

**REPORT OF:** Planning, Economic Development and Regulatory Services Manager

**TO:** Brierfield and Reedley Committee

**DATES:** 3<sup>rd</sup> September, 2019

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## **Section 106 Agreement for the Former Lucas Sports Ground**

### **PURPOSE OF REPORT**

To inform Committee of a change in circumstances and to request a variation to the Section 106 Agreement.

### **RECOMMENDATIONS**

- a) That Committee agree in principal that the Section 106 agreement be amended as set out in the report;
- b) That a further report be submitted to the Committee to set out proposals for the use of funding for infrastructure improvements (acknowledging that any use of these funds must be compliant with regulations for s106 Agreements).

### **REASONS FOR RECOMMENDATION**

In order to provide necessary facilities and infrastructure to service the development.

### **ISSUE**

- 1.1 Planning permission has been granted for the development of the former Lucas Sports facility into a residential site. As part of that a deficiency in open space was established that the development had to cater for. This resulted in a section 106 agreement being entered into which provided for:

- The transfer of open space to the Council which had to be provided to an agreed standard.
- Provision of an open space sum for the maintenance of the land
- The erection of a clubhouse and car parking area
- The construction of a cricket pitch and football pitch

- 2.1 The situation has since moved on and there is a request to vary the terms of the agreement. This would provide all the elements as detailed above with the following variations.
- The football pitch would comprise of two junior pitches in lieu of the single football pitch.
  - No clubhouse would be provided but instead a sum of £200,000 would be provided for other infrastructure that would serve the residents of the site and the community.
- 3.1 The changes have resulted from a re-evaluation of the requirements for the provision of the facilities and the costs of running and maintaining them. The purpose of the section 106 agreement was to provide necessary facilities to serve the community and this can be achieved through the provision of the pitches which will have a maintenance sum attached to them as well as the augmentation of facilities in the area that will also serve the community.
- 4.1 Subject to the Committee's agreement in principle to this proposal, it is proposed that a further report is submitted to the next meeting of this Committee setting out proposals for other infrastructure improvements that would serve the residents of the site and the community acknowledging that any such improvements will need to be compliant with regulations relating to the use of s106 contributions.

## **IMPLICATIONS**

**Policy:** There are no policy implications arising directly from the contents of this report.

**Financial:** Whilst there are no direct financial implications arising from this report, given the Council's recent focus on the transfer of services and facilities to other organisations, such as Town and Parish Councils, it is important to note that a key issue is that the future provision of infrastructure improvements should not, ideally, result in any ongoing financial liability for the Council.

**Legal:** None other than a requirement to revise the existing s106 Agreement.

**Risk Management:** None directly.

**Health and Safety:** None

**Sustainability:** None

**Community Safety:** None

**Equality and Diversity:** None

## **APPENDICES**

None

## **LIST OF BACKGROUND PAPERS**