

LAND OFF ECCLESHALL ROAD, LOGGERHEADS
ASPIRE HOUSING

21/01099/DOB

Outline planning permission for residential development of up to 55 dwellings including provision of affordable housing was granted in 2018 following the completion of an agreement under Section 106 securing various planning obligations (Ref. 16/00866/DEEM4).

The applicant, Aspire Housing, is to purchase the shared ownership units on the site and is seeking variations to the Section 106 agreement.

The 8 week determination period for this application expired on 2nd May 2022.

RECOMMENDATION

That the application to modify the S106 agreement to allow staircasing to 100% of the market value and to remove the requirement for the shared ownership units to remain as affordable housing in perpetuity 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 21st March 2018 prior to the grant of outline planning permission (16/00866/DEEM4) for residential development of up to 55 dwellings.

The Applicant, Aspire Housing, is to purchase the shared ownership units on the site and wishes to vary the shared ownership staircasing restriction from 90% to 100% and to remove the requirement for the shared ownership units to remain as affordable housing in perpetuity.

With respect to the shared ownership units on the development, the Section 106 agreement refers to qualifying persons purchasing initially up to 50% of the equity of the dwelling and to paying proportional rent, with the option of staircasing (increasing their equity share) but only up to 90% of the market value. The Section 106 also requires the shared ownership units to remain as affordable housing in perpetuity by controlling their future use and occupation so as to require that they are managed by a Registered Social Landlord.

Aspire Housing consider that these restrictions will impact on the ability for its customers to purchase shared ownership units.

The model Section 106 agreement in the Council's Affordable Housing Supplementary Planning Document does not include the staircasing restriction to be found in the current agreement. Rather it gives the option of staircasing to 100% of the market value, albeit there are references within the SPD to seeking "affordable housing in perpetuity". The fundamental issue now for the Local Planning Authority is whether in practice such a restriction is affecting the delivery of these shared ownership units, because it is putting off Registered Providers. Facilitating the delivery of affordable housing should be a key objective for the Council. Aspire's concerns that the restriction is potentially having an adverse impact upon the number of households likely to buy such units is considered to be credible. Furthermore the content of the SPD (a document that was the result of consultation) should be accorded due weight. For both of these reasons it is considered that the restriction should be removed and staircasing

permitted to 100% and the requirement for the shared ownership units to remain as affordable housing in perpetuity to be deleted.

In conclusion, it is considered that whilst the obligation continues to serve a useful purpose, that purpose would be served equally well if modified as requested.

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

Material Considerations

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

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

[Supplementary Planning Documents/Guidance](#)

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

Relevant Planning History

16/00866/DEEM4 Residential development for up to 55 homes, with associated landscaping and infrastructure – Approved

20/00158/REM Reserved Matters application (appearance, landscaping, layout and scale) for residential development of 44 bungalows – Approved

20/00159/FUL Variation of condition 6 (hours of construction) of planning permission 16/00866/DEEM4 for residential development for up to 55 homes, with associated landscaping and infrastructure – Approved

Views of Consultees

No comments have been received from **Loggerheads Parish Council** within the consultation period and therefore it must be assumed that they have no comments to make.

Representations

None

Applicant/agent's submission

The application documents are available for inspection via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/01099/DOB>

Background Papers

Planning File.
Planning Documents referred to.

Date Report Prepared

9th May 2022