

The application is for the modification of a planning obligation made under Section 106 relating to outline planning permission 13/00970/OUT for residential development of up to 100 dwellings.

The completed S106 agreement secured, amongst other things, affordable housing at a level that wasn't compliant with policy and also secured the requirement that viability is reappraised should the development not substantially commence within a specified time period. This enables the Local Planning Authority to secure further affordable housing should the viability of the development have improved to the extent where further provision would not render it unviable.

**The 8 week determination period for this application expires on 20<sup>th</sup> August 2020.**

#### **RECOMMENDATION**

**That the application to modify the S106 agreement, by extending the period of time within which the developer must substantially commence development before the need for a revised viability report is triggered to 25 September 2021, be approved.**

#### **Reason for Recommendation**

The obligation continues to serve a useful purpose, but would serve that purpose equally well subject to the modifications specified in the application.

#### **Key Issues**

The application under Section 106A of the 1990 Town and Country Planning Act seeks to modify the planning obligations entered into on the 2<sup>nd</sup> April 2015 prior to the grant of outline planning permission (13/004970/OUT) for residential development of up to 100 dwellings, as varied by the Deed of Variation (DoV) dated 17 December 2019.

The modification sought is to paragraph 2 of Schedule 6 of the Agreement as amended by the DoV to provide an additional 12 months for the development to be substantially commenced, at which point the developer is required to prepare and submit a revised viability report if this trigger is not reached. This would extend the period of time to 25 September 2021.

This application is made in response to the impact that Covid-19 has had on construction. Such impacts are acknowledged. It is also recognised that the Government, in the wider interests of the economic recovery of the country, is encouraging Local Planning Authorities to be flexible and work with the construction industry to ensure development can still take place.

Section 106A of the 1990 Town and Country Planning Act indicates that where an "obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to these modifications". This is such a case and as such the proposed modification should be supported.

## **APPENDIX**

### **Other Material Considerations**

[National Planning Policy Framework](#) (July 2019)

[Planning Practice Guidance](#) (PPG) (March 2019)

[Supplementary Planning Documents/Guidance](#)

[Developer Contributions SPD](#) (September 2007)

[Views of Consultees](#)

**Keele Parish Council** resolved not to object.

[Representations](#)

None

[Applicant/agent's submission](#)

The application documents are available for inspection via the following link  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00431/DOB>

### **Background Papers**

Planning File.

Planning Documents referred to.

### **Date Report Prepared**

30<sup>th</sup> July 2020