

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	10 JANUARY 2023	CATEGORY: DELEGATED
REPORT FROM:	HEAD OF PLANNING AND STRATEGIC HOUSING	
MEMBERS' CONTACT POINT:	JESSICA CHEADLE jessica.cheadle@southderbyshire.gov.uk	
SUBJECT:	DEED OF VARIATION – LAND AT HILTON BUSINESS PARK, HILTON	REF: 9/2013/1044
WARD(S) AFFECTED:	HILTON	TERMS OF REFERENCE

1.0 Recommendations

- 1.1 That the Committee approves the request to amend the Section 106 Agreement (S106) to include amendments to be made to the definition of Affordable Housing and the inclusion of First Homes which is within the fourth schedule of the Section 106 Agreement – Affordable Housing. This is based upon recommendations that have been received from Strategic Housing and Development Manager.
- 1.2 That the Committee delegate authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the DoV.

2.0 Purpose of Report

- 2.1 To inform the Committee of the proposed changes to the S106 Agreement, Land at Hilton Depot.

3.0 Background

- 3.1 Members may recall that the site, Local Plan allocation H7, was granted outline planning permission for up to 485 homes in March 2015. The Section 106 agreement and Deed of Variation can be found under permission reference [9/2013/1044](#). A Deed of Variation request was approved at Planning Committee in September 2022 for four First Homes in lieu of previously approved homes on phase three of the development.
- 3.2 South Derbyshire District Council has received a request from Persimmon Homes, who are currently developing phase three of the development to amend a further 10 of the previously approved homes so that they can become “First Homes”.

4.0 Discussion

- 4.1 The Council has been approached by Persimmon Homes, as they would like to change ten private market homes into First Homes. Persimmon Homes are

currently taking part in the Government scheme to roll out First Homes across the country, therefore on sites with existing planning permission a Deed of Variation is required to insert First Home clauses into the Affordable Housing schedule of the Section 106 agreement. This will then create an ability for the Council to enforce the use of the homes in perpetuity.

- 4.2 First Homes are the Governments proposal to replace Help to Buy across the country that was launched in 2021. First Homes are discount market sale homes which:
- Have a minimum discount of 30% of Open Market Value held in perpetuity at the time of sale;
 - Are sold to a person or persons meeting the First Homes eligibility criteria – at present this is a nationally set criteria but can be set in local policy;
 - Has a price cap of £250,000 for the value of the home at the time of the first sale.

5.0 Financial Implications

- 5.1 There are no financial implications associated to the Council for this change as the costs of the DoV will be paid for by Persimmon Homes as they have requested the DoV.

6.0 Corporate Implications

- 6.1 None.

7.0 Community Implications

- 7.1 This will increase the amount of Affordable Housing provision within the District.

8.0 Background Information

a) Section 106 Agreement:

[Planning Applications, Decisions and Appeals \(southderbyshire.gov.uk\)](https://www.southderbyshire.gov.uk/planning-applications-decisions-and-appeals)