
REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	8 th NOVEMBER 2016	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	STEVE MOTT (ext. 5748)	DOC:
SUBJECT:	REMOVAL OF THE NEED TO COMPLY WITH CODE FOR SUSTAINABLE HOMES LEVEL 3 TO BE ACHIEVED FOR AFFORDABLE HOUSING CONTAINED WITHIN THE S106 IN RESPECT OF PLANNING PERMISSION FOR 100 DWELLINGS ON LAND AT WILLINGTON ROAD, ETWALL	REF: 9/2013/1040
WARD(S) AFFECTED:	WILLINGTON	TERMS OF REFERENCE: PO1

1.0 Recommendations

- 1.1 That the Committee authorise the removal of the need to comply with Code for Sustainable Homes Level 3 to be achieved for affordable housing. The overall level of provision would remain unchanged at 30% (30 homes).

2.0 Purpose of Report

- 2.1 To discuss the request that the affordable housing at Willington Road, Etwall, pursuant to planning permission 9/2013/1040, no longer be constructed to Level 3 of the Code for Sustainable Homes.

3.0 Detail

- 3.1 The existing Section 106 Agreement was made in early 2015 having been considered by Planning Committee on 16th September 2014 where it was resolved to grant planning permission subject to, amongst other things, the provision of 30% affordable housing. The Section 106 Agreement also requires the affordable housing to achieve Code for Sustainable Homes Level 3.
- 3.2 The applicant has advised that the Code has now been replaced with the latest standards of Buildings Regulations and that the units will not attract any grant funding from the Homes and Communities Agency (HCA) given that the units are provided through a Section 106 Agreement.
- 3.3 The Government's Code for Sustainable Homes originally formed part of a package of measures designed to move towards zero carbon development. This has since been

withdrawn following a fundamental review of technical housing standards, with the requirements incorporated into Building Regulations. As such the more appropriate standard for the development to achieve is current Buildings Regulations and since this is already the subject of controls by other legislation, the request for non-compliance with Code for Sustainable Homes Level 3 is considered reasonable.

4.0 Financial Implications

- 4.1 Whilst a Deed of Variation is required, the applicant has given an undertaking to pay any reasonable associated legal costs for producing it, there are thus no financial implications for the Council.

5.0 Corporate Implications

- 5.1 None

6.0 Background Papers

- 6.1 File reference 9/2013/1040.