

LAND NORTH OF PEPPER STREET, KEELE
SEDDON HOMES LIMITED

22/00533/DOB

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 modification sought is to paragraph 2 of Schedule 6 of the Agreement as amended by the deed of variation to provide an additional time 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 6th March 2023.

The 8 week determination period for this application expired on 10th August 2022 however an extension of time has been agreed until 14/10/2022.

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 6th March 2023, 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 2nd 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 S106A decision dated 20 August 2020, reference 20/00431/DOB and the S106A decision dated 17 September 2021 referenced 21/00780/DOB.

The modification sought is to paragraph 2 of Schedule 6 of the Agreement as amended by the deed of variation to provide an additional time 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 6th March 2023.

Works have been delayed at the site due to the impact that Covid-19 has had on construction, and whilst the applicant is in the process of discharging a number of pre commencement conditions more time is required to complete this process. The impacts of the covid pandemic are acknowledged and 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.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public**

authorities to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions. People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and proposals in the Development Plan relevant to this decision:

National Planning Policy Framework (2021)

Planning Practice Guidance (2019)

Supplementary Planning Guidance:

Developer Contributions SPD (September 2007)

Views of Consultees

No comments have been received from **Keele Parish Council**.

Representations

None

Planning History

13/00970/OUT - Residential development (maximum of 100 dwellings) – permitted

15/00359/DOAHR - application for approval of details of the house types and location of the affordable housing units as required by condition 03 of planning permission 18/00262/REM for the erection of 100 Dwellings – permitted

18/00262/REM - Application for approval of reserved matters for layout, scale, appearance and landscaping for the erection of 100 Dwellings – permitted

20/00431/DOB - Application for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to planning permission ref 13/00970/OUT – permitted

21/00780/DOB - Application for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to Section 106 Agreement dated 2 April 2015 (13/00970/OUT), the Deed of Variation dated 17 December 2019 and S106A decision dated 20 August 2020, reference 20.00431.DOB (S106A Decision) – permitted

21/00952/FUL - Application for variation of condition 2 of planning permission 18/00262/REM to allow substitution of house types – permitted

21/00952/NMA - Application for a non-material amendment relating to alterations to planning permission 21/00952/FUL to substitute the approved planning layout & house type plans – permitted

22/00094/FUL - Removal of condition 21 (There shall be no impact piling undertaken in the construction of the development hereby permitted.) of planning permission 13/00970/OUT – not yet determined.

Classification: NULBC **UNCLASSIFIED**

Applicant/agent's submission

The application documents are available for inspection via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00533/DOB>

Background Papers

Planning File.
Planning Documents referred to.

Date Report Prepared

26th September 2022

Classification: NULBC **UNCLASSIFIED**