

MILL RISE EXTRA CARE VILLAGE, LOWER MILEHOUSE LANE
ASPIRE HOUSING

21/00754/DOB

The application is for the modification of a planning obligation made under Section 106 relating to the hybrid planning permission 07/00127/OUT which gave:

- (i) Full planning permission for a single, two and three storey building accommodating:-
- a) Primary Care Centre providing three GP surgeries, community nursing services, dental services, physiotherapy services, chiropody and podiatry services, pharmacy and accommodation for training and education.
 - b) Extra Care Centre providing 60 units for the frail elderly with ancillary therapy suite, craft /hobbies area, coffee bar, hairdressers and garden area
 - c) Associated access, roadway, car parking and landscaping
- (ii) Outline planning permission for residential development for approximately 160 units including affordable units

The completed S106 agreement secured, amongst other things, 22 extra care shared ownership units in perpetuity (save after final staircasing of the occupier's interest in a shared ownership lease to 100% of the relevant unit). The modification sought is an amendment to the definition of Extra Care Shared Ownership Units and Extra Care Rented Residential Units to enable flexibility to change tenures.

The 8 week determination period for this application expires on 10th September 2021.

RECOMMENDATION

That the application to modify the S106 agreement, by amending the definition of Extra Care Shared Ownership Units and Extra Care Rented Residential Units to enable flexibility to change tenures, be approved.

Reason for Recommendation

The obligation continues to serve a useful purpose, but would serve that purpose equally well subject to the modifications specified in the application.

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 6th November 2007 prior to the grant of hybrid planning permission 07/00127/OUT which included full planning permission for a building containing a primary care and extra care centre.

The completed S106 agreement secured, amongst other things, 22 extra care shared ownership units in perpetuity (save after final staircasing of the occupier's interest in a shared ownership lease to 100% of the relevant unit). Staircasing enables the purchasing of further shares in the property to the point where outright ownership is achieved and the payment of rent is no longer required.

Residents of share ownership units have passed away and liability for such units have passed to the immediate families. It is understood that such families have attempted to market and sell properties for a period in excess of 18 months and even with assistance from Aspire, the Registered Social Landlord who partially own the properties, have been unsuccessful. This is distressful to those families. As a solution Aspire are proposing to buy the units in question and convert them to a rented unit in line with other units.

This would reduce the availability of share ownership units across this development and the Borough as a whole. However, such units would not necessarily always be in shared ownership as, given the ability to staircase to 100%, they could become privately owned at some point in the future. The proposed variation would mean that such units would become socially rented units and as such would remain affordable housing in a different guise.

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”. The proposed modification to amend to the definition of Extra Care Shared Ownership Units and Extra Care Rented Residential Units to enable flexibility to change tenures is such a case and as such the proposed modification should be supported.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Other Material Considerations

[National Planning Policy Framework](#) (July 2021)

[Planning Practice Guidance](#) (PPG) (March 2019)

[Supplementary Planning Documents/Guidance](#)

[Developer Contributions SPD](#) (September 2007)

Representations

None to date

Applicant/agent's submission

The application documents are available for inspection via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00754/DOB>

Background Papers

Planning File.

Planning Documents referred to.

Date Report Prepared

28th July 2021