

HALF YEARLY REPORT ON PLANNING OBLIGATIONS – DECEMBER 2012

Purpose of the Report

To provide Members with a report on planning obligations which have been secured over the last 6 months, works that have been funded in part or in whole by planning obligations and compliance with their requirements

Recommendations

(a) That the report be noted

(b) That the Head of Planning and Development report on a half yearly basis to the Planning Committee on planning obligations which have been secured over the preceding six months, works that have been funded during that period in whole or in part by planning obligations and compliance with their requirements.

Introduction

Members may recall reports have been previously presented to the Planning Committee about the procedures for securing planning obligations and related issues. One of those areas of work related to the production and the ongoing maintenance of a database relating specifically to planning obligations whether achieved by agreement or by undertaking. These are sometimes known as Section 106 agreements or undertakings – being entered into pursuant to Section 106 of Town and Country Planning Act 1990, as amended. This database is continually being developed and updated and this is proving to be invaluable in providing information in the monitoring of planning obligations where previously this monitoring was carried out in rather adhoc manner. The database has enabled the information in this report to be compiled.

An Internal Audit report recommended that upon completion of the database the Planning Committee should receive regular reports with regard to planning obligations. One of the purpose of this report is to provide Members with information on what planning obligations have been secured over the six month period (April 2012 – September 2012). Some of the developments will be familiar to the Committee given they have come before the Planning Committee for decision, but others the Committee may not be familiar with because they have been determined under delegated authority. The Council's present scheme of delegation gives to the Planning Committee the authority to create by agreement planning obligations. Where applications are accompanied by obligations by unilateral undertaking then they do not have to be determined by the Planning Committee unless for some other reason. Planning obligations may relate to the payment of financial contributions but others have no financial contribution requirement but have been entered into to control or restrict the development in question in some way when it has been considered planning conditions are not the appropriate method of dealing with such issues.

The information is provided on a number of Tables which come after this page.

It is proposed to provide Members with regular half yearly reports in approximately late spring/early summer and late autumn/early winter of each year and it is also envisaged that as the database develops additional information/details will be reported. The format of the report may also change and members may wish to indicate whether there is information which they wish this report to provide.

Table 1 - Developments where planning obligations have been entered into (April 2012 – September 2012)

The following Table identifies developments where planning obligations by agreement or undertaking have been entered into. These cases involve both applications which have come before the Planning Committee for determination and those which have been determined under delegated authority. The cases involve both financial contributions, the provision of development such as affordable housing and those which restrict the use of a development e.g. non-severance of ancillary accommodation. Contributions are usually payable upon commencement of the development (the payment "trigger"), but that can vary. If a development is not undertaken it follows that there is no requirement to pay the contribution.

Permission reference	Location of development	Development	Purpose of the obligation(s)	The level of contribution(s) payable when development trigger achieved
12/00069/FUL	140 Gloucester Road, Kidsgrove, Stoke-on-Trent.	Care Home for the elderly.	Monitoring sum for Travel Plan.	£2,100 (index linked).
11/00430/FUL	Milliners Green Site, Keele Road, Newcastle-under-Lyme, Staffordshire.	Erection of 61 dwellings (amended layout including 13 additional dwellings).	Open space enhancement, improvement and maintenance.	£38,259 (index linked).
			Newcastle (urban) Transport and Development Strategy (NTADS).	£8,000 (index linked)
11/00627/FUL	Kidsgrove Ski Centre, Bathpool Park, Kidsgrove, Stoke-on-Trent ST7 4EF.	Extension of existing ski slope.	Open Space maintenance sum.	£4,490 (index linked).
12/00148/OUT	Land Adjacent 261, Dimsdale Parade West, Newcastle-under-Lyme, Staffordshire.	Erection of a detached dwelling - (plot A).	NTADS.	£500 (index linked).

Permission reference	Location of development	Development	Purpose of the obligation(s)	The level of contribution(s) payable when development trigger achieved
12/00169/DEEM4	Land Adjacent 19 Grove Avenue, Kidsgrove, Stoke-on-Trent, Staffordshire.	Erection of a pair of semi-detached dwellings with associated parking.	NTADS.	£1,000 (index linked).
12/00197/FUL	35 Apedale Road, Chesterton, Newcastle-under-Lyme-Staffordshire ST5 6BH	Construction of pair of semi detached dwellings & new vehicular access.	NTADS.	£1,000 (index linked).
12/00258/FUL	Heaton Court, Heaton Terrace, Porthill, Newcastle-under-Lyme, Staffordshire.	Retention of 6 no. one bedroom residential units.	NTADS.	£2,000 (index linked).
12/00225/OUT	261 Dimsdale Parade West, Newcastle-under-Lyme, Staffordshire ST5 8HS.	One detached dwelling on "Plot B".	NTADS.	£500 (index linked).
12/00036/FUL	Charter Road, Cross Heath, Newcastle-under-Lyme Staffordshire.	Residential Development.	NTADS.	£44,401 (index linked).
			Education.	£77,217 (index linked).
			Public Open Space improvement/enhancement/ maintenance.	£167,751 (index linked).

Table 2 - Development where financial contributions have been made (April 2012 – September 2012)

The following Table identifies the development where the planning obligation requires the payment of a financial contribution and the trigger for payment has been reached and payments have been made. The sum of the contribution may differ from that originally secured due to it being a phased payment of the contribution.

Permission reference	Location of development	Development	Purpose of the obligation(s)	Contribution made
09/00600/OUT	Lower Milehouse Lane Phase 2.	Residential Development.	NTADS.	£42,985
			Public Open Space improvement/enhancement/ maintenance.	£418,720
12/00036/FUL	Charter Road, Cross Heath, Newcastle-under-Lyme.	Residential Development.	NTADS.	£44,401
			Education contribution.	£77,217
			Public Open Space improvement/enhancement/ maintenance.	£167,751

Table 3 - Development where financial contribution have been spent. (April 2012 – September 2012)

The following Table identifies the development where payment of the financial contribution has been made and the spending authority have advised the Planning Authority that they have spent the financial contribution received. These figures may differ from the contribution made, given the contributions may be targeted to a number of projects or an on-going project. **Please note**, at present, this Table does not include any expenditure by the Council County because that information has not yet been provided in a format that can be reliably reported – the intention however is to report this information to the Committee in future.

Permission reference	Location of development	Development	Amount of and purpose of contribution	How the contribution has been spent
06/01180/OUT	Newcastle College/ Sainsburys, Liverpool Road, Newcastle-under-Lyme Staffordshire.	New college, sports facilities, Superstore, Petrol Filling station, offices, housing, parking, landscaping and associated engineering works.	£ 88,012 – Sport Pitch Provision and maintenance.	The Wammy Neighbourhood Park.
07/00127/OUT	Former GEC, Lower Milehouse Lane, Newcastle-under-Lyme Staffordshire.	Phase 1 - Extra Care PrimaryCare Centre and Residential Development.	£ 78,048 – Public Open Contribution.	The Wammy Neighbourhood Park.
Permission reference	Location of development	Development	Amount of and purpose of contribution	How the contribution has been spent.
04/00563/FUL	Depot (former ICL), Stanier Street, Newcastle.	Erection of 42 apartments.	£34,756 – Public Open Space contribution.	Castle Motte Heritage Works.
11/00129/FUL	Land Off Grange Lane, Wolstanton, Newcastle under Lyme Staffordshire.	Residential development.	£14,803 – Open Space enhancements.	Wolstanton Marsh Funding.

Table 4 - Development where apparent breaches of planning obligation has been identified (April 2012 – September 2012)

The following Table identifies a development where either the triggers for the payment of financial contribution have been achieved and no payment has been made or there is some other breach in terms of the obligation/undertaking.

Permission reference	Location of development	Development	Purpose of the obligation and description of the apparent breach	Action taken and to be taken to resolve the apparent breach.
03/01033/OUT	Former Evans Halshaw, Hassell Street, Newcastle-under-Lyme.	Residential Development.	Public Open Space contribution (£900 x 45 units) £40,500 – Apparent non payment of the contribution.	Legal Services have identified some of the owners of the development and informed them of the apparent breach. Next step - to recover outstanding monies.