

Full planning permission was granted for the erection of an Extra Care Scheme comprising sixty three bedroom flats, linked to the new Madeley Community building, replacing the existing residential care home (Lea House), Village Hall and Scout Hut, in December 2008 following the completion of an agreement under Section 106 securing various planning obligations. The development has subsequently been completed.

Housing and Care 21 (previously known as Housing 21), a registered provider have built the Extra Care Scheme as affordable housing and they are seeking a variation to the Section 106 agreement. This is an informal request rather than an application.

**RECOMMENDATION**

**That Housing and Care 21 be advised that the Council as the Local Planning Authority is willing to agree to the variations to the Section 106 agreement to amend the clauses related to liability to future mortgagees.**

**Key Issues**

The variations that are requested are as follows:

- to amend the clauses related to liability to future mortgagees

*Liability to future mortgagees*

Housing and Care 21 have requested an amendment to the Mortgagee Exclusion Clauses within the agreement so that the future sale of the flats is acceptable to future lenders. It is accepted by your officers that the current wording within the agreement is too onerous and could deter potential funding from lenders.

The amendments requested are for a more standardised wording which your officers consider are minor in nature and will therefore have no material bearing upon the obligations within the agreement.

On this basis, it is recommended that the request to vary the agreement is agreed.

## **APPENDIX**

### **Policies and Proposals in the Approved Development Plan relevant to this decision: -**

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted CSS)

Policy CSP6: Affordable Housing

Policy CSP10: Planning Obligations

### **Other Material Considerations**

National Planning Policy Framework (NPPF) (2018)

Planning Practice Guidance (PPG) (2014, as amended)

### **Supplementary Planning Documents/Guidance**

Affordable housing SPD (2009)

### **Views of Consultees**

None undertaken

### **Date report prepared**

7<sup>th</sup> February 2019