

FOR PUBLICATION

PLANNING AGREEMENT REPORT

MEETING: PLANNING COMMITTEE

DATE: 23RD SEPTEMBER 2019

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 progress on authorised planning agreements and to 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: 11

PLANNING AGREEMENT REPORT

10 September 2019

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

Planning Obligation

Total currently authorised: 9 Authorised to Completed Average: 147.8 days

Carpenter Avenue - Land West of	Norbriggs Partnership	08/08/16 1,129	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"/> LW 07/12/16
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Percent for Art value and Affordable Housing Scheme to be agreed.

Ownership now confirmed. Deed finalised.

Factory Street / Walton Works and Boythorpe Works	Robinsons PLC	09/01/17 975	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 type="checkbox"/>	<input type="checkbox"/> Wa
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Repair of listed building, highways and traffic related contributions. Awaiting discussions.

Hasland Road Bank Close House	Vital Balance Ltd	10/10/16 1,066	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"/>	<input type="checkbox"/> SL 15/01/18
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Percent for Art value to be agreed. Application of sale proceeds towards refurbishment of listed building

Recent contact from solicitors, further consideration of draft needed

Address	Developer	Authorised	CHE/	%	AH	HS	MCO	MCS	OS	OP	P	H	FP	CT	TC	TH	ED	GT	note update	Wd last update
Date Completed	Other terms/notes	days from																		
Days Authorised to Completed																				
Northmoor View	Sissons (developer) Goodwin, House (Owners)	05/08/19 37	18/00532/OUT	<input checked="" type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	BN 10/09/19
04/07/19 32	Affordable Housing (subject to viability), Percent for Art (subject to viability), CCG contribution, Ground Nesting Mitigation Scheme, Green Space and SuDS Infrastructure Management Scheme Appeal allowed 05/08/19. COMPLETED																			
Saltergate Former NEDDC Offices	Your Life Managemen t Services Ltd	29/01/18 590	17/00769	<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"/>	B
	£20,000 percent for art, £14,760 towards GP services. Awaiting completion of document and payment of costs.																			
Sheffield Road 79 (Rear of)	Beauchief Homes Limited	28/08/18 379	17/00722/OUT	<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"/>	SH 10/09/19
18/07/19 324	£3,000 Offsite compensation for biodiversity COMPLETED																			

Address	Developer	Authorised	CHE/	%	AH	HS	MCO	MCS	OS	OP	P	H	FP	CT	TC	TH	ED	GT	note update	Wd last update
<i>Date Completed</i> <i>Days Authorised to Completed</i>	Other terms/notes	<i>days from</i>																		
Sheffield Road Former Fire 29/08/19 0	Blue Deer Limited	29/08/19 13	19/00157/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 checked="" type="checkbox"/>	10/09/19
Officer delegation. Substitute and replacement for earlier application and Section 106 agreement. Percent for Art and Public Access Route to Stand Road Park from Sheffield Road. COMPLETED																				
Sheffield Road Former 03/09/19 267	Sheepish Limited	10/12/18 275	17/00385/OUT	<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"/>	SH 10/09/19
10% affordable housing. COMPLETED Percent for Art. Contribution to Derbyshire Clinical Commissioning Group (CCG) of £15,977.																				
Walton Works	Tan House Spartan Ltd	12/12/16 1,003		<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"/>	Wa 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	10/09/17 731	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 type="checkbox"/>	D 15/01/18
Awaiting details from DCC Developer to enter into agreement with DCC (highway authority) at later phase for phased contribution for highways work. Update from DCC in due course.																				

Details at 10 September 2019

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

Variation of Planning Obligation

Total currently authorised: 1 Authorised to Completed Average: 36 days

Dunston Lane	William Davis Limited	23/05/19 111	APP/A1015/W/1 5/3/314227	<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"/>	D
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10/09/19

28/06/19

36

Modifies mortgagee clauses of Section 106 dated 29/03/16.

COMPLETED

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 Managerment company - Open Spaces) • Other Other requirements

Key to Ward abbreviations: BNW Barrow Hill and New Whittington• BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI Hollingwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Rother • SH St Helens • SL St Leonards • 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
Variation of Planning Obligation Dunston Lane Chesterfield

Ward: Dunston

Application Ref: CHE/APP/A1015/W/15/3/314227 **Applicant/Landowner:** William Davis Limited

Authorised: 23/05/19

Completed: 28/06/19

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				
Education Contribution				
Green Travel Plan				
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	*			Modification of obligations relating to chargee
Legal Costs on Deed		1,000		
Total Contributions		<u>£1,000</u>		
Notes	Modifies Unilateral Undertaking dated 29/03/16 relating to chargee obligations COMPLETED			

Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation Northmoor View Chesterfield

Ward: Brimington North

Application Ref: CHE/18/00532/OUT **Applicant/Landowner:** Sissons (developer) Goodwin, House (Owners)

Dated: 04/07/19

Completed: 05/08/19

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	*			Subject to viability test
Social Housing	*			Subject to viability test
<ul style="list-style-type: none"> On site provision (Units) Value/Off site contribution 				
Education Contribution				
Green Travel Plan				
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	*	57,060		CCG Contribution Ground Nesting Mitigation Scheme Green Space and SuDS Infrastructure Management Scheme
Legal Costs on Deed		1,500		
Total Contributions		<u>£58,560</u>		
Notes	Appeal allowed 05/08/19. COMPLETED			

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation Former Fire Station site Sheffield Road Chesterfield**

Ward: Moor

Application Ref: CHE/19/00157/FUL **Applicant/Landowner:** Blue Deer Limited

Authorised: 29/08/19

Completed: 29/08/19

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	*			Value of up to 1% of development cost – to be determined
Social Housing				
<ul style="list-style-type: none"> On site provision (Units) Value/Off site contribution 				
Education Contribution				
Green Travel Plan				
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	*			Public Access Path – Sheffield Road to Stand Road Park
Legal Costs on Deed		1,750		
Total Contributions		<u>£1,750+</u>		
Notes	Officer delegation. Substitute and replacement for earlier application and Section 106 agreement. Percent for Art and Public Access Route to Stand Road Park from Sheffield Road. Covenant not to implement 2018 planning permission. COMPLETED			

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation 79 (Rear of) Sheffield Road Chesterfield**

Ward: St Helens

Application Ref: CHE/17/00722/OUT **Applicant/Landowner:** Beauchief Homes Limited

Authorised: 28/08/18

Completed: 18/07/19

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				
Green Travel Plan				
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	*	3,000		£3,000 Offsite compensation for biodiversity
Legal Costs on Deed		1,000		
Total Contributions		£ 4,000		
Notes	COMPLETED			

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation Former Stagecoach depot Sheffield Road Chesterfield**

Ward: St Helens

Application Ref: CHE/17/00385/OUT **Applicant/Landowner:** Sheepish Limited

Authorised: 10/12/18

Completed: 03/09/19

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	*	15,000*		*Value of up to 1% of development cost – to be determined or £15,000 (whichever is lower)
Social Housing	*	81,000		Commutated sum in lieu of on-site provision
Education Contribution				
Green Travel Plan				
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	*	15,977		Clinical Commissioning Group Contribution
Legal Costs on Deed		1,500		
Total Contributions		<u>£113,477*</u>		*see comment above about percent for art
Notes	10% affordable housing. COMPLETED Percent for Art. Contribution to Derbyshire Clinical Commissioning Group (CCG) of £15,977.			