



PLANNING COMMITTEE: 8th March 2011

DIRECTORATE: Planning and Regeneration

HEAD OF PLANNING: Susan Bridge

REPORT TITLE: St Crispins: Deed of Variation to S106 Agreement

1. RECOMMENDATION

- 1.1 That the Committee agree to the variations to the Section 106 Agreement as set out in this report.

2. BACKGROUND

- 2.1 Under the terms of a Section 106 Agreement dated 12th November 2002 the developer is required to transfer to the Council eight areas of open space within the St Crispin development.
- 2.2 On September 23rd 2009 and February 9th 2011 Cabinet agreed to accept the transfer of these areas (Areas 1 to 6, 8 and 10, Appendix 1). On February 9th Cabinet also agreed to the transfer of additional small areas of open spaces for the benefit of the community (as shown in Appendix 2).
- 2.3 As the boundaries of the open spaces which are now be transferred to the Council differ slightly from those shown in the original Section 106 Agreement and subsequent Deeds of Variation, it will be necessary for the Section 106 Agreement to be varied to reflect the revised boundaries and to provide for the transfer of the additional areas.
- 2.4 Additionally, amendments to the Section 106 Agreement are necessary to confer rights on the Drainage Authority in respect of the balancing lagoon.

3. LAND TO BE TRANSFERRED

- 3.1 The land which will now be transferred includes small additional areas of land which represent a logical extension and rationalisation of the areas of open space, in the light of differences to the boundaries of

these areas which have resulted during the development of the surrounding estate. If this land was not added to the land to be transferred to the Council it would remain in the ownership of the developer of the estate who would have on going maintenance responsibilities.

- 3.2 In order to provide for the long term maintenance of these areas by the Council, an additional sum for maintenance is being negotiated with the developer. The exact figure for this is under negotiation between the parties but will reflect the true costs of ongoing maintenance.

4. BALANCING LAGOON

- 4.1 It should be noted that a balancing lagoon is situated within one of the additional areas of open space to be transferred to the Council and according the Council will take a transfer of that land subject to rights in favour of the Drainage Authority

5. COMMUTED SUMS / MAINTENANCE CONTRIBUTIONS

- 5.1 The developer has agreed that the Council may have a wider discretion in applying the Section 106 commuted sums/maintenance contributions within the St Crispins development and this needs to be reflected in the Deed of Variation also.

6. OTHER MATTERS

- 6.1 Negotiations are ongoing in respect of other outstanding matters in respect of St Crispins, specifically the need for a link road either across the proposed playing fields or in the form of an upgrade of the existing Kent Road, and the provision of a community centre and changing facilities in association with the proposed playing fields.
- 6.2 Following on from these negotiations further variations to the Section 106 Agreement will be necessary and a further report to Planning Committee will be made at that time.

7. BACKGROUND PAPERS

- 7.1 Cabinet Report 9th February 2011.

8. LEGAL IMPLICATIONS

- 8.1 As set out in the report.

9. SUMMARY AND LINKS TO CORPORATE PLAN

- 9.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	A Holden	24/02/11
Head of Planning Agreed:	S Bridge	25/02/11