

**P/14/0841/FP**

**TITCHFIELD**

ALDER KING PLANNING  
CONSULTANT

AGENT: ALDER KING PLANNING  
CONSULTANT

DEED OF VARIATION OF SECTION 106 PLANNING OBLIGATION RELATING TO  
P/14/0841/FP (CARE VILLAGE COMPRISING 86 EXTRA CARE UNITS AND CHANGE  
OF USE OF LAND TO COUNTRY PARK)

LAND OFF CARTWRIGHT DRIVE TITCHFIELD PO15 5RJ

***Report By***

Kim Hayler - Direct Dial 01329 824815

***Introduction***

Planning permission was granted on 16 November 2015 under reference P/14/0841/FP for a care village comprising 86 extra care units and change of use of land to a country park.

The planning permission was subject to a number of planning conditions and a Section 106 planning obligation.

The applicant has secured a potential operator for the care village however they have raised concerns in relation to the definition of a qualifying person occupying the Extra Care Units as set out in the obligation. A request has been made to change the wording of the obligation as explained below.

***Planning Considerations - Key Issues***

As currently set out in the obligation, irrespective of their need an occupier of an Extra Care Unit must procure and receive a Domiciliary Care Package, which consists of a care package comprising a minimum of 1.5 hours per week of Extra Care at the time that they occupy the unit.

In some instances, however, at the time of the purchase of a unit, individuals, whilst in need of care, may not be at a level of need to satisfy the Extra Care requirements as set out in the obligation. Nevertheless, these individuals seek to reside at the development in the knowledge that they will be in need of Extra Care at some time in the future. An example of this is individuals suffering from early onset degenerative illnesses such as dementia who may choose to purchase a unit whilst they have the cognitive ability to do so.

In order to accommodate such situations and circumstances the potential purchaser is seeking to vary the agreement so that an individual can occupy an Extra Care Unit provided they enter into a Domiciliary Care Package receiving the Extra Care either at the time of procurement or in the future as and when they warrant the need.

Currently paragraph 5(b) of Schedule Two of the Agreement states:

'an occupier of that Extra Care Unit has procured and is receiving from the owner or Domiciliary Care Agency a Domiciliary Care Package (provided that this obligation shall not apply to a spouse of a person falling within paragraph 5(a).'

The wording should be replaced with the following:

'an Occupier of that Extra Care Unit has procured and is or will be receiving from the Owner of the Domiciliary Care Agency a Domiciliary Care Package (provided that this obligation shall not apply to a spouse of a person falling within paragraph 5(a)).'

Currently paragraph 6(a) of Schedule Two of the Agreement states:

'a person aged fifty-five or over who is in need of Extra Care, or'

The wording should be replaced with the following:

'a person aged fifty-five or over who has entered into a Domiciliary Care Package with the Domiciliary Care Agency, or'

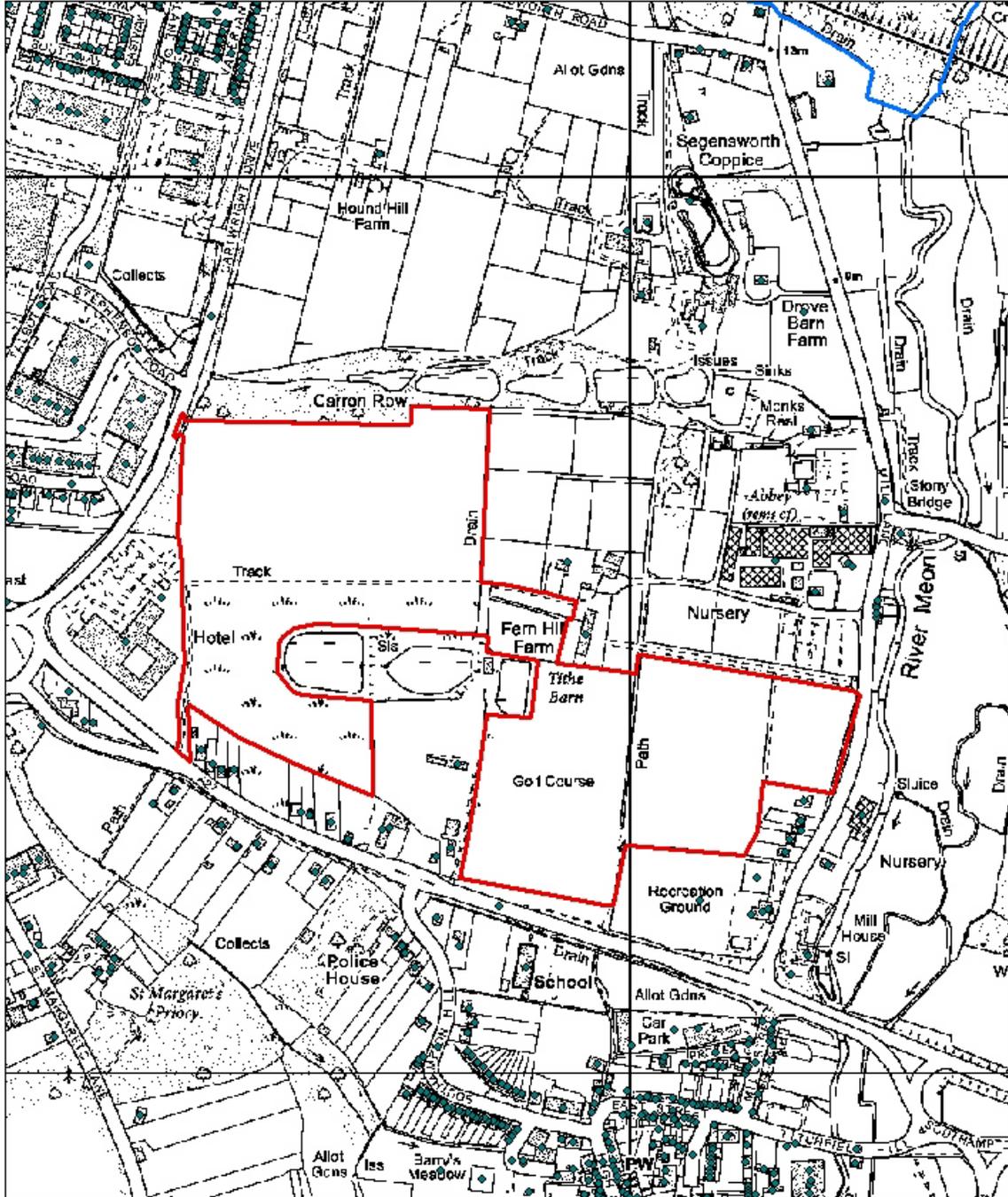
Officers are satisfied that the suggested amended wording would facilitate the purchase of a unit by those individuals with a low, albeit increasing Extra Care need, whilst ensuring that the development retains its principal function of providing care.

***Recommendation***

Members authorise a Deed of Variation to vary the original planning obligation on terms drafted by the Solicitor to the Council as set out in the report above.

# FAREHAM

## BOROUGH COUNCIL



Cartwright Drive  
SCALE: 1:6,000

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