

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

Members will recall that the last half yearly report on planning obligations was reported at its meeting in December 2014 and covered the period between April 2014 to September 2014. This report now covers the period between 1st October 2014 to 31st March 2015 and sets out planning obligations which have been secured over this 6 month period, works that had been funded during that period in whole or in part by planning obligations, and compliance with their requirements.

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.

As was reported in December 2014 the database requires updating regularly to capture all the information regarding S106 Obligations and whilst the database has been completed to a certain point it is missing some information which restricts its use.

It has been identified that the database is missing some key information which would help officers to monitor cases and report information more efficiently. It is hoped that significant progress will be made over the coming months which will enable information to be obtained from the database directly, which it currently is not. There is a need to have a fully up-to date database so that accurate information can be retrieved more efficiently. Recent legislative changes mean that the Service needs to be immediately able to establish what planning obligations have been secured since 5 April 2010 with respect to individual projects and types of infrastructure.

As with previous half yearly reports the relevant Section 106 information is reported in four Tables. The final Table recording Developments where apparent breaches of planning obligation has been identified (October 2014 – March 2015) is published separately as a restricted item..

Table 1 - Developments where planning obligations by developers/owners of land have been entered into (1st October 2014 – 31st March 2015)

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 obligations 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.

Application reference and date of agreement or undertaking	Location of development	Development	Purpose of the obligation(s) entered into by developers/owners	The level of contribution(s) payable when development trigger achieved
14/00476/FUL 13 th January 2015	Homestead/ May Place Former Day Centre May Place Brampton Road Newcastle	Proposed new 65 apartment Extra Care scheme with allied facilities	Public Open Space in the vicinity of the development – Upgrade and Maintenance	£35,573 (Index Linked)
			Travel Plan Monitoring	£2,200 (Index Linked)
13/00426/OUT 14 th November 2014 (as part of appeal proceedings, the appeal subsequently has been allowed and the permission granted)	Land at end Of Gateway Avenue, Baldwins Gate	Erection of up to 113 dwellings and associated works	16% on-site Affordable Housing	Not Applicable
			Provision of payment for offsite provision of affordable housing in lieu on 9% on-site provision	£620,000 (index linked)
			Provision of Public Open Space and its maintenance arrangements	£1,920 (Index Linked) open space maintenace sum per dwelling, as may be permitted under the Reserved Matters Approval, should open space not be transferred to a Management

				Co.
			Travel Plan Monitoring	£2,150 (Index Linked)
			Provision of additional primary and secondary education places at Baldwins Gate Primary School and Madeley High School respectively	£442,146 (Index Linked)
13/00525/OUT 9 th December 2014	Land Between Apedale Road And Palatine Drive Chesterton (Apedale South)	Residential development of up to 350 dwellings including open space, new vehicular accesses, infrastructure, ancillary development and associated earthworks	Enhanced Bus Service provision	£350,000 (index linked)
			Primary school places provision at Churchfields Primary School and/ or Chesterton Primary School or any other school within Chesterton Community Sports Colleges' catchment area	£816,294 (index linked)
			Provision of Public Open Space and its maintenance arrangements	£674,700 (index linked) should open space not be transferred to Management Co.
			SuDS area maintenance arrangements	£40,000 (index linked) should SuDS area not be transferred to Management Co.
			Newcastle (urban) Transport and Development Strategy (NTADS) contribution	£193,313 (Index linked)
			Travel Plan Monitoring	£6,200 (index linked)
			Affordable Housing (15% of the units – with no less than 10% onsite - and offsite affordable housing contribution making up difference)	Not Applicable
			Viability Re-Assessment in specified circumstances and recalculation of off site affordable housing contribution	Not Applicable
			Extinguishment of minerals consent	Not applicable

08/00795/EXTN2 4 th November 2014	Former T G Holdcroft Knutton Road, Wolstanton	Application to extend the time limit for implementing planning permission 08/00795/OUT (Residential development (12 units))	Newcastle (urban) Transport and Development Strategy (NTADS) contribution	£8,000 (Index Linked)
			Towards Wolstanton Park/ Marsh	£35,316.00 (Index Linked)
13/00974/OUT 6 th January 2015 (as part of appeal proceedings, the appeal subsequently having been allowed and the permission granted)	Land Off Watermills Road Chesterton	Residential development of up to 65 dwellings including means of access	Newcastle (urban) Transport and Development Strategy (NTADS) contribution	£40,079 (index linked)
			Public Open Space Improvements at Audley Road Park or Crackley Recreation Ground and their maintenance	£2,943 per dwelling for the improvement and maintenance of greenspace, as may be permitted under the Reserved Matters Approval,
			Contribution to the provision of additional primary and secondary school places in the vicinity of the site	£154,434 (index linked)
			25% (16 units) on site Affordable Housing	Not applicable
13/00424/FUL 13 th February 2015 (as part of appeal proceedings, the decision on the appeal still being awaited)	Hawthorns, Keele village	92 dwellings with school drop off point, shop and linked areas of greenspace	Contribution to the provision of education places in the area	132,976 (index linked)
			Maintenance arrangements for the public open space within the development	Not applicable
			Reassessment of the ability of the scheme to make other contributions towards NTADS, provision of education places and affordable housing (by payment in lieu of on site provision), should the development have not substantially commenced within 12 months of any grant of the planning permission	Not applicable
			Overage calculation at conclusion of the development	Not applicable
13/00990/OUT	Land to rear of Rowley House, Madeley	Residential development of up to 42 dwellings	25% Affordable housing	Not applicable
			Contribution towards improvement and	£2,943 per

31 st March 2015			maintenance of public open space at Madeley Pool area and the Birchdale play area, or if that is not possible, of the College Gardens public open space	dwelling
			Contribution to provision of education places at Madeley High School	£49,866 (index linked)

Table 2 - Development where financial contributions have been made (1st October 2014 – 31st March 2015)

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
12/00512/FUL	Former Thistleberry House Residential Home Keele Road Newcastle Under Lyme	Demolition of existing Thistleberry House building, erection of 37 dwellings and creation of new access off Keele Road	Public Open Space contribution	£42,767.58 (second part of POS contribution)
			The provision of educational facilities within the vicinity of the land	£46,310
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)	The provision and/or enhancement of offsite public open space	£12,600 (see Table 4 below)
09/00387/FUL, 06/00774/FUL & 99/00341/OUT	Land Off, Keele Road (Milliners Green)	Residential development	The provision of a Neighbourhood play area in the vicinity of the development, the improvement of leisure facilities at Pool Dam Marshes, the future maintenance of Pool Dam Marshes and the provision of a Community Education Centre at Pool Dam Marshes	£121,115.75 (see Table 4 below)
12/00197/FUL	35 Apedale Road Chesterton Newcastle Under Lyme	Construction of pair of semi detached dwellings & new vehicular access	Newcastle (urban) Transport and Development Strategy (NTADS) contribution	£1,016
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.	Improvement of subways on Lower Street	£76,000

Table 3 - Development where financial contribution have been spent. (1st October 2014 – 31st March 2015)

The following Table identifies those developments where the spending authority have advised the Planning Authority that they have spent within the above period a financial contribution secured via planning obligations. The Table is however incomplete in that it only refers to expenditure by the Education Authority and by the Borough Council. It does not record any other expenditure that there may have been in this period by the County Council of contributions that it has received – particularly towards Travel Plan Monitoring or NTADS. That information both for the above period, and for the previous periods (October 2013 to March 2014 and April 2014 to September 2014) is to be sought and if available will be provided within the next half yearly report. Similarly the report only refers to the spending of financial contributions, it does not refer to the affordable housing that has been provided as a consequence of planning obligations

Permission associated with the planning obligation as a result of which funding was received	Location of development referred to in the permission	Development	Amount received as a result of planning obligation and purpose of contribution as indicated in the planning obligation	How the contribution has been spent
11/00129/FUL	Land Off Grange Lane Wolstanton Newcastle Under Lyme Staffordshire	Residential development	£56,621.37 towards Public Open Space improvements/ enhancements	Improvement of the play facility at Wolstanton Marsh
06/01180/OUT	Land And Buildings At Ashfields New Road, Knutton Lane And Liverpool Road Newcastle	New college, sports facilities, Superstore, Petrol Filling station, offices, housing, parking, landscaping and associated engineering works	£67,726.97 towards Subway Improvements - Enderley St, Ryecroft and Bridge Street	Refurbishment of subways (including preparation for design works, refurbishment and painting of subway 'barrels', handrails and anti-graffiti coatings

With respect to the earlier period (October 2013 to September 2014 the following information has been received from the Education Authority

Permission associated with the planning obligation as a result of which funding was received	Location of development referred to in the permission	Development	Amount received as a result of planning obligation and purpose of contribution as indicated in the planning obligation	How the contribution has been spent
06/00337/OUT, 08/00435/OUT and 09/00136/OUT	Former Silverdale Colliery Scot Hay Road Silverdale	<p>A. Full planning permission for engineering and remediation works in preparation for redevelopment for housing, community uses and greenspace; and associated landscaping.</p> <p>B. Outline planning permission for the erection of buildings for residential and community uses, with all matters of detail reserved for subsequent approval with the exception of the access points into the site from Scot Hay Road.</p>	£210,595 towards primary school places provision	Provision of 70 additional school places at St Luke's Primary School comprising demolition of the small WC block and new extension to provide a further two classrooms with associated toilets, store rooms, a library, accessible WC and community room with toilets and kitchenette. Extension of two of the existing classrooms provided to give the minimum teaching area required. The existing library has been refurbished to two SEN rooms for special needs one to one learning. Additional extension to the existing staff room and provision of extended car park and bin relocation. The grassed area adjacent has been partly transformed in to a play ground