

FOR PUBLICATION

PLANNING AGREEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 18TH SEPTEMBER 2017
REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW
MANAGER
DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

TITLE: D1229

Copy planning

agreements: Non

exempt documents:

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

on Planning Register (Regeneration Directorate)

on planning/legal files

1.0 PURPOSE OF REPORT

1.1 To inform members about the outcome of planning agreements authorised since January 2016 and summarise terms of completed agreements.

2.0 BACKGROUND

2.1 A planning agreement is sometimes needed before planning permission can be granted, because of local plan policies or to overcome particular issues. The agreements bind the land and can be enforced in court.

2.2 Planning agreements are authorised by this committee (Delegation Reference P340), or officers following an application determined by an officer (P345D). Drafting often begins prior to the decision on the application, but is subject to the outcome of the application. Details are negotiated by officers (P355D and P360D).

3.0 RECOMMENDATION

3.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
AND CONSERVATION
MANAGER

Further information on this report from Gerard Rogers, Local Government and Regulatory Law Manager, Legal Services Tel 01246 345310 or gerard.rogers@chesterfield.gov.uk

Agreements currently Authorised: 10

PLANNING AGREEMENT REPORT

08 September 2017

Address	Developer	Authorised days from	CHE/	%	AH	HS	MCO	MCS	OS	OP	P	H	FP	CT	TC	TH	ED	GT	note update	Wd	CF
Date Completed	Other terms/notes																				last update
Days Authorised to Completed																					

Planning Obligation

Total currently authorised: 7 Authorised to Completed Average: 1051 days

Carpenter Avenue - Land West of	Norbriggs Partnership	08/08/16 397	16/00114/OUT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LW 07/12/16
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Awaiting further comments from developer's solicitor

Factory Street / Walton Works and Boythorpe Works	Robinsons PLC	09/01/17 243	15/0832/FUL and CHE/15/0843/LB C	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wa
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Refurbishment of listed building, traffic monitoring and mitigation. Awaiting discussions

Farndale Road Hartington Tip	Tawnywood Ltd and others	26/08/14 1,110	13/00675/OUT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	07/12/16
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12/07/17

1051

Completed

Address	Developer	Authorised days from	CHE/	%	AH	HS	MCO	MCS	OS	OP	P	H	FP	CT	TC	TH	ED	GT	note update	Wd	CF	
Date Completed	Other terms/notes																				last update	
Days Authorised to Completed																						
Hasland Road Bank Close House	Vital Balance Ltd	10/10/16 334	16/00229/OUT and CHE/16/00225/L BC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			07/12/16
Application of sale proceeds towards refurbishment of listed building Draft with developer.																						
High Street Elm Tree Inn	V Zheng	05/06/17 96	16/00835/FUL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Obligations subject to viability appraisal. £4,000 TRO Contribution (parking) up to 30% affordable housing, Percent for art, external management company for on site green open space and SuDS, plus £4000 contribution to TRO investigation.																						
Sheffield Road 955 (former Boat Yard)	Electraplas Ltd	30/08/16 375	16/00171/OUT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OW	07/12/16
Being circulated for signatures																						
Walton Works	Tan House Spartan Ltd	12/12/16 271		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Finalising drafting																						

Unilateral Undertaking

Total currently authorised: 1 Authorised to Completed Average: 0 days

Address	Developer	Authorised days from	CHE/	%	AH	HS	MCO	MCS	OS	OP	P	H	FP	CT	TC	TH	ED	GT	note update	Wd	CF
Date Completed	Other terms/notes																				last update
Days Authorised to Completed																					

Saltergate	Woodall Homes Limited	08/08/17 32	17/00263/FUL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B	
08/08/17																					
0	Completed																				

Variation of Planning Obligation Total currently authorised: 2 Authorised to Completed Average: 151 days

Bevan Drive	Wildgoose Homes	13/03/17 180	16/00800/FUL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	HI
	Modification of 29/03/16 deed. To remove affordable housing requirement unless market conditions improve and/or increase in housing units on site																				

Brimington Road Chesterfield Waterside	Chesterfield Waterside Ltd and others	12/12/16 271	16/00183/REM1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		07/12/16
12/05/17	binds the development authorised by application ref CHE/16/00183/REM1 to the obligations in the Chesterfield Waterside Section 106 (as varied)																				
151																					

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation – Hartington Tip, Farndale Road Chesterfield**

Ward: Lowgates and Woodthorpe

Application Ref: CHE/13/00675/OUT **Applicant/Landowner:** Tawnywood Limited

Authorised: 26/08/14

Completed: 12/07/17

Discontinued etc:

Terms of Deed:

Notes (1) Requirements are imposed by Planning Committee when the agreement is authorised (P450), unless the document is a Unilateral Undertaking. Officers negotiate details of the agreement (P460D).

(2) This is a summary only - for exact terms please see the Deed

<u>Requirement</u>	<u>Applied</u> * = applied	<u>Contribution</u>	<u>When</u>	<u>Other information</u>
Percent for Art	*	£25,000.00	On occupation of the development	
Travel Plan	*			
Travel Plan Monitoring	*	£5,000.00		£1,000pa x 5 years
Highway Authority monitoring and measures	*	£25,000.00		For 6 months after all occupied. Measures relate to junction of Hall Lane and Eckington Road
Training and Employment Scheme	*		Before detailed planning permission for a phase	
Other Requirements		No development until relevant amelioration works carried out in accordance with DCC permissions		
Legal Costs on Deed		£1,250.00		
Total Financial Contribution		<u>£56,250.00</u>		
Notes				

08 September 2017
2014

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation – Unilateral Undertaking Saltergate Chesterfield**

Ward: Brockwell

Application Ref: CHE/17/00263/FUL **Applicant/Landowner:** Woodall Homes Limited Derbyshire
Community Health Services NHS Fdn Trust

Authorised: 08/08/17

Completed: 08/08/17

Discontinued etc:

Terms of Deed:

Notes (1) Requirements are imposed by Planning Committee when the agreement is authorised (P450), unless the document is a Unilateral Undertaking. Officers negotiate details of the agreement (P460D).

(2) This is a summary only - for exact terms please see the Deed

<u>Requirement</u>	<u>Applied</u> * = applied	<u>Contribution</u>	<u>When</u>	<u>Other information</u>
Percent for Art	*	£44,350.00	12 months of first occupation	
Social Housing • On site provision (Units) • Value/Off site contribution	*	4 units	As part of development	
Management Scheme: Sustainable Drainage	*			
Management Scheme: Green Spaces	*			
Other Requirements	Health Service Contribution	£12,934.00	Before first occupation of 50% of dwellings	
Legal Costs on Deed		750.00		
Total Financial Contribution		<u>£58,034.00</u>		
Notes				

08 September 2017
2014

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation – Chesterfield Waterside, Chesterfield**

Ward: St. Leonards

Application Ref: CHE/16/00183/REM1 **Applicant/Landowner:** Chesterfield Waterside Ltd and others

Authorised: 12/12/16

Completed: 12/05/17

Discontinued etc:

Terms of Deed:

Notes (1) Requirements are imposed by Planning Committee when the agreement is authorised (P450), unless the document is a Unilateral Undertaking. Officers negotiate details of the agreement (P460D).
(2) This is a summary only - for exact terms please see the Deed

<u>Requirement</u>	<u>Applied</u> * = applied	<u>Contribution</u>	<u>When</u>	<u>Other information</u>
Other Requirements	*			Binds the development authorised by the planning permission to the obligations contained in the main Waterside Section 106 Agreement
Legal Costs on Deed		£450.00		
Total Financial Contribution		<u>£450.00</u>		
Notes				

08 September 2017
2014