

LAND OFF DEANS LANE AND MOSS GROVE, RED STREET
ASPIRE HOUSING LIMITED

20/00633/DOB

Outline planning permission was granted for up to 50 dwellings on land off Deans Lane And Moss Grove, ref 16/00902/DEEM4. Reserved matters were also subsequently approved for 50 dwellings and the development is underway with some houses completed. Prior to the grant of the outline planning permission a S106 Agreement was entered into which secured, amongst other things, 25% of the dwellings on-site as affordable units, with some of these being shared-ownership units.

The Applicant wishes to make an application to vary the Shared Ownership staircasing restriction from 90% to 100% and the mortgagee protection clause.

The 8 week determination period for this application expires on 26th November 2020.

RECOMMENDATION

That Aspire be advised that the Council as the Local Planning Authority is willing to agree to a variation to the S106 Agreement so that staircasing to 100% of the market value is permissible, along with the change to the mortgagee protection clause.

Key Issues

The application under Section 106A of the 1990 Town and Country Planning Act seeks to modify the planning obligations entered into on the 4th December 2017 prior to the grant of outline planning permission (16/00902/DEEM4) for a residential development of up to 50 dwellings.

Section 106A of the 1990 Town and Country Planning Act indicates that where an “obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to these modifications”. This is such a case and as such the proposed modification should be supported.

The modifications being sought are to vary the Shared Ownership staircasing restriction at Clause 1.15 of Schedule 2 from 90% to 100% and the Mortgagee Protection at Clause 5 of Schedule 2.

Members may recall that similar modifications have been allowed previously in recognition of the delivery of affordable housing.

The fundamental issue now is whether in practice such a restriction is affecting the delivery of these shared ownership units. Registered Providers’ concerns that the restriction is potentially having an adverse impact upon both the number of households likely to buy such units and on the number of lenders likely to lend on such units are considered to be credible.

The Councils Affordable Housing Supplementary Planning Document does not include the staircasing restriction but there are references to seeking “affordable housing in perpetuity”.

On the basis of the above, the advice of your officers, in consultation with the Housing Strategy section, is that the restriction should be removed and staircasing permitted to 100%.

With respect to Mortgagee in Protection/ Possession clauses; the Council in more recent times has substituted previously agreed wording with a Standard Mortgagee Exclusion Clause. Therefore, this request is also acceptable.

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

The Housing Strategy Officer is supportive of the application. The principle of staircasing has previously been considered by Planning Committee in respect of application 13/00426/OUT Land at Gateway Avenue, Baldwin's Gate and agreed. The Committee accepted that facilitating the delivery of affordable housing should be a key objective of the Council and that the restriction to 90% was potentially having an adverse impact on the number of households likely to buy such units and on the number of lenders likely to lend on such units

The Council has previously substituted Mortgagee in Possession clauses with Standard Mortgagee Exclusion Clause developed by the Securitisation Working Group.

Date report prepared

24th November 2020