

Former Nestle Factory Site

Summary of S106 Healthcare Facility Obligations

1. New s106 planning obligations have been agreed with Barratt (as landowner) relating to the delivery of a healthcare facility on part of the Nestle site.
2. Amendments to the planning application ensure that the facades of the locally listed existing canteen building will now be retained as shown in planning drawings.
3. The healthcare facility will be a new building permitted under new Use Class E(e).
4. The S106 obligations ensure that:-
 - (a) there is no demolition of the main canteen building until a legally binding agreement for sale/lease has been secured with the NHS as the end user and occupier of the new healthcare facility;
 - (b) there is no occupation of the new healthcare facility and the nursery¹ until:-
 - i. Barratt has constructed the healthcare facility providing necessary access, a minimum floor area for E(e) use class of 2000sqm, not less than 15 car parking spaces and utilities connections
 - ii. an occupational lease has been secured with the NHS.
5. As landowner, Barratt will use reasonable endeavours to procure the relevant agreements and lease with the NHS. The NHS has no legal interest in the site and cannot be a party to the S106. Barratt will also procure that the NHS takes a lease in the healthcare facility for a minimum of 25 years (the term required by the NHS in current discussions) but the S106 contains flexibility for a longer term to be agreed if desired by the NHS and this term must be agreed with the Council.
6. Even if the NHS requires 25 years, as a protected tenant under the Landlord and Tenant Act 1954, at the end of the lease it has the right to require a further 25 years unless it chooses to terminate the lease.
7. The terms of the lease with the NHS will set out the type of specification for the building depending on its end use, and the NHS will require that the building is fitted out to that specification as part of its lease requirements before taking occupation.
8. Should any different use be required for the building in the future, a planning application for a change of use will need to be made to the Council.
9. The permission and s106 therefore ensure that the healthcare facility is a Use Class E(e) healthcare use, that the existing main canteen building cannot be demolished until an agreement for lease/sale is in place with the NHS, and the building including the nursery

¹ Note it would not be appropriate to prevent occupation of the affordable units in Block H from coming forward until the NHS lease is in place because this would delay delivery of affordable housing, where a sitewide provision of 40% has been maintained and this is a public benefit of the application in its own right.

cannot be occupied until the NHS has an occupational lease for the building for a lease term that has been agreed with the Council.

Winckworth Sherwood
26 April 2023