cubbington, CV32 7JN

W/17/2371: Development of 120 dwellings (including 48 affordable units), formation of single access point from Coventry Road and single access point from Rugby Road, highway works, landscaping, public open space and ancillary works.

W/20/0502: Provision of 13 additional dwellings on existing application site (approved for 120 under W/17/2371) through removal of larger units and provision of additional smaller dwellings within the existing site layout.

FOR: Bellway Homes (South Midlands) Ltd

Proposed Deed of Variation to the signed Section 106 Agreement

RELEVANT POLICIES

- National Planning Policy Framework
- H2 – Affordable Housing
- DM1 – Infrastructure Contributions

INTRODUCTION

This report relates to full planning permissions W/17/2371 and W/20/0502 which were given a resolution by planning committee to grant planning permission subject to the signing of a Section 106 Agreement on 11.09.2018 and 23.07.2020 respectively.

Following the resolution to grant, the Section 106 Agreements were both signed and the decisions issued on 29.03.2019 and 07.09.2021 respectively.

The applicants have actively pursued the permissions and the works are well advanced on the site.

This proposal seeks the inclusion of First Homes within the Legal Agreement.

First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes.

Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;

b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.

In this case, the provision of First Homes will be in addition to the existing 40% Affordable Home provision. In total, 6 plots will be provided under the First Homes regulations. This would increase the overall provision of affordable housing on the site to 44%.

This report seeks the agreement from Committee to enter into and complete a Supplementary Deed/Deed of Variation to incorporate the required definitions into the Section 106 Agreement to satisfactorily secure the requirements for the dwellings to be secured under the First Homes regulations.

ASSESSMENT

The proposal would result in an increase over and above the required standard of 40% Affordable Housing provision and would also allow for an additional route for the residents of the District to acquire an affordable property.

An increase in the provision of affordable housing within the District is to be welcomed and this scheme will secure these units through the appropriate Legal Agreement.

CONCLUSION

The revisions are not affected by the CIL regulations.

There would be no difference to the overall number of dwellings on the site and the existing level of contributions to be received through the Section 106 Agreement would not be affected. The changes have the agreement and full support of the Warwick District Council Housing Team who are working with the applicants to deliver the First Homes and as such, there is no objection from Officers.

The associated Legal costs in providing the Deed of Variation would be met by the applicants so there is no cost to the Local Planning Authority.

RECOMMENDATION

That Committee approve the proposal to allow the First Homes to be secured on the development through a Supplemental Deed/Deed of Variation to the Section 106 Agreement.