

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE 24th SEPTEMBER 2007

REPORT OF DEVELOPMENT SERVICES MANAGER

(Author: Nick Moys, Principal Planning Officer (Major Projects))

**SWANTON MORLEY: PROPOSED ASSISTED CARE LIVING UNITS,
ADJACENT LINCOLN HOUSE NURSING HOME: VARIATION OF SECTION 106
AGREEMENT**

APPLICANT: Dr S Kaushal

REFERENCE: 3PL/2006/0332/O

1. This report concerns a request to vary a section 106 agreement relating to a proposed development of assisted care living units at Lincoln House, Swanton Morley.
2. Outline planning application was granted in January 2007 for 24 high dependency assisted care living units adjacent to Lincoln House Nursing Home. Reserved matters approval was granted in April 2007. The permission is subject to a section 106 agreement, the main provisions of which are: i) occupancy of the units is limited to persons over 60 years of age and in need of care, ii) the units must be operated as a care home linked to the adjacent nursing home and iii) the units should not be sold separately from Lincoln House.
3. Amendments to the agreement are suggested to enable more flexible arrangements to be made for the provision of health care packages and to give future occupants more freedom of choice. These amendments are proposed following discussions with health care bodies, including the Commission for Social Care Inspection. It is proposed that clauses in the current agreement tying the units to Lincoln House are deleted, but that qualifying occupancy criteria are enhanced. The proposed variation would require potential occupants requirement for care and supervision to be certified by a medical practitioner.
4. It is considered that the proposed amendments would achieve the planning objectives of the original agreement (i.e to prevent unrestricted residential use). Under the terms of the agreement, as varied, the assisted care living units could still only be operated as a care home and be occupied by persons in genuine need of care by reason of age, infirmity or illness. Whilst the amended agreement would allow units to be sold and operated separately from Lincoln House, it is anticipated that due to the close proximity of the units to Lincoln House and the Swanton Morley Surgery, close working relationships with these health institutions will be maintained for practical and economic reasons.
5. **RECOMMENDATION:** that the existing section 106 agreement is varied as requested.