

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
13th October 2015

Agenda item 12

Quarterly report on extensions to time periods within which obligations under section 106 can be entered into

Since the agenda report was prepared on 1st October there have been developments with respect to a number of the 9 cases referred to within the report. These developments are detailed below:-

With respect to case **(1) Application 13/00245/FUL – Old Springs Farm, Stoneyford** confirmation has now been received that the Mortgagee (the Bank) have signed the agreement, having had it for some considerable time, and a rapid conclusion of this matter is now expected with the applicant and then the Council signing and thus completing the agreement. In the light of this your Officer has reluctantly accepted that it would not make sense to 'time out' the application and accordingly a short further period – until the 16th October has now been agreed for this completion. This position is being communicated to the applicant.

With respect to case **(2) Application 14/00027/FUL Land adjacent to 31 Banbury Street** your Officer has noted when the other side received the draft, that the longer this matter continues to be unresolved, the more out of date becomes the Viability appraisal, and that the time period allowed before a reappraisal might be required is perhaps more than the District Valuer would have recommended. It has been decided that whilst a further period of time (for completion of the Section 106 should be allowed, this should be limited in extent and be until the 5th November, subject to the normal proviso. This position is being communicated to the applicant's agent.

With respect to case **(3) Application 14/00767/FUL Former Woodshutts Inn, Lower Ash Road, Kidsgrove** it would appear that a 6 week period (from today's date) is likely to be required to bring this agreement to a conclusion. That the viability appraisal is rather more up to date than in other cases suggests that it is appropriate that such a period be given – i.e. until the 19th November, subject to the normal proviso. This position is being communicated to the applicant's agent

With respect to case **(4) Application 14/00477/FUL Newcastle Baptist Church, London Road, Newcastle**, as indicated in the report the most recent resolution of the Committee did not provide a date by which the agreement should be completed, although the original resolution of the 3rd February did. For the avoidance of any doubt the Committee are asked to confirm that officers have the authority to either refuse the application should the agreement not be completed within a reasonable period, or to extend that period. The applicants continue to press for the urgent completion of the agreement which has been the subject of intensive negotiation over the last couple of weeks.

With respect to case **(5) Application 15/00166/FUL Jubilee Baths, Nelson Place, Newcastle** the applicant has only recently been advised of the Council's position regarding trigger points for payments and in light of this your officer has agreed to extend the period within which the Section 106 agreement can be secured, to the 10th November, subject to the normal proviso. This position is being communicated to the applicant's agent.

With respect to case **(6) Application 15/00368/OUT Land at West Avenue, Kidsgrove** noting that a draft agreement is now to go to the other parties, and that it is of a relatively simple nature, it is considered that that 5 weeks (12th November) would be a reasonable period to expect the agreement to be completed within, subject to the normal proviso. This position is being communicated to the applicant's agent.