

**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**16<sup>th</sup> August 2016**

**Agenda Item 14**

**QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO**

With respect to the **West Avenue case** the agreement will not be completed by the 12<sup>th</sup> August. An update, on whether more time has been allowed for the agreement to be completed, as an alternative to refusal of the application, will be provided to the meeting on the 16<sup>th</sup>.

Since the preparation of the agenda report one further case has required an extension of time to be agreed for the completion of a Deed of Variation of a previously entered into Section 106 agreement.

**(3) 16/00326/FUL site of former Woodshutts Inn, Lower Ash Road, Kidsgrove.**

The application came before the Planning Committee on 19<sup>th</sup> July 2016 (at around week 8) for the variation of condition 15 of 14/00767/FUL which related to an odour abatement system. 14/00767/FUL is a permission for residential development, the applicant being Aspire Housing. The resolution of the Planning Committee was to accept the variation subject to the Council's position in respect of obligations being preserved via the securing of a S106 agreement, by no later than 12<sup>th</sup> August, for a financial reassessment if substantial commencement of the development is not achieved by 24<sup>th</sup> March 2017, and if capable of being supported education and public open space contributions then being made.

This matter is being progressed via a deed of variation. The timetable was always challenging. Instructions were promptly issued after the Committee, but the required information for inclusion within a draft of the Deed of Variation was slow in being sought and then coming forward. As a result a draft of the Deed of Variation is only now going to the other parties (the County Council will also need to be a signatory). The matter should now be concluded quite quickly and your Officer has agreed to extend the Section 106 period to the 12<sup>th</sup> September 2016, the applicant having in parallel agreed to extend the statutory period.

At the time of writing some 12 weeks has passed since the original receipt of the application.