

LAND BOUND BY RYECROFT, RYEBANK, MERRIAL STREET, CORPORATION STREET & LIVERPOOL ROAD
HDD (NEWCASTLE-UNDER-LYME) LIMITED

17/00637/FUL

On 7th November 2017 the Planning Committee resolved to grant planning permission for demolition of existing buildings and construction of a mixed use development comprising the following

- Student accommodation for 513 students within 164 units comprising 90 self-contained studios and 423 en-suite rooms (in 74 clusters of 4, 5, 6, 8 and 9) with shared lounge/kitchen areas.
- A block of four retail units (Use Class A1) providing a total of 3,839m² of gross external floor area and an additional 3,455m² mezzanine floor area distributed across the 4 units.
- Eight further units for food and drink, non-residential institutional, and leisure uses (Use Classes A3/A4/A5/D1/D2), and financial and professional services (Use Class A2). Five of these units are to be in the lower and upper ground floors of the student accommodation building and the remainder are in a separate block. These units provide a total of 2,604 m² of ground floor area and an additional 626 m² mezzanine floor area distributed across 2 units
- A car park providing 197 car parking spaces.

subject to the applicant entering into obligations under Section 106 of the Town and Country Planning Act 1990 by 8th January, or by such date as the Head of Planning may consider appropriate should that date be reached without such obligations being entered into, to secure the following:

1. A financial contribution of at least £542,797 to public realm improvements in Corporation Street with the remainder to be spent on the enhancement of public open space at Brampton Park or Queen Elizabeth Gardens, the public open space contribution being at least £250,000;
2. £2,245 towards travel plan monitoring;
3. A sum yet to be determined for the ongoing maintenance of the Real Time Passenger Information system for bus services;
4. A sum yet to be determined towards improvements to the cycle route from Newcastle town centre to Keele University;
5. A sum yet to be determined towards a Real Time Town Centre Car Parking Capacity Information System;
6. A financial contribution of £50,000 to be used to fund Resident Parking Zones in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems; and
7. A financial contribution of £20,000 to be used to review and provide/amend traffic regulation orders on roads adjoining the site.

The Council as a joint owner of this site will have obligations associated with any legal agreement entered into to secure the matters above. As it is not legally possible for the Council to enter into an agreement with itself it is necessary for consideration to be given to an alternative approach to the completion of obligations under Section 106.

RECOMMENDATION

That the Committee agree that all parties should enter by 8th March 2018 into an Agreement under Section 111 of the Local Government Act 1972, which requires that a draft S106 Agreement (in the terms as per the resolution of Planning Committee on 7th November), annexed to the S111 Agreement, is entered into once the transfer of the site has taken place.

Reason for Recommendation

Taking into consideration that it is not legally possible for the Council, as one of the landowners to enter into an agreement with itself to secure the obligations, and that the County Council is also a

landowner here, it is necessary for all parties to enter into a Section 111 Agreement under the Local Government Act 1972.

KEY ISSUES

On 7th November 2017 the Planning Committee resolved to planning permission for development as described above and subject to the applicant entering into a Section 106 obligation by agreement to secure the matters listed above.

It is known that it is not legally possible for the Council, who is a landowner as well as the Local Planning Authority, to enter into a legal agreement with itself. The advice received, in this case, is that the appropriate way forward would be for the parties to enter into a S111 (Local Government Act 1972) agreement. A Section 106 agreement would be agreed and annexed in draft form to the S111 with a condition that it be entered into once the transfer of the site has taken place.

The principle of the development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to re-visit that issue. This item relates solely to the proposed amendment to the requirements of the legal agreement which should be via a Section 111 Agreement and not a Section 106 Agreement.

It has not been possible to complete the required Legal Agreements by the due date, which was 8th January, and as such it is necessary to set a new date. It is considered that a challenging yet reasonable date is 8th March 2018.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026 (adopted 2009)
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011
Policy IM1: Provision of Essential supporting Infrastructure

Other Material Considerations

National Planning Policy

National Planning Policy Framework (2012)
Planning Practice Guidance (March 2014)

Community Infrastructure Levy Regulations 2010, as amended

Supplementary Planning Guidance/Documents

Developer Contributions Supplementary Planning Document (SPD) (September 2007)

All of the application documents can be viewed at the Guildhall or using the following link.
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00637/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

17th January 2017