

**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**4<sup>th</sup> January 2017**

**Agenda item 5**

**Application ref. 16/00874/FUL**

**Land at Barrie Gardens, Talke**

Since the preparation of the main agenda report the **County Council Flood Risk Team** have commented on the submitted drainage plan and indicate that the broad principles of the plan are acceptable subject to an appropriately worded condition which secures appropriate details.

The **Landscape and Development Section** have provided additional information on what financial contribution would be appropriate for this development. They indicate that because the development is for occupants who would be aged 55 and over they consider that the play element of the sum for the capital development/improvement of offsite open space can be removed. They also consider that the maintenance contribution should be reduced by the same proportion. On this basis there would be a total contribution requirement of £24,352.80 (10 dwellings at £2435.28) towards the general improvement to landscaping (surfacing, site furniture and soft landscaping) on open space at Coalpit Hill which is a walk of approximately: 570 metre (or 333m radial distance).

Your Officer's comments

Your Officer is satisfied a condition which secures additional drainage information to be submitted for approval is acceptable. It is also considered that the requested financial contribution which would be secured by a planning obligation would comply with Section 122 of the CIL Regulations. However, it is also necessary to consider whether it complies with Section 123 which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010. In this instance it appears that no such previous contributions have been secured for the open space at Coalpit Hill and it would therefore comply with CIL Regulation 123.

**The RECOMMENDATION is revised in the following manner:-**

**A. Subject to the applicant first entering into a Section 106 agreement by 3<sup>rd</sup> February 2017 (requiring that they first agree in writing to extend the statutory determination period to the 8<sup>th</sup> February 2017) to secure a financial contribution of £24,352.80 for the enhancement and maintenance of open space at Coalpit Hill.**

**Permit, subject to conditions relating to the following: -**

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Development to be occupied by those aged 55 and over**
- 4. Materials**
- 5. Finished ground and floor levels and retaining wall design details**
- 6. Boundary treatments**
- 7. Tree protection**
- 8. Landscaping of the site and the surrounding open space**
- 9. Contaminated land conditions**
- 10. Construction Method Statement (Highways and Environmental matters)**
- 11. Internal noise levels**
- 12. Construction hours**
- 13. Approval of recyclable materials and refuse storage**

14. Provision of access, parking, servicing and turning areas prior to occupation.
15. Prior approval of surfacing materials and surface water drainage for the access road and parking areas, and the delineation of visitor parking bays; and implementation of approved details
16. Off-site highway works including the provision of a 2m wide footway linking the site with Lynn Avenue and provision and delineation of 5 parking spaces at the rear of 1 to 9 Barrie Gardens.
17. Proposed coal mining precautionary measures
18. Intrusive site investigations and remedial works implementation
19. Prior approval of details for storage and collection arrangements for recycling and refuse and implementation of approved details
20. Detailed drainage information for approval

**B** Should the matters referred to in (A) above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development fails to secure the provision/maintenance of off-site public open space or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.