

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

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.

Members will recall that the last half yearly report covering the period October 2013 to March 2014 was only presented to the Committee at its meeting on 28th October 2014. The Committee asked that this half yearly report would be reported before the end of 2014 for the period April 2014 to September 2014 which would bring members up to date.

One of the areas of work within the Planning Service relates to 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 (April 2014 – September 2014). Some of the developments will be familiar to the Committee given that they have come before the Planning Committee for decision, but others the Committee may not be familiar with because they relate to planning applications that 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.

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

The following Table identifies developments where planning obligations by agreement or undertaking have been entered into by developers/owners. It does not include the obligations entered into by the public authorities, except where they are the landowner/developer. 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
13/00625/OUT	Linley Trading Estate Linley Road Talke Stoke-On-Trent	Erection of up to 139 dwellings and associated works	Affordable Housing (two units)	Not applicable
			Education contribution	£313,926 (Index Linked)
			Travel Plan Monitoring	£2,150 (Index Linked)
			Open space management agreement	Not applicable
			Viability assessment in the event of lack of delivery	Not applicable
13/00712/FUL	Land At The Junction Of Blackfriars Road And Lower Street Newcastle-under-Lyme Staffordshire ST5 2ED	Construction of new foodstore (Class A1) with associated car parking, servicing and landscaping.	Newcastle (urban) Transport and Development Strategy (NTADS)	£46,552 (index linked)
			Travel Plan Monitoring	£2,150 (Index Linked)
			Subway improvement contribution	£78,000 (Index Linked)
			Automatic Number Plate Recognition	Not applicable
			Potential footpath provision opportunity	Not applicable
14/00077/FUL	Maer Hall	Variation of condition 1	Ownership restriction	Not applicable

	Maer Staffordshire ST5 5EF	(restricting occupancy to short term holiday accommodation) of planning permission 06/00723/FUL for conversion of redundant hall outbuildings to form 3 holiday cottages, reception, managers flat and construction of car park		
14/00217/FUL	Land At High Street/Marsh Avenue/Silverdale Road High Street Wolstanton	Variation of condition 6 of planning permission 13/00487/FUL (Development of Use Class C2 residential accommodation with care, comprising 62 No. 1, 2, and 3 bedroom apartments for persons aged over 55, with associated works) so as to change the floor plans to include 2 additional apartments and a further 19.9m2 of floor space	Occupancy Restriction	Not applicable
14/00284/FUL	Priory Day Centre Lymewood Grove Newcastle Under Lyme	Demolition of the redundant day care centre and the construction of 13 new single storey dwellings	Off site public open space	£34,242 (index linked)
14/00362/FUL	Unit 7 Linley Trading Estate Linley Road Talke Stoke-On-Trent Staffordshire ST7 1XS	Variation of conditions of planning permission 10/00080/OUT (outline planning application for commercial business uses (Class B1, B2, and B8) and small/medium sized A1 retail foodstore) as follows Condition 5 regarding revised right turning facility and access	Travel Plan Monitoring Contribution	£2,200 (index linked)

		<p>works; Condition 18 to allow gross retail floorspace up to 1,384sq.m.; and Condition 20 to require that at least 80% of the net sales floorspace is devoted to the retailing of convenience goods.</p> <p>In addition the removal of condition 19 which prevents the retail floorspace from being operated by Tesco, Sainsbury's, Asda or Morrisons, and condition 21 which requires that a minimum of 2,434sq m of floorspace for business, industrial or storage for made available before the foodstore is available for letting or sale</p>		
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Table 2 - Development where financial contributions have been made (April 2014 – September 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
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	Newcastle (urban) Transport and Development Strategy (NTADS)	£8,000 (Index linked)
			Public open space enhancements. Improvement and maintenance	£35,316 (Index linked)

Table 3 - Development where financial contribution have been spent. (April 2014 – September 2014)

The following Table identifies those developments where the spending authority have advised the Planning Authority that they have spent the financial contribution secured via planning obligations within the above period. These figures may differ from the contribution provided by an individual scheme, given that contributions may be targetted to a number of projects or the project may be an on-going one. **Information has not however been sought from the County Council for this period.** That information, and that for the previous period (October 2013 to March 2014) 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
Nil	-	-	-	-

Table 4 - Development where apparent breaches of planning obligation has been identified (April 2014 – September 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. An update may be able to be provided to the Committee.
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, despite several

				approaches by the Council's solicitors. 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, given the resolution of the Committee.
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 (SCC) have agreed with the developer to a 4 phased payments of this contribution over a 12 period. SCC has confirmed that three of the four payments have now been made. The last payment should have been received by September 2014. SCC have been contacted for an update on this final payment.
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. Officers have both written to and telephoned the developer about this matter but no formal response has

09/00387/FUL, 06/00774/FUL & 99/00341/OUT	Land Off, Keele Road (Milliners Green)	Residential development	Public Open space contributions – non payment of these contributions	been forthcoming to date The developer has been contacted and has responded querying the actual sum involved but has indicated their willingness to pay the agreed sum. Legal advice has been also been obtained to confirm which of a number of agreements is applicable. Progression on this case is dependent upon the issue of the decision notice for application 09/00387/FUL, which requires a site visit first, and then contact with the developer. An update will be provided to the Committee as to the progress made.
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