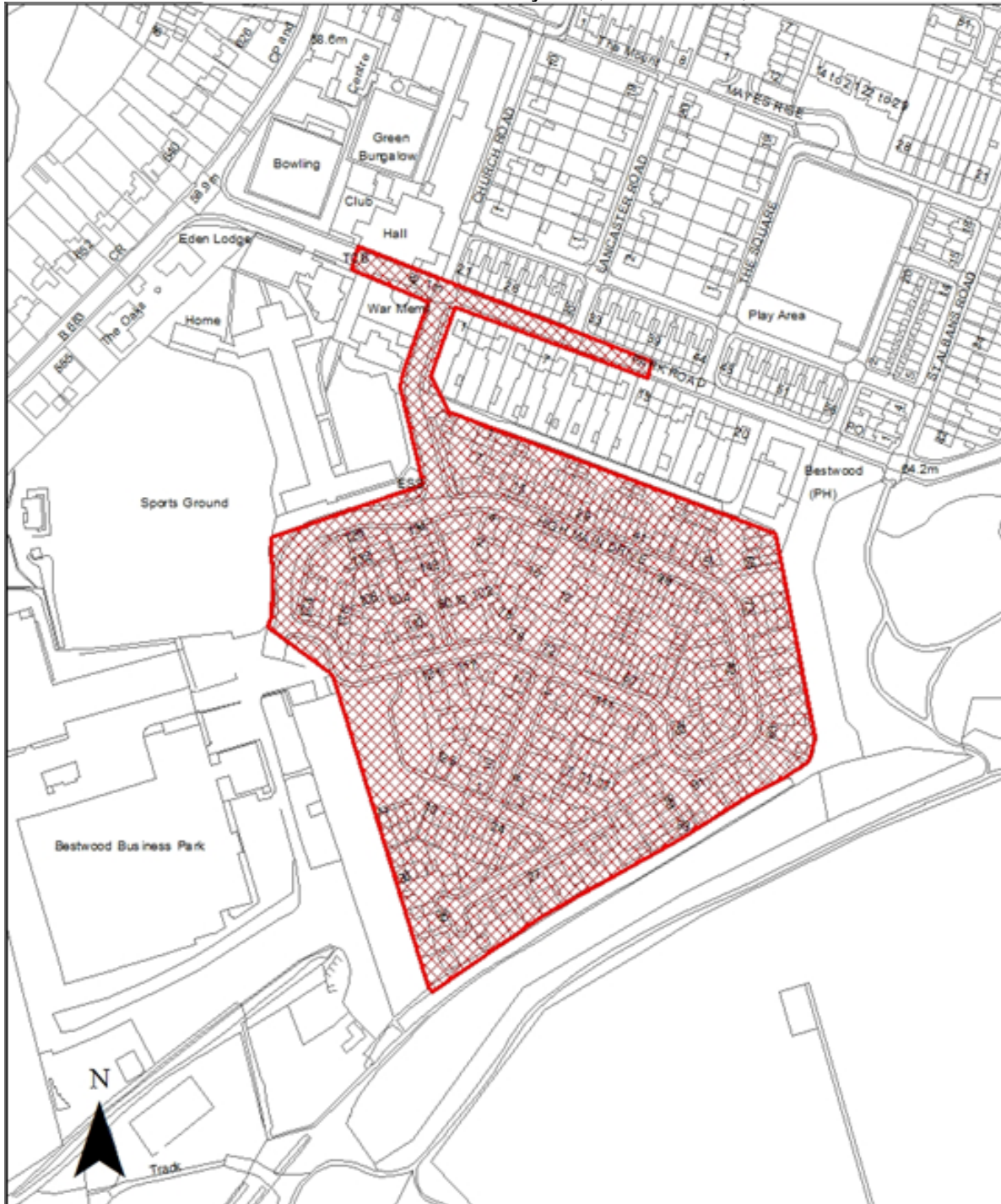




Application Number: 2005/0928 and 2006/1014

Location: Bestwood Colliery Site, Park Road, Bestwood.



NOTE:

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Report to Planning Committee

Application Number: 2005/0928 and 2006/1014

Location: Bestwood Colliery Site, Park Road, Bestwood.

Proposal: Variation of S 106 Agreement to provide for Off Site Financial Contribution associated with proposed development of 175 dwellings, public open space and associated works

Purpose of Report

The purpose of this report is to seek authority from Planning Committee to enable the Corporate Director to instruct the Council's Solicitor and Monitoring Officer to vary the s106 agreement associated with application 2005/0958. A deed of variation is sought so that a financial contribution towards off site facilities can be made to the Parish Council in lieu of the full provision on site of a ball court/ kick around area on public open space that has been provided within the development.

Background

The original s106 agreement was signed on 10th April 2006. This included the provision of public open space within the development site. The reserved matters application 2006/1014 included the provision of an area of public open space and a kick about area of 20m x 15m. The reserved matters application accepted the provision of less than 10% of the gross area of the site to be provided as public open space.

The area to be laid out as public open space has been provided in accordance with the approved plans, but the kick about area has never been formally laid out to an acceptable standard. Discussions have since been held with the Parish Council which has highlighted the need for the off -site provision of equipped play facilities elsewhere in the village.

It is currently proposed that the contribution would be used for the provision of a Multi-Use Skate park Area within Bestwood Country Park.

Officers have been in negotiations with the developers of the site and it has been agreed in principle that a contribution of £55,000 will be provided in lieu of a formal ball court/kick about area on the Park Road development.

Planning Issues

The main planning issue in relation to the proposed deed of variation is whether the

proposed provision of an off- site contribution in lieu of the provision of facilities on-site is acceptable in relation to meeting the needs arising from the development. It was agreed as part of the reserved matters application that less than the usual 10% of open space was acceptable in relation to the proposed development. The area that has been laid out as open space accords with the reserved matters application. The provision of an off –site contribution in lieu of the on-site provision of a ball court/kick around area to be provided towards the provision of a MUSA within Bestwood Country Park will in my opinion still allow for the recreational needs arising from the development to be met. In addition the off-site contribution will also assist in meeting wider needs of the village.

In light of the above, the proposed off-site contribution is considered to be acceptable in planning terms.

Recommendation:

That Planning Committee give authorisation to the Corporate Director to instruct the Council's Solicitor and Monitoring Officer to make a deed of variation to the s106 associated with Planning Application 2005/0928 to enable an off-site contribution of £55,000 (to be paid to the Parish Council) to be made in lieu of the full provision on site of a formal ball court/kick about area on the Park Road Development.