

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
31st March 2015

Agenda item 17

Quarterly Report on extensions to time periods within which obligations under Section 106 can be entered into

Since the agenda report was finalised- on 19th March there have been developments with respect to a number of the 11 cases referred to within the report. These developments are detailed below:-

With respect to **Case (3)13/00990/OUT Land Adjacent to Rowley House, Moss Lane, Madeley** the County Council have now accepted the amendments sought by your officer to reflect the resolution of the Planning Committee (as referred to in the agenda report), but the owner has raised, on behalf of a potential developer, certain concerns principally relating to the affordable housing provisions of the draft agreement. Responses have been provided, and there remains the possibility that the agreement may still be completed by the current deadline of the 31st March

With respect to **Case (5)13/00970/OUT Land off Pepper Street, Keele**, the Borough Council has now been advised that the County Council are seeking amendments to the draft, although they are of a relatively limited nature. The County Council have indicated that they are concerned about the tightness of the timescale and the developer's solicitor has now requested an extension (of the period within which the Section 106 is to be completed) to the 24th April. This request is being considered and will be responded to upon the receipt of advice from the Borough Council's solicitor with respect to the implications for this case, if any, of legislation that comes into effect on the 6th April.

With respect to **Case (8) 14/00477/FUL Newcastle Baptist Church, London Road, Newcastle**, since the 19th your officer has accepted that in the light of the inability of the Council, due to capacity issues within legal services, to provide a draft of the agreement by Monday 23rd it is no longer realistic to expect this agreement to be completed by the 31st March. A new deadline will be set upon receipt of advice from the Council's solicitor with respect to the implications for this case of the legislation referred to above.

With respect to **Case (9) 14/00736/FUL Former Diamond Electronics, West Avenue, Kidsgrove** a new deadline has not yet been set as had been expected in the agenda report, but it will be before the meeting of the Committee. The matter is progressing to a conclusion.

With respect of **Case (11) 14/00973/FUL Oxford Arms, Moreton Parade, May Bank** your Officer wrote to the applicant setting out the current position regarding the S106 and his concerns about the progress to date, whilst accepting that the applicant had been misled into understanding that they had until the 24th March to complete (rather than the 10th March date referred to in the resolution). The applicant has since provided confirmation that solicitors have now been instructed, and evidence of title has been provided together with an undertaking to pay the Council's costs. On this basis your officer was satisfied that satisfactory progress had been made to justify a limited extension until the 31st March.

