

FOR PUBLICATION

PLANNING AGREEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 29TH JANUARY 2018
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 update members on progress of authorised planning agreements, summarise completed agreements since the last report (18th September 2017) and to monitor performance.

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: 13

PLANNING AGREEMENT REPORT

15 January 2018

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

Planning Obligation

Total currently authorised: 10 Authorised to Completed Average: 211 days

Canal Wharf Chamber of Commerce Site 20/11/17 42	East Midlands Chamber	09/10/17 99	17/00237/OUT	<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"/>	<input checked="" type="checkbox"/>	SH	15/01/18
Health Service contribution £11,412 payable when 50% of dwellings occupied. No Affordable Housing if retention of Thornfield House, otherwise provision to viability appraisal. Percent for Art - to be agreed. Completed. Completed.																					

Carpenter Avenue - Land West of	Norbriggs Partnership	08/08/16 526	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 checked="" type="checkbox"/>	LW	07/12/16
Percent for Art value and Affordable Housing Scheme to be agreed. Awaiting further comments about title from developer's solicitor.																					

Chatsworth Road Perrys Site	Lidl UK GMBH	30/10/17 78	17/00209/FUL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	Ho	15/01/18
Highways contributions (£12,500 maximum) Awaiting return of signed document.																					

Discovery Way Vertu Landrover	Vertu Morors PLC	30/10/17 78	17/00327/FUL	<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 checked="" type="checkbox"/>	OW	15/01/18
Percent for Art to be agreed Draft with developer. Seeking agreement of £15,000 on percent for art contribution.																					

Details at 15 January 2018

Address	Developer	Authorised days from	CHE/	%	AH	HS	MCO	MCS	OS	OP	P	H	FP	CT	TC	TH	ED	GT	note update	Wd	CF
<i>Date Completed</i> <i>Days Authorised to Completed</i>	Other terms/notes																				<i>last update</i>
Eastside Road	Pendragon PLC	08/01/18 8	17/00647/FUL	<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 checked="" type="checkbox"/>	OW	15/01/18
Percent for Art. Awaiting instructions.																					
Factory Street / Walton Works and Boythorpe Works	Robinsons PLC	09/01/17 372	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Wa	
Repair of listed building, highways and traffic related contributions. Awaiting discussions. Awaiting discussions.																					
Hasland Road Bank Close House	Vital Balance Ltd	10/10/16 463	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 checked="" type="checkbox"/>		15/01/18
Percent for Art value to be agreed. Application of sale proceeds towards refurbishment of listed building Awaiting return of signed document.																					
High Street 07/12/17 n 185	V Zheng	05/06/17 225	16/00835/FUL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>		07/12/17
Viability appraisal showed scheme not viable with percent for art and affordable housing. £4,000 TRO Contribution (parking monitoring and TRO) paid on completion 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																					

Sheffield Road 955 (former Boat 10/10/17 406	Electraplas Ltd	30/08/16 504	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 checked="" type="checkbox"/>	OW	07/12/16
Percent for Art value and Affordable Housing Scheme to be agreed. Completed.																					

Walton Works	Tan House Spartan Ltd	12/12/16 400		<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"/>		15/01/18
Regulation of unlawful use (war and airsoft games) pending redevelopment Seeking confirmation on who now acts for operator.																					

Unilateral Undertaking Total currently authorised: 1 Authorised to Completed Average: days

Dunston Way	Suon Limited	10/09/17 128	16/00779/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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	D	15/01/18
Awaiting details from DCC Developer to enter into agreement with DCC (highway authority) for phased contribution for highways work on next phases. Awaiting update from DCC.																					

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

Bevan Drive	Wildgoose Homes	13/03/17 309	16/00800/FUL and CHE/15/00755	<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"/>	HI	15/01/18
Modification of 29/03/16 deed. To remove affordable housing requirement unless market conditions improve and/or increase in housing units on site. Awaiting return of signed document. Modification of 29/03/16 deed. Awaiting return of signed document.																					

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																					

Wheeldon Mill	Harron Homes	08/01/18 8	17/00685/REM	<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"/>	BS	15/01/18
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Change to overall width of regeneration route (reduced from 17.3 to 14.3 metres, combined pedestrian/cycleway)
 Draft to be prepared (awaiting consideration of further issues).

Agreements: Planning Obligation: under S.106 of the Town and Country Planning Act 1990 • Variation of Planning Obligation: modifies a planning obligation. • Variation of Section 52 Agreement: modifies an older planning agreement.) • Unilateral Undertaking: a legal undertaking usually made by a landowner at appeal
Policies: % Percent for Art (EVR27)• AH Affordable Housing (HSN7)• OS Open space/Play area (POS3) • TH Turning Head (TRs1) • OP Off-Site Play (POS3) • ED Education Contrib. (Struct Plan) • P Parking, Walking etc (TRS1, 12) • GT Green Travel Scheme (TRS11) • H Highway Improvements (TRS1) • FP Footpath (TRS1, 12) • Other Other requirements • HS Health Service Contribution • MCS Management Company - SuDS MCO Management company - Open Spaces) • Other Other requirements
Forums and Wards: BHW Barrow Hill and Whittington: BNW Barrow Hill and New Whittington, OW Old Whittington • BT Brimington and Tapton: BN Brimington North, BS Brimington South • DMS Dunston, Moor and St Helens: D Dunston, Mo Moor, SH St Helens • HSL Hasland and St Leonards: Ha Hasland, SL St Leonards • HR Holmebrook and Rother: Hb Holmebrook, R Rother • NB Newbold and Brockwell: B Brockwell, L Linacre, LG Loundsley Green, N Newbold • St Staveley: HI Hollingwood and Inkersall, LW Lowgates and Woodthorpe, MP Middlecroft and Poolsbrook • WW Walton and West: Wa Walton, We West.
Information in the report and summary sheets compiled from records available at time report prepared and may not be complete.

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation Chamber of Commerce Site Canal Wharf Chesterfield**

Ward: St Helens

Application Ref: CHE/17/00237/OUT **Applicant/Landowner:** East Midlands Chamber

Authorised: 09/10/17

Completed: 20/11/17

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	*	TBC		
Social Housing	*			Subject to viability appraisal if Thornfield House not retained
<ul style="list-style-type: none"> • On site provision (Units) • Value/Off site contribution 		TBC		
Education Contribution				
Health Service Contribution	*	£11,412		
Play Area/Open Spaces				
<ul style="list-style-type: none"> • On Site • Maintenance • Off Site Provision 				
Parking etc				
Highway Improvement				
Footpath Improvement				
Cycleway Improvement				
Turning Head				
Management Scheme: Sustainable Drainage				
Management Scheme: Green Spaces				
Other Requirements				Health Service contribution £11,412 payable when 50% of dwellings occupied. No Affordable Housing if retention of Thornfield House, otherwise provision to viability appraisal. Percent for Art - to be agreed. Completed.
Legal Costs on Deed		575		

Total Contributions	<u>11,987+</u>
Notes	Completed.

15 January 2018
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**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation Elm Tree Inn High Street Chesterfield**

Ward: Middlecroft & Poolsbrook

Application Ref: CHE/16/00835/FUL **Applicant/Landowner:** V Zheng

Authorised: 05/06/17

Completed: 07/12/17

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				
Social Housing				
<ul style="list-style-type: none"> • On site provision (Units) • Value/Off site contribution 				
Education Contribution				
Health Service Contribution				
Play Area/Open Spaces				
<ul style="list-style-type: none"> • On Site • Maintenance • Off Site Provision 				
Parking etc				
Highway Improvement	*	4,000		
Footpath Improvement				
Cycleway Improvement				
Turning Head				
Management Scheme: Sustainable Drainage				
Management Scheme: Green Spaces				
Other Requirements				Viability appraisal showed scheme not viable with percent for art and affordable housing. £4,000 TRO Contribution (parking monitoring and TRO) paid on completion
Legal Costs on Deed		575		
Total Contributions		<u>£4,575+</u>		
Notes	Completed.			

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation 955 (former Boat Yard) Sheffield Road Chesterfield**

Ward: Old Whittington

Application Ref: CHE/16/00171/OUT **Applicant/Landowner:** Electraplas Ltd

Authorised: 30/08/16

Completed: 10/10/17

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	*	TBA		
Social Housing • On site provision (Units) • Value/Off site contribution	*	TBA		
Education Contribution				
Health Service Contribution				
Play Area/Open Spaces • On Site • Maintenance • Off Site Provision				
Parking etc				
Highway Improvement				
Footpath Improvement				
Cycleway Improvement				
Turning Head				
Management Scheme: Sustainable Drainage	*			
Management Scheme: Green Spaces	*			
Other Requirements				Percent for Art value and Affordable Housing Scheme to be agreed.
Legal Costs on Deed		875		
Total Contributions		<u>£875+</u>		
Notes	Completed.			