

## PLANNING COMMITTEE – 23 OCTOBER 2012

### PLANNING APPLICATION REFERENCE: 12/00178/FUL – LAND ADJACENT M1 FERNDALE DRIVE, RATBY – ERECTION OF 65 DWELLINGS (PART AMENDED SCHEME – 09/00211/FUL)



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## REPORT OF HEAD OF PLANNING

### WARDS AFFECTED: RATBY

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#### 1. PURPOSE OF REPORT

To seek Members approval to amend the requirements for developer contributions in respect of play and open space provision for planning application reference 12/00178/FUL.

#### 2. RECOMMENDATION

That the proposals for a developer contribution towards play and open space provision be amended as set out in the report and the amended terms be incorporated in the section 106 agreement subject to which planning permission is to be granted

#### 3. BACKGROUND TO THE REPORT

Planning Committee at its meeting on 25 September 2012 resolved that subject to an agreement under section 106 TCPA 1990 to provide financial contributions towards play and open space provision, education and highways travel packs, the Head of Planning be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report.

The report contained inter alia a calculation of the amount of the contribution required towards play and open space.

In negotiations concerning the draft s 106 agreement it has emerged that there needed to be an adjustment to the amount required to be paid towards the provision of play and open space

The play and open space provision was stipulated in the committee report to be £119,444, but, with a reduction to reflect the 6 one-bedroom apartments, the total contribution is reduced to £116,687.60 and consists of the following elements:-

- £37,261.80 for formal off-site open space (REC2), comprising £20,497.80 for provision and £16,764 for maintenance.
- £68,510.15 for informal children's equipped play space (REC3) comprising £46,062.90 for provision and £22,447.25 for maintenance.
- £10,915.65 for informal unequipped children's play space (REC3) comprising £5,867.40 for provision and £5,048.25 for maintenance.

Based on the terms of the previous S106 Agreement there is also a requirement to adjust the public open space contribution by £12,105.40 as the applicant has provided an area of allotment as part of the earlier stage of development. The total play and open space contribution therefore amounts to £104,582.20 and agreement is sought to substitute this sum for the sum set out in the report to committee on 25 September as the required contribution towards play and open space provision

The report is to be considered by Members as urgent business to enable officers to progress the S106 Agreement following the resolution by Planning Committee in September 2012.

4. **FINANCIAL IMPLICATIONS [PE]**

All financial implications are contained within the body of the report.

5. **LEGAL IMPLICATIONS [MR]**

The committee has resolved to grant permission for the development subject to developer contributions in the amounts set out in the committee report.

This report is brought to committee because, having reassessed the amount required towards play and open space provision and based on the Council's formula for calculating such amount, it is necessary to amend slightly the figures and to seek committee's agreement to that amendment.

The s 106 agreement is being drafted and when agreed the planning permission will be granted

6. **CORPORATE PLAN IMPLICATIONS**

No direct implications.

7. **CONSULTATION**

None.

8. **RISK IMPLICATIONS**

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to rectify the amounts for developer contributions could prejudice the completion of the S106 Agreement and delay the development.	Approval of the recommendation will allow officers to progress the S106 Agreement to enable the development to proceed and meet Corporate aims.	Simon Wood

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

The play and open space contributions will be used to improve facilities at Ferndale Park which serves as a Neighbourhood Park and local open space for the residents

of Ratby. Improvements to Ferndale Park will help to meet the deficiency of play and open space in Ratby.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

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Background papers: Officers report to Planning Committee on 25<sup>th</sup> September 2012.

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