

## Planning Committee 21 April 2021

### PLANNING REFERENCE 20/00641/FUL LATE ITEM

#### 1. Section 106 Contributions

1.1 During a meeting between Planning Officers and the applicant on 15 April 2021, it was raised that the Committee Report for 21 April 2021 is misleading in terms of contributions for the off-site provision of public open space. In light of this and to clarify the matters accordingly, this Late Item acts to amend the wording of paragraphs 2.1 and 2.6 of the 21 April 2021 report.

1.2 Paragraph 2.1 of the 21 April 2021 report is now amended to read as follows:

**2.1 It was previously reported to the Committee that planning contribution requests have been sought in respect of:**

- **Primary health care contribution - £62,315.62;**
- **Off-site public open space contribution - £95,905.40;**
- **Off-site public open space maintenance contribution - £73,456.25;**
- **Sustainable transport measures (bus taster tickets 115 x £50) - £5,750;**
- **Bus stop infrastructure contribution - £25,851.50**

The total contributions therefore equate to £263,278.77. Paragraph 6.11.4 of the 17 March report incorrectly stated the total figure to be £257,528.77; however, that figure did not take into account the cost of the bus taster tickets (115 x £50), therefore resulting in the total figure of agreed contributions being £263,278.77. The applicant has agreed to pay all of these contributions. Policy 15 of the Broxtowe Part 2 Local Plan also requires the site to provide 30% affordable housing, which the applicant has also agreed to provide on-site.

In addition to the planning obligations set out above, the applicant has confirmed that the development will provide on-site public open space. In agreement with the Council's Parks and Green Spaces Manager, the applicant has agreed to appoint a Management Company to secure the ongoing maintenance of the on-site public open space, the details of which will be controlled and secured by condition. NB Condition 20 is relevant in this regard which has been framed accordingly.

1.3 Paragraph 2.6 of the 21 April 2021 report is now amended to read as follows:

**2.6 the proposed development would yield an off-site public open space contribution of £95,905.40 and an off-site public open space maintenance contribution of £73,456.25, which the applicant has agreed to pay. If necessary, the entire amount of £169,361.65 could be spent on improving**

**and maintaining facilities at the Brinsley Recreation Ground. The requested contribution is calculated using a Council agreed formula which takes into account a percentage split of land between different usage types such as sports pitches, amenity open space and play areas. The requested contribution is therefore evidence based, and relates directly to the impact of the development in that it can be used in full, if required, at the Brinsley Recreation Ground. Additional requests on top of this to improve facilities at the Brinsley Recreation Ground would not be fairly and reasonably related in scale to the development proposed and as such would not meet the statutory tests for requesting additional planning contributions.**

- 1.4 The Council received an email from the applicant on 16<sup>th</sup> April 2021 endorsing these amendments to the report. The applicant confirms their clear position regarding off-site public open space provision, which they are content to pay in two components: (i) £95,905.40 (capital sum) and (ii) £73,456.25 (maintenance payment). The two should be treated together in terms of intended location and use. The applicant confirms that they are content with the overall (combined) figure of £169,361.65 to be enshrined in a Section 106 Agreement along with the intended recipient i.e. the adjoining Brinsley Recreation Ground through the provision of additional facilities and/or enhancement of existing facilities and, in either case, associated maintenance given the inevitable depreciation of equipment and facilities in due course over a number of years.
- 1.5 The applicant also confirms in their email that the on-site provision, and maintenance of on-site open space will be provided by the applicant initially, and managed and maintained in perpetuity by a Management Company, as secured through the proposed planning condition 20.

## 2. Lighting on Private Roads

- 2.1 During the meeting between Planning Officers and the applicant on 15 April 2021, it was also noted that the minutes of the meeting on 17 March 2021 (as proposed in paragraph 66.5 of Item 3 on the agenda for the 21 April meeting) states that concerns were raised by members of the Committee as to whether the lighting on the private roads within the development were to be maintained by the Local Authority.
- 2.2 During the meeting, and subsequent email received by the Council on 16<sup>th</sup> April 2021, the applicant confirms that low level lighting can be provided, as currently done in 'private parking courts' on their developments elsewhere. The applicant confirms that any such provision can be designed reflecting the character of the area and located sympathetically. Regarding their management and maintenance, the applicant states that, in perpetuity, this can be achieved through a Management Company, the formation of which the applicant has already agreed to.

2.3 The proposed lighting scheme, and management and maintenance of said lighting scheme, can be secured by way of planning condition. As such, proposed planning condition 29 is amended to read as follows:

**29. Occupation of the dwellings fronting a shared private drive shall not take place until details of the proposed arrangements and plan for future management and maintenance of the private road including associated drainage and lighting by a private management company have been submitted to and approved in writing by the Local Planning Authority. The private road and associated drainage and lighting shall thereafter be maintained in accordance with the approved management and maintenance details for the lifetime of the development.**

***Reason: To ensure the road infrastructure is maintained to an appropriate standard for the lifetime of the development.***

2.4 This condition will ensure the Management Company is responsible for the management and maintenance of the lighting scheme on the private road for the lifetime of the development.