

## **UPDATE ON BREACHES OF PLANNING OBLIGATIONS**

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 23<sup>rd</sup> June 2020, of the progress in relation to the pursuance of breaches of planning obligation secured through the following planning permissions:

- 11/00284/FUL - Erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale
- 12/00701/FUL - Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access at Former Randles Ltd, 35 Higherland, Newcastle

### **RECOMMENDATION**

**That the information be received.**

#### 11/00284/FUL - Erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale

Non-compliance with obligation requiring payment of financial contributions, as follows, have been reported to Committee

- £66, 689 (index linked to public open space,
- £55, 155 (index linked) towards primary school places and
- £26,244 (index linked) towards the Newcastle-under-Lyme Urban Transport Development Strategy (NTADS)

In addition the S106 agreement secured a financial viability review mechanism should development not be substantially commenced by a certain date, which might lead to a contribution to affordable housing off site.

Evidence of substantial commencement was not received by the Local Planning Authority and on this basis it is concluded that the trigger is not achieved.

The District Valuer has conducted a financial viability appraisal to determine whether the development could support policy compliant planning obligations or any level of contributions towards off-site affordable housing provision. The report received concluded that the development would not be viable to contribute further payment for off-site affordable housing provision and this conclusion is accepted by your Officer. On this basis it is the payments set out above that are required.

Upon receipt of confirmation of the final payment (which requires indexation and the addition of interest due to late payment) the developer will be informed and the outstanding contributions will be sought within a reasonable time frame. If payments aren't made without good cause the matter will be passed to the Council's Legal Section to pursue non-payment through the appropriate process.

#### 12/00701/FUL - Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access at Former Randles Ltd, 35 Higherland, Newcastle

A financial contribution of £36,017 (index linked) towards the Newcastle (urban) Transport and Development Strategy (NTADS) is required to have been paid prior to the commencement of the development. The ground floor of the building has been operating as a Tesco food store for a considerable amount of time. The County Council and the Borough Council have requested the

outstanding amount which will need to have index linking applied, and in the event of payment still not being made further action may need to be taken.

Efforts have been made to contact the owner but no response has been received. The matter has been passed to the County Council's legal/ monitoring section to progress. An update from the County Council on any progress is still awaited.

Date report prepared: 3<sup>rd</sup> September 2020