

Report to Development Control Committee

REPORT OF: Pat Reid Development Management Service Manager

REPORT NO: PLA 1005

DATE: 6 August 2013

TITLE:	Modification of Planning obligation in relation to Section 106 Agreement (Distribution of play areas) Poplar Farm, Barrowby Road, Grantham Ref S08/1231	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	N/A	
CONTACT OFFICER:	Pat Reid	
INITIAL IMPACT ANALYSIS:		
Equality and Diversity	Not applicable	Not applicable
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	N/A	

1. RECOMMENDATIONS

That the approval of the Variation of the Section 106 Agreement be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman of the Development Control Committee.

2. PURPOSE OF THE REPORT

To provide advice to Members on a request to modify a Section 106 agreement in respect of land at Poplar Farm, Barrowby Road, Grantham.

3. DETAILS OF REPORT

On 23 June 2011 outline planning permission was granted for residential development on land at Poplar Farm, Barrowby Road, Grantham. The development was the subject of a Section 106 legal agreement requiring the provision of play areas.

Following the approval of the layout of the first phases of the site the developers have requested that the previously agreed layout of a hierarchy of play areas is amended to provide an improved quality but reduced number of play areas across the site.

This report explains the proposed changes to the provision of play areas and the need to vary the Section 106 Agreement.

The application site and surroundings

The site is off Barrowby Road, Grantham.

The planning permission for the Poplar Farm development is a mixed use urban extension of up to 1800 dwellings and associated community facilities and infrastructure, including children's play areas.

The Third Schedule of the Section 106 Agreement states that:

."8. Unless the Council and the Owners agree in writing otherwise, the Owners shall provide 3 LEAPS before Certification of 601 Dwellings, a further 3 LEAPS before Certification of 1201 Dwellings and a further 3 LEAPS before Certification of 1800 Dwellings.

9. Unless the Council and the Owners agree in writing otherwise, the Owners shall provide within the Green Areas 8 LAPS before Certification of 226 Dwellings, a further 8 LAPS before Certification of 451 Dwellings, a further 8 LAPS before Certification of 676 Dwellings, a further 8 LAPS before Certification of 901 Dwellings a further 8 LAPS before Certification of 1,126 Dwellings, a further 8 LAPS before Certification of 1,3511 Dwellings and a further 8 LAPS before Certification of 1,800 Dwellings.

10. Unless the Council and the Owners agree in writing otherwise, the Owners shall provide within the Green Areas 1 NEAP before Certification of 901 Dwellings."

The developers are proposing that the previously agreed play areas should be replaced by the new areas shown on the attached plan (Plan 1).

On this plan the LEAPS (Local Equipped Play Areas), LAPs (Local Areas of Play) and NEAPs (Neighbourhood Equipped Play Areas) are referred to as follows:

LEAPS are now referred to as “Other Equipped/Landscaped Play Areas”

LAPS are now referred to as “Doorstep Play Space”

NEAPS are now referred to as “Principal Equipped Play Areas”

The plan indicates that there would be:

3 Other Equipped / Landscaped Play Areas. (9 LEAPs are currently proposed).

4 Doorstep Play Spaces (56 LAPS are currently proposed).

1 Principal Equipped Play Area (1 NEAP is currently proposed).

The Principal Equipped Play Area, would be designed as an integral part of the main sports facilities and green space on the lower lying land in the eastern half of the site. The size and scope of this area is comparable to but a little larger than a traditional NEAP and includes a Multi Use Games Area. The two Other Equipped / Landscaped Play Areas would be located in the south west and west of the site with relationships to the Primary School/ Local Centre facilities and the main green corridors. These would be equipped yet could also include some natural play and would be comparable to but a little larger than the traditional LEAP. The Doorstep Play Spaces would be located at other places around the development and also linked to the main green corridors and other spaces.

The approved Section 106 Agreement requires an unworkable number of small pockets of play areas dotted around the site. The proposed amendments are for a reduced number of larger play areas.

The attached plan indicates that all of the occupiers of the proposed dwellings would have good access to a range of play areas.

This approach is supported by the Council’s Community Leisure Officer. It is recommended that the Section 106 is varied as requested.

Supporting Information

The applicants have submitted a statement in support these amendments which is attached as Appendix A to this report.

This explains the rationale for the proposed changes to the provision of the children’s play areas.

Relevant Site History

S08/1231/EIAOL Outline planning permission for a mixed use urban extension comprising up to 1800 dwellings, community facilities (including a primary school, community centre, retail use classes A1, A2, A3 & A5, doctor’s surgery and elderly persons accommodation) and associated open space (including new playing fields,

facilities and changing rooms, children’s play areas, informal network of open space and allotments) and a new road and new road bridge – 23 June 2011.

Conclusion

4. OTHER OPTIONS CONSIDERED

None

5. RESOURCE IMPLICATIONS

No significant impact on resources

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
Low	None necessary

7. ISSUES ARISING FROM IMPACT ANALYSIS

None

8. CRIME AND DISORDER IMPLICATIONS

It is considered that the development would not result in any significant adverse crime and disorder implications.

9. COMMENTS OF FINANCIAL SERVICES

There are no specific financial comments to make in connection with this report as this seeks to only change the proposals for the quantity and number of play area with the financing arrangements remaining the same.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

In order to modify the original S106 agreement as outlined in this report, it will be necessary to enter into a deed of variation under S106 of the Town and Country Planning Act 1990 (as amended).

11. COMMENTS OF OTHER RELEVANT SERVICES

SKDC Community Leisure Officer

Whilst there is a reduction in the total amount of play space being provided, my opinion is that the attached proposal contains sufficient detail and a level of provision to ensure the development is well catered for in terms of plays areas. I also think the proposal provides a much more realistic and practical approach for play provision than the existing.

12. APPENDICES:

Planning submission can be viewed via the following link:

<http://www.southkesteven.gov.uk/index.aspx?articleid=2230&ApplicationNumber=S08/1231>