

Planning Committee: 3 February 2021

Item Number: 4

Application No: W/17/0440

Town/Parish Council: Barford

Case Officer: Dan Charles

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Land off Bremridge Close, Barford

Erection of 63 dwellings together with all ancillary works including, infrastructure, surface water attenuation measures and on-site open space provision.

FOR Taylor Wimpey West Midlands Ltd

Proposed Deed of Variation to the signed Section 106 Agreement

INTRODUCTION

This report relates to planning permission W/17/0440 which was previously presented to Members of the Planning Committee on 20 June 2017. The recommendation to committee was to grant planning permission, subject to the various conditions listed in the report as well as a Section 106 Agreement to secure a range of obligations from the Owner. The Section 106 was thereafter signed and the decision issued on 7 September 2017.

The application site is now substantially complete and occupied.

The Housing Team have been approached by an occupier of one of the affordable properties who wishes to exercise their Right to Buy their property.

The current wording within the Section 106 prohibits the disposal of the affordable housing units to any party other than a Registered Provider. This prevents individual tenants from exercising their statutory Right to Buy the affordable housing units.

RELEVANT POLICIES

- National Planning Policy Framework
- H2 – Affordable Housing

ASSESSMENT

In order to overcome the conflict between the tenants statutory Right to Buy and the terms of the agreement, the Housing Services Team of the District Council has recommended that the wording be amended.

The change required is to Paragraph 1.9 of the Third Schedule of the Section 106 Agreement and needs to be amended to include the words "SAVE THAT this clause shall not apply to or prohibit any statutory right to purchase" at the end of the paragraph.

This would allow the occupier to exercise their Right to Buy.

CONCLUSION

The agreement of a standard clause is not affected by the CIL regulations and is purely the mechanism to provide conformity with the legislation relating to Right to Buy.

RECOMMENDATION

That Committee approve the revisions to the wording through a Deed of Variation to the Section 106 Agreement.