

HALF YEARLY REPORT ON PLANNING OBLIGATIONS

Purpose of the Report

To provide Members with a report on planning obligations which have been secured over the 6 month period referred to in this report, works that have been funded in part or in whole by planning obligations within this period and compliance with their requirements

Recommendations

- a) That the report be noted
- b) That the Head of Planning and Development continue to report on a half yearly basis to the Planning Committee on planning obligations which have been secured over the preceding six months, works that have been funded during that period in whole or in part by planning obligations and compliance with their requirements, and that the next report referring to the period April 2014 to September 2014 be submitted to the Committee before the end of 2014

Introduction

In January 2013 the Committee received the first half yearly report on planning obligations which had been secured over the preceding 6 months, works that had been funded during that period in whole or in part by planning obligations and on compliance with their requirements. The last similar half yearly report was presented to the Committee at its meeting on 7th January 2014 for the period April 2013 to September 2013. As members may be aware the Senior Planning Officer dealing with these matters left the authority in May 2014, and for this reason this report has been delayed

One of the areas of work within the Planning Service relates to the production and the ongoing maintenance of a database relating specifically to planning obligations whether achieved by agreement or by undertaking. These are sometimes known as Section 106 agreements or undertakings – being entered into pursuant to Section 106 of Town and Country Planning Act 1990, as amended. This database requires updating..

One of the purposes of this report is to provide Members with information on what planning obligations have been secured over the six month period (October 2013 – March 2014). Some of the developments will be familiar to the Committee given they have come before the Planning Committee for decision, but others the Committee may not be familiar with because the related planning applications have been determined under delegated authority. The Council's Scheme of delegation gives to the Planning Committee only the authority to create by agreement planning obligations. Where applications are accompanied by obligations by unilateral undertaking then they do not have to be determined by the Planning Committee unless for some other reason. Planning obligations may relate to the payment of financial contributions but others have no financial contribution requirement but have been entered into to control or restrict the development in question in some way when it has been considered planning conditions are not the appropriate method of dealing with such issues.

The information is provided on a number of Tables which come after this page.

Officers are exploring whether this report is providing useful information to the Committee in a readable format. However to avoid further delay in bringing this report to the Committee the decision has been made to submit this report, although it is recognised that at certain points it is not as complete as it could be.

Table 1 - Developments where planning obligations by developers/owners of land have been entered into (October 2013 – March 2014)

The following Table identifies developments where planning obligations by agreement or undertaking have been entered into by developers/owners. It does not at present include the obligations entered into by the public authorities. These cases involve both applications which have come before the Planning Committee for determination and those which have been determined under delegated authority. The cases involve both financial contributions, the provision of development such as affordable housing and those which restricts the use of a development e.g. non-severance of ancillary accommodation. Contributions are usually payable upon commencement of the development (the payment “trigger”), but that can vary. If a development is not undertaken it follows that there is no requirement to pay the contribution.

Permission reference	Location of development	Development	Purpose of the obligation(s) entered into by developers/owners	The level of contribution(s) payable when development trigger achieved
12/00127/OUT	Land South Of West Avenue, West Of Church Street And Congleton Road, And North Of Linley Road Butt Lane Kidsgrove ST7 1TW	Residential development of 172 dwellings, area of community woodland, public open space and formation of new accesses	<ul style="list-style-type: none"> • Affordable Housing (25%) • Newcastle (urban) Transport and Development Strategy (NTADS) • Public open space enhancement/improvement and maintenance . • Travel Plan Monitoring • Public Right of Way improvement 	£521,965 (index linked)
13/00219/FUL	Land Adjacent 8A Apedale Road Chesterton ST5 6BH	Two semi detached houses	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,000 (index linked)
13/00228/FUL	Land Adjacent 41 Sneyd Terrace Silverdale	Erection of a pair of semi-detached houses	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,000 (index linked)

Permission reference	Location	Development	Purpose of the obligation(s) entered into by developers/owners	The level of contributions payable when development trigger achieved
10/00278/EXTN	Former Squires Copper Mount Road Kidsgrove ST7 4AY	Extension of time limit for implementing planning permission 10/00278/OUT for 12 dwellings	<ul style="list-style-type: none"> Newcastle (urban) Transport and Development Strategy (NTADS) Public open space enhancement/improvement and maintenance. 	£43,316 (index linked)
13/00853/FUL	Land At Junction Of Church Lane And Cherry Hill Lane Silverdale	Construction of 5 Houses for student accommodation and new vehicular access	Newcastle (urban) Transport and Development Strategy (NTADS)	£3,000 (index linked)
13/00988/FUL	Land At Church Lane Knutton	Construction of 2 houses for student accommodation (same site as 13/00853/FUL)	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,000 (index linked)
13/00103/FUL	The Skylark High Street Talke Kidsgrove ST7 1QD	Demolition of existing public house and erection of 14 dwellings, alterations to accesses, associated landscaping and car parking	Public open space enhancement/improvement and maintenance.	£41,202 (index linked)
13/00548/FUL	Former Fire Station And Fire Station House Knutton Lane Knutton	Demolition of former Fire Station and House and erection of a Performing Arts Centre	Newcastle (urban) Transport and Development Strategy (NTADS)	£10,000 (index linked)

Permission Reference	Location	Development	Purpose of the obligation(s) entered into by developers/owners	The level of contributions payable when development trigger achieved
13/00623/FUL	Land Off Slacken Lane Kidsgrove	Erection of 4 dormer bungalows and 1 bungalow	Newcastle (urban) Transport and Development Strategy (NTADS)	£3,000 (index Linked)
13/00402/FUL	Land Adjacent 19 Grove Avenue Kidsgrove	1 no. Pair of new semi detached properties and garden works	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,000 (index Linked)
13/00238/FUL	Land Adjacent To 25 Newport Grove Chesterton	Erection of two semi-detached dwellings on land adjacent to 25 Newport Grove, Chesterton	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,000 (index Linked)
13/00327/OUT	Former Garages Rear Of Hempstalls Court Hempstalls Lane ST5 0SP	Construction of Light industrial (Class B1 Business use) building on former domestic garage site	Newcastle (urban) Transport and Development Strategy (NTADS)	£5,000 (index Linked)

Table 2 - Development where financial contributions have been made (October 2013 – March 2014)

The following Table identifies the development where the planning obligation requires the payment of a financial contribution and the trigger for payment has been reached and payments have been made. The sum of the contribution may differ from that originally secured due to it being a phased payment of the contribution, or the application of indexation.

Permission reference	Location of development	Development	Purpose of the obligation(s)	Contribution made
13/00548/FUL	Former Fire Station And Fire Station House Knutton Lane Knutton	Demolition of former Fire Station and House and erection of a Performing Arts Centre	Newcastle (urban) Transport and Development Strategy (NTADS)	£10,000
13/00402/FUL	Land Adjacent 19 Grove Avenue Kidsgrove	1 no. Pair of new semi detached properties and garden works	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,006
12/00197/FUL	35 Apedale Road Chesterton ST5 6BH	Construction of pair of semi detached dwellings & new vehicular access	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,016.00
09/00136/OUT	Former Silverdale Colliery Scot Hay Road Silverdale	Variation of Condition B9 of 06/00337/OUT, which gave outline planning permission for the erection of buildings for residential and community use,	Community Facilities	£583,007.54

Table 3 - Development where financial contribution have been spent. (October 2013 – March 2014)

The following Table identifies the developments where the spending authority have advised the Planning Authority that they have spent the financial contribution secured via planning obligations. These figures may differ from the contribution made, given the contributions may be targetted to a number of projects or an on-going project. Information has not been received from the County Council for this period. That information is to be sought and if available will be provided within the next half yearly report.

Permission reference	Location of development	Development	Amount of and purpose of contribution	How the contribution has been spent
09/00136/OUT	Former Silverdale Colliery Scot Hay Road Silverdale Newcastle	Variation of Condition B9 of 06/00337/OUT, which gave outline planning permission for the erection of buildings for residential and community use,	£773,134.83 – Community Facilities	Silverdale Community Sports Pitches and facilities
11/00129/FUL	Land Off Grange Lane Wolstanton Newcastle Under Lyme Staffordshire	Residential development	£8,279.52 – Open Space enhancements	Wolstanton Marsh Improvements

Table 4 - Development where apparent breaches of planning obligation has been identified (October 2013 – March 2014)

The following Table identifies a development where either the triggers for the payment of financial contribution have been achieved and no payment has yet been received or there is some other current breach in terms of the obligation/undertaking. It includes cases brought forward from previous periods, which have not yet been resolved

Permission reference	Location of development	Development	Purpose of the obligation and description of the apparent breach	Action taken and to be taken to resolve the apparent breach.
03/01033/OUT	Former Evans Halshaw Hassell Street Newcastle	Residential Development	Public Open Space contribution (£900 x 45 units) £40,500 – Apparent non payment of the contribution.	Legal Services have identified principal owners of the development and Financial Service have raised a debtors invoice to recover the outstanding monies. Court proceedings however had to be withdrawn. Owners identified as a company registered in the British Virgin Islands. Case conference to be called to decide upon next steps
10/00480/FUL	Former Corona Works, Sandford Street Chesterton	Residential Development	Public Open Space contribution totally £47,088 (index linked) – trigger of commencement of the development (within original agreement) for payment achieved, no payment received to date	The Planning Committee at its meeting on 16 th April 2013 resolved to defer the requirement to make this payment - until prior to commencement of the 9 th dwelling on the site. The revised agreement required to formalise this has still not been completed by the other party. The ninth dwelling has not commenced and the development of the site

				appears to have stalled. In the circumstances it would not be expedient to seek compliance with the original agreement. Officers are pursuing this with both the landowner and the solicitor who was understood to be acting on his behalf.
10/00110/FUL	61-63 High Street Silverdale	Two storey side extension and single storey rear extension	Newcastle (urban) Transport and Development Strategy (NTADS) contribution of £1800 (index linked)	Staffordshire County Council have agreed with the developer to a 4 phased payments of this contribution over a 12 period. (first payment made Sept 2013 – see entry in Table 3 above). Whether or not there have been payments to SCC since September 2013 is not known
07/00196/FUL	Former Brooks Laundry Oxford Road Basford ST5 0PZ	Erection of 14 two storey townhouses and associated garages (Amendment to plots 5-18 as approved under 06/00659/FUL)	Public Open Space contribution (£900 x 14 units) £12,600 – Apparent non payment of the contribution.	The developer has been contacted and advised that the Borough Council has no records that the contribution has been paid. Their response is awaited.
99/00341/OUT	Land Off, Keele Road (Milliners Green)	Residential development	Public Open space contributions – non payment of these contributions	The developer has been contacted and has responded querying the actual sum involved. Legal advice is being sought to establish the position prior to

				further contact with the developer
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