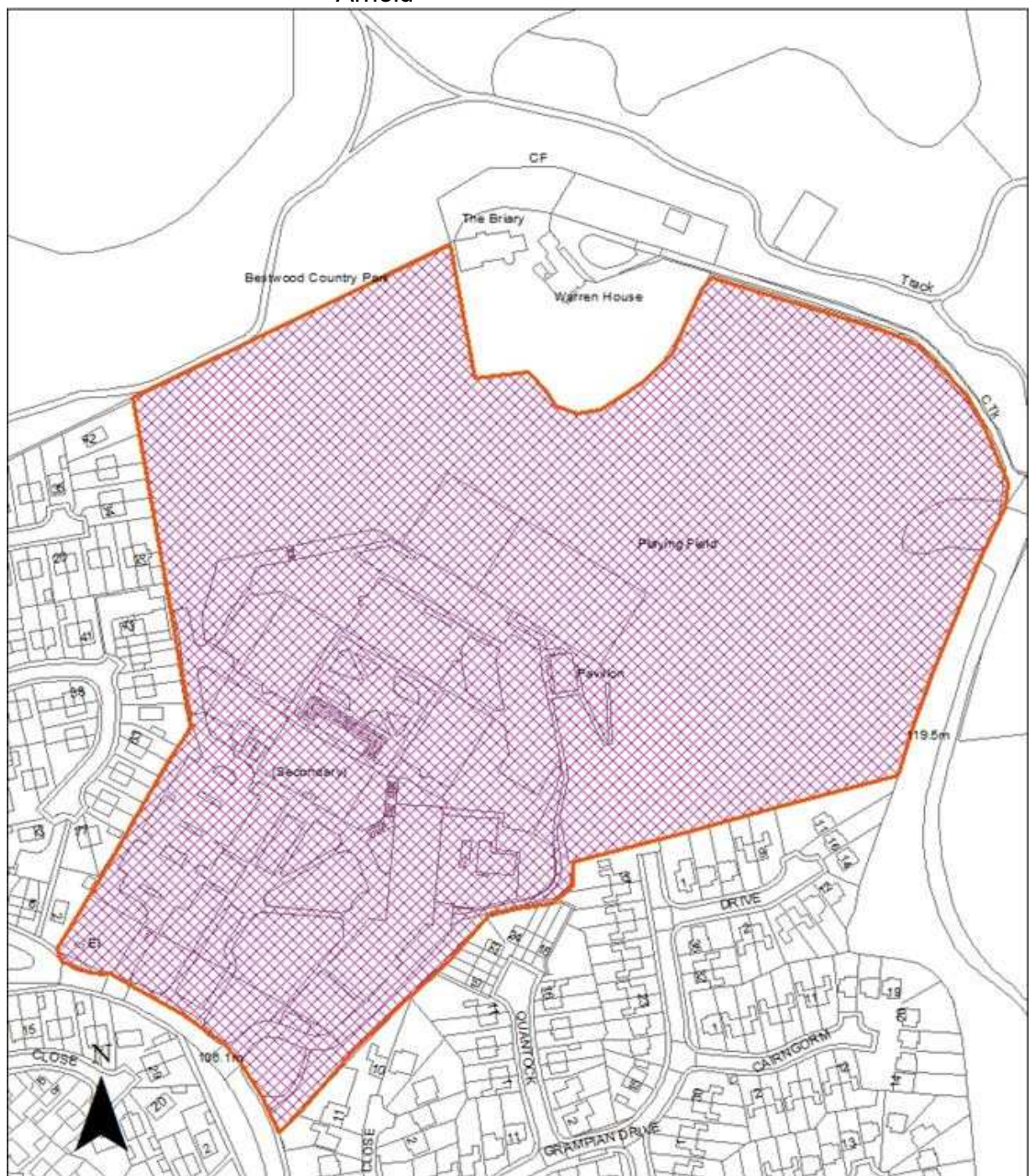


Application Number: 2006/0726

Location: Big Wood Comprehensive School, Bewcastle Road, Arnold



NOTE:

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Report to Planning Committee

Application Number: 2006/0726

Location: Big Wood Comprehensive School, Bewcastle Road,
Arnold

Proposal: Building Schools For The Future Programme- Rebuild Big
Wood School.

Summary

Authorisation is sought by the Corporate Director of Planning and Economic Development to instruct the Council's Solicitor and Monitoring Officer to discharge the section 106 Agreement dated 30th May 2008.

Background

At Planning Committee on the 18th October 2006, members resolved to grant outline planning permission for the rebuilding of Big Wood Comprehensive School on its current site as one of the first projects of Nottingham City Council's Phase 1 Transforming Schools Programme. All matters were reserved for subsequent approval.

The resolution gave authorisation for the imposition of a condition requiring "that no development be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to Section 106 of the said Act relating to the land had been made and lodged with the Borough Council for the submission of a community use agreement and the Borough Council as Local Planning Authority had notified the persons submitting the same that it was to the local planning authority's approval. This included drainage improvements to the school playing fields to allow the community use.

In return the City Council were to carry out works on the play area and fields in tandem with the development and to facilitate community use both via a licence and service level agreement.

Following changes to the layout of the entrance to the school it was decided to relocate the community play area to a position that did not allow direct access from Bewcastle Road.

The revised location would make access difficult when the community play area was open for public during out of school hours and would have moved it closer to neighbouring properties which would cause them some disturbance.

Drainage of the playing fields has not taken place, however the community use is available to junior football teams which do not create the same wear and tear impact on the pitches as senior teams.

The payments due under the S106 agreement have not been made.

In the light of the change in proposals it is not intended that the respective obligations by the parties under the section 106 agreement will be enforced.

Considerations

I am mindful that as a result of the relocation of the entrance to the school and the resiting of the play area there would be no direct access to the play area from the main road which would be problematic for the public outside of school hours. I am also mindful that the resiting of the play area would result in undue impact upon the residential amenity of the occupiers of nearby neighbouring dwellings.

I am also mindful that paragraphs 186 and 187 of the National Planning Policy Framework states that local planning authorities should approach decision-taking in positive way and should look for solutions rather than problems. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. I consider that the redevelopment of the school has improved the social and environmental conditions of the local area by virtue of improved landscaping and educational facilities.

Recommendation:

Taking the above into consideration I am of the view that there are no alternative options in this instance. It is therefore recommended that authorisation is granted to the Council's Solicitor and Monitoring Officer to discharge the S106 Agreement dated 30th May 2008 in relation to planning application ref. 2006/0726 in order that the extant S106 agreement be discharged by agreement and a formal discharge entered into by the parties.