

**Item 2.4 - 19/504649/FULL - Spirit of Sittingbourne Regeneration  
Site, Site 4, Block A – Cinema, St Michaels Road**

Further to the report on pages 50 to 80 of the agenda, Members will note the following, and in particular further to Paragraph 8.14 of the report (on Page 58 of the agenda), I have now received legal advice and can advise as follows.

No further planning obligations arise as a result of this application. Members are reminded that there is an existing agreement that secures various obligations pursuant to the original planning permission, many of which have already been complied with. Because the Council is the landowner and the enforcing local planning authority, these obligations could not be secured pursuant to a traditional s.106 agreement but were secured pursuant to an agreement entered into under powers contained in s.111 of the Local Government Act 1972 and s.1 of the Localism Act 2011 (and other enabling powers). In order to ensure that the obligations are tied to this current application, if granted, we propose to insert the following as an Informative to the Decision Notice:

*“This decision must be read in conjunction with the deed of agreement made pursuant to s.111 of the Local Government Act 1972 and s.1 of the Localism Act 2011 entered into by and between Swale Borough Council, The Kent County Council, Network Rail infrastructure Ltd and Spirit of Sittingbourne LLP dated 19 May 2017, a copy of which is appended to this Decision Notice.”*

This will ensure that the terms of the requirements of the existing agreement will automatically carry through to this application without the need for a further agreement and will also ensure that the agreement is registered as a local land charge.

The recommendation remains to grant planning permission subject to the conditions set out on Pages 58 to 66 of the agenda - and with the inclusion of the aforementioned informative.

JRW – 7<sup>th</sup> November 2019