

# Public Document Pack

## First Supplementary Agenda – Item 8 Section 106 Legal Agreements Update

### Appendix A to the Report – Payments Received and Spend to Date

Paper copies of the Appendix have been sent to Members of the Committee and will be available at the meeting.



**North East  
Derbyshire  
District Council**

Contact: Alan Maher  
Tel: 01246 217391  
Email: alan.maher@ne-derbyshire.gov.uk  
Date: Monday, 11 October 2021

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 19 October 2021 at 1.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

The meeting will be open to the public. However, because of the capacity limits on those who can be present in the Council Chamber, due to the Coronavirus (Covid-19) outbreak, the number of places will be restricted. Those wishing to attend will need to book in advance. **If you would like to attend this meeting then please contact the Governance Service: [Governance@ne-derbyshire.gov.uk](mailto:Governance@ne-derbyshire.gov.uk) or phone: 01246 217391 to register your request.**

The meeting will also be live streamed from the Council's website on its You Tube Channel.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

Joint Head of Corporate Governance and Monitoring Officer

### **Members of the Committee**

Councillor William Armitage  
Councillor Andrew Cooper  
Councillor Peter Elliott  
Councillor Mark Foster  
Councillor Roger Hall  
Councillor David Hancock  
Councillor Lee Hartshorne

Councillor Maggie Jones  
Councillor Heather Liggett  
Councillor Alan Powell  
Councillor Jacqueline Ridgway  
Councillor Kathy Rouse  
Councillor Diana Ruff

Please notify the Senior Governance Officer, Alan Maher by 4.00 pm on Friday 15 October 2021 of any substitutions made for the meeting.

For further information about this meeting please contact: Alan Maher 01246 217391

## AGENDA

### 8 Section 106 (Legal) Agreements Update (Page 4)

Appendix A to the Report – Payments Received and Spend to Date

## We speak your language

**Polish**  
*Mówimy Twoim językiem*

**Romanian**  
*Vorbim limba dumneavoastră*

**Urdu**  
ہم آپ کی زبان بولتے ہیں

**Chinese**  
我们会说你的语言



North East  
Derbyshire  
District Council



If you require this agenda in **large print** or another format  
please call us on **01246 217753** Text No: 07800 00 24 25

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

**S106 Agreements - Payments Received and Spend to Date**

<b>Ref No.</b>	<b>Address</b>	<b>Planning Application No.</b>	<b>Intended Use</b>	<b>Use By Date</b>
2	PFI Site Penncroft Lane and Nethercroft Lane, Danesmoor	05/00744/FL	Maintenance	31/10/21
6	Biwater Industries Limited, Market Street, Clay Cross	08/01085/OL	Maintenance	31/10/24
15	J J Cummins Limited, Matlock Road, Wessington	10/01193/FL	Open Space	10/05/22
24	Land To The Rear Of 61 To 119 Nethermoor Road And 15 To 21 Deerlands Road, Wingerworth	12/00600/FL	Open Space Maintenance	15/03/26
30	117 Chesterfield Road, North Wingfield	13/00283/OL & 16/00609/RM	Play Space Contribution	05/04/29
30	117 Chesterfield Road, North Wingfield	13/00283/OL & 16/00609/RM	Maintenance	05/04/29
31	Land between Main Road and Burnsde Avenue and rear of properties on the North Side of Hallfieldgate Lane, Shirland	23/00273/OL, 17/00340/OL & 16/01137/RM	Recreation Contribution	11/11/23
31	Land between Main Road and Burnsde Avenue and rear of properties on the North Side of Hallfieldgate Lane, Shirland	23/00273/OL, 17/00340/OL & 16/01137/RM	Maintenance	11/11/23
32	Land at Coney Green Clay Cross	97/00136/OL	Open Space	01/04/23
34	Land To The East Of Hardwick Drive And To The Rear Of 45 To 57 Penrose Crescent, Arkwright Town	13/00704/FL	Maintenance	13/04/26
35	Site Of Former H B Walker And Son Ltd, Netherthorpe Lane, Killamarsh	13/00804/FL	Play Area	14/01/26
35	Site Of Former H B Walker And Son Ltd, Netherthorpe Lane, Killamarsh	13/00804/FL	Maintenance	14/01/26
43	The Buck Inn Holmgate Road Clay Cross	13/00263/OL & 15/00409/FL	Recreation contribution	26/02/24

43	The Buck Inn Holmgate Road Clay Cross	13/00263/OL & 15/00409/FL	Maintenance	26/02/24
44	Allotments, Main Road, Shirland	13/00321/FL	Play Space Contribution	03/03/24
44	Allotments, Main Road, Shirland	13/00321/FL	Maintenance	03/03/24
49	Dewley Way Clay Cross	08/01085/OL	Open Space	31/03/26
50	Land to the South of Pioneer House and to the rear of 1-59 Adlington Avenue, Mill Lane, Wingerworth	12/00072/OL & 14/01289/RM	Open Space	13/04/28
57	Land North West of 24 Matlock Road, Wessington	14/00147/OL & 15/01083/RM	Recreation contribution	28/02/23
57	Land North West of 24 Matlock Road, Wessington	14/00147/OL & 15/01083/RM	Maintenance	No date
83	83A Clay Lane, Clay Cross	15/00383/OL , 18/00123/OL and 17/01226/RM	Recreation Contribution	21/12/25
83	83A Clay Lane, Clay Cross	15/00383/OL , 18/00123/OL and 17/01226/RM	Maintenance	21/12/25
85	Land To The Rear Of 61 To 119 Nethermoor Road And 15 To 21 Deerlands Road, Wingerworth	15/00211/FL	Recreation Contribution	10/09/25
85	Land To The Rear Of 61 To 119 Nethermoor Road And 15 To 21 Deerlands Road, Wingerworth	15/00211/FL	Maintenance	No Date
101	Land North and West of Creg Ny Baa, Brackenfield Lane, Wessington	16/00419/FL	Recreation Contribution	14/03/26
105	Land East of Fanny Avenue, Killamarsh	16/01302/FL	Recreation Contribution	No date
105	Land East of Fanny Avenue, Killamarsh	16/01302/FL	Maintenance	No date
113	Land To The South Of Allotments At Ducksett Lane Accessed From Staveley Lane, Eckington	14/00562/OL & 17/00064/RM	Recreation Contribution	18/03/25
113	Land To The South Of Allotments At Ducksett Lane Accessed From Staveley Lane, Eckington	14/00562/OL & 17/00064/RM	Maintenance	18/03/25

122	Land to rear of Hockley House, Hockley Lane, Wingerworth	18/00188/OL, 19/00567/FL & 19/01040/RM	Recreation Contribution	09/03/31
122	Land to rear of Hockley House, Hockley Lane, Wingerworth	18/00188/OL, 19/00567/FL & 19/01040/RM	Maintenance	09/03/31
<b>Recreation/Open Space Totals</b>				
31	Land between Main Road and Burnsde Avenue and rear of properties on the North Side of Hallfieldgate Lane, Shirland	12/00273/OL, 17/00340/OL & 16/01137/RM	Highways	11/11/23
44	Allotments, Main Road, Shirland	13/00321/FL	Highways	03/03/24
50	Land To The South Of Pioneer House And To The Rear Of 1-59 Adlington Avenue Mill Lane Wingerworth	12/00072/OL & 14/01289/RM	Highways	08/06/36
70	Evergreen And Vacant Land To The East Of Derby Road And North Of Junction With Brassington Lane Old Tupton	14/01293/FL	Highways	No date
<b>Highways Totals</b>				
None outstanding				
<b>Education Totals</b>				
24	Land To The Rear Of 61 To 119 Nethermoor Road And 15 To 21 Deerlands Road, Wingerworth	12/00600/FL	Waste Contribution	15/03/26
85	Land To The Rear Of 61 To 119 Nethermoor Road And 15 To 21 Deerlands Road, Wingerworth	15/00211/FL	Waste Contribution	10/09/25
93	Land to the east and north of 119, Top Road, Calow	16/00772/OL	Waste Contribution	14/12/27
<b>Cleansing/Waste Totals</b>				
13	Allotments, Masfield Avenue, Holmewood	14/00373/OL	Affordable Housing	No date
33	Site Of Former Standall Tools Mickley Lane, Dronfield Woodhouse	13/00675/FL	Affordable Housing	26/04/26
58	Windwhistle Farm, Southend, Grassmoor	14/00184/OL & 15/00336/RM	Affordable Housing	to be used within 5 years of completion of the development

75	Appletree Restorations, Mansfield Road, Corbriggs	13/00921/OL	Affordable Housing	No time limit prescribed in S106 Agreement
90	Land To The Rear Of 10 To 52, Ashover, Old Tupton	15/00551/FL	Affordable Housing	21/12/21
104	Allotments, Masefield Avenue, Holmewood	17/00425/FL	Affordable Housing	16/02/26
<b>Affordable Housing Totals</b>				
10	Land South of Sunningdale Park and Poplar Drive and to the West of 21 Elvin Way, New Tupton	10/01152/OL & 13/01032/RM	Health Contribution	13/07/25
13	Allotments, Masefield Avenue, Holmewood	11/00804/OL	Health Contribution	No date
<b>Health Contributions Totals</b>				
15	J J Cummins Limited, Matlock Road, Wessington	11/00743/OL	Community Building Contribution	No date
24	Land To The Rear Of 61 To 119 Nethermoor Road And 15 To 21 Deerlands Road, Wingerworth	12/00600/FL	Library Contribution	15/03/26
66	Northgate Information Solutions Littlemoor Eckington	14/00827/FL	Eckington Town Centre Contribution	26/01/25
85	Land to rear of 61 to 119 Nethermoor Road and 15 to 21 Deerlands Road, Wingerworth	15/00211/FL	Library Contribution	10/09/22
87	Angel Hotel, 8 Market Street, Eckington	11/00685/FL	Public Realm	13/11/22
104	Allotments, Masefield Avenue, Holmewood	17/00425/FL	Holmewood Facilities Contribution	11/02/26
122	Land to the rear of Hockley House, Hockley Lane, Wingerworth	18/00188/OL, 19/00567/FL & 19/01040/RM	Biodiversity Payment	24/08/30
130	Land Opposite The Avenue Visitor Centre on the South side of Mill Lane, Wingerworth	17/00227/OL	Additional Community infrastructure Contribution	17/05/25
<b>General/Public Realm Totals</b>				

	Monitoring Payments
<b>Monitoring Payments Totals</b>	

**Total S106 grant available**

Spend Category Key:

	No date or Over 3 years
	Within 3 years
	Within 2 years

Ref No.	Planning Application No.	Conditions/Triggers	Works Status	Amount Received	Spend to date	Current Balance	Spend Category
2	05/00744/FL	Prior to the occupation of 50% of the dwellings	Finished on site	£9,520.00	£8,568.00	£952.00	
6	08/01085/OL	Upon the grant of each reserved matters permissions	Agreement made (work not started)	£280,534.83	£142,835.00	£137,699.83	
15	10/01193/FL	Payable upon the first occupation of the 5th dwelling	Agreement made (work not started)	£1,431.47	£0.00	£1,431.47	
24	12/00600/FL	to be paid over a period of 10 years & To be paid before occupation of 50% of approved dwellings	Started on site	£27,149.00	£0.00	£27,149.00	
30	13/00283/OL & 16/00609/RM	to be paid before occupation of 50% of approved dwellings	Started on site	£42,039.33	£0.00	£42,039.33	
30	13/00283/OL & 16/00609/RM	to be paid before occupation of 50% of approved dwellings	Started on site	£12,730.80	£0.00	£12,730.80	
31	23/00273/OL, 17/00340/OL & 16/01137/RM	to be paid on 50% occupation of the dwellings.	Started on site	£95,000.00	£0.00	£95,000.00	
31	23/00273/OL, 17/00340/OL & 16/01137/RM	to be paid on 50% occupation of the dwellings.	Started on site	£24,000.00	£0.00	£24,000.00	
32	97/00136/OL	To be used within 10 years of payment	Finished on site	£38,308.00	£32,656.00	£5,652.00	



34	13/00704/FL	To be paid before occupation of 50% of approved dwellings	Started on site	£3,231.89	£1,292.72	£1,939.17	
35	13/00804/FL	within 10 years	Finished on site	£7,408.45	£7,021.93	£386.52	
35	13/00804/FL	within 10 years	Finished on site	£1,940.00	£776.00	£1,164.00	
43	13/00263/OL & 15/00409/FL	To be paid before the occupation of 50% of approved dwellings	Finished on site	£7,363.99	£0.00	£7,363.99	
43	13/00263/OL & 15/00409/FL	To be paid before the occupation of 50% of approved dwellings	Finished on site	£1,994.83	£0.00	£1,994.83	
44	13/00321/FL	To be paid before the occupation of 50% of approved dwellings	Started on site	£5,100.40	£0.00	£5,100.40	
44	13/00321/FL	To be paid before the occupation of 50% of approved dwellings	Started on site	£200.32	£0.00	£200.32	
49	08/01085/OL	To be paid before the occupation of 50% of approved dwellings	Started on site	£9,685.50	£4,613.00	£5,072.50	
50	12/00072/OL & 14/01289/RM	within 10 years of receipt to be paid before occupation of 50% of approved dwellings	Started on site	£127,000.00	£0.00	£127,000.00	
57	14/00147/OL & 15/01083/RM	Within 5 years of occuparion of 50% of approved dwellings on the development following a Reserved Matters Application	Started on site	£22,143.69	£0.00	£22,143.69	
57	14/00147/OL & 15/01083/RM	over a 10 year period & to be paid before occuparion of 50% of approved dwellings on the	Started on site	£6,643.10	£0.00	£6,643.10	

		development following a Reserved Matters Application					
83	15/00383/OL , 18/00123/OL and 17/01226/RM	to be paid before the occupation of 50% of approved dwellings	Started on site	£7,843.00	£0.00	£7,843.00	
83	15/00383/OL , 18/00123/OL and 17/01226/RM	over a 10 year period & to be paid before the occupation of 50% of approved dwellings	Started on site	£2,063.30	£0.00	£2,063.30	
85	15/00211/FL	To be paid before the occupation of 50% of approved dwellings	Finished on site	£647.00	£0.00	£647.00	
85	15/00211/FL	To be paid before the occupation of 50% of approved dwellings	Finished on site	£161.76	£0.00	£161.76	
101	16/00419/FL	£23,945.20 to be paid prior to the first occupation of 1st dwelling	Started on site	£23,945.20	£0.00	£23,945.20	
105	16/01302/FL	To be paid prior to the occupation of any dwelling	Started on site	£18,300.00	£0.00	£18,300.00	
105	16/01302/FL	To be paid prior to the occupation of any dwelling	Started on site	£5,000.00	£0.00	£5,000.00	
113	14/00562/OL & 17/00064/RM	to be paid before occupation of 50% of the dwellings	Started on Site	£66,870.00	£0.00	£66,870.00	
113	14/00562/OL & 17/00064/RM	to be paid before occupation of 50% of the dwellings	Started on Site	£16,980.00	£0.00	£16,980.00	
122	18/00188/OL, 19/00567/FL & 19/01040/RM	to be paid before occupation of 50% of the dwellings	Started on Site	£23,049.45	£0.00	£23,049.45	

122	18/00188/OL, 19/00567/FL & 19/01040/RM	to be paid before occupation of 50% of the dwellings	Started on Site	£6,974.72	£0.00	£6,974.72	
				<b>£895,260.03</b>	<b>£197,762.65</b>	<b>£697,497.38</b>	
31	12/00273/OL, 17/00340/OL & 16/01137/RM	to be paid on 50% occupation of the dwellings.	Started on site	£30,000.00	£0.00	£30,000.00	
44	13/00321/FL	to be paid on 50% occupation of the dwellings.	Started on site	£3,000.00	£0.00	£3,000.00	
50	12/00072/OL & 14/01289/RM	to be paid on 85% occupation of the dwellings.	Started on site	£302,100.00	£0.00	£302,100.00	
70	14/01293/FL	to be paid on 50% occupation of the dwellings.	Started on site	£25,000.00	£20,000.00	£5,000.00	
				<b>£360,100.00</b>	<b>£20,000.00</b>	<b>£340,100.00</b>	
				<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	
24	12/00600/FL	to be paid over a period of 10 years & To be paid before occupation of 50% of approved dwellings	Started on site	£627.64	£615.57	£12.07	
85	15/00211/FL	To be paid before the occupation of 50% of approved dwellings	Finished on site	£12.07	£0.00	£12.07	
93	16/00772/OL	within 10 years	Started on site	£431.20	£0.00	£431.20	
				<b>£1,070.91</b>	<b>£615.57</b>	<b>£455.34</b>	

13	14/00373/OL	to be paid before occupation of the 10th dwelling	Started on site	£260,000.00	£0.00	£260,000.00	
33	13/00675/FL	to be paid before occupation of 50% of approved dwellings. Within 10 years	Finished on site	£50,498.01	£0.00	£50,498.01	
58	14/00184/OL & 15/00336/RM	to be paid before occupation of 50% of approved dwellings	Started on site	£278,851.30	£0.00	£278,851.30	
75	13/00921/OL	None	Agreement made (work not started)	£2,000.00	£0.00	£2,000.00	
90	15/00551/FL	1st £110,000 to be paid prior to 1st occupation of the 1st dwelling. Further £110,000 to be paid prior to first occupation of the 30th dwelling. Remainder to be paid prior to first occupation of the 45th dwelling	Agreement made (work not started)	£330,000.00	£70,000.00	£260,000.00	
104	17/00425/FL	Before Occupation of the 10th Dwelling	Started on site	£81,000.00	£0.00	£81,000.00	
				<b>£1,002,349.31</b>	<b>£70,000.00</b>	<b>£932,349.31</b>	
10	10/01152/OL & 13/01032/RM	Paid before occupation of 50% if the dwellings approved under reserved matters	Started on site	£7,175.84	£0.00	£7,175.84	
13	11/00804/OL	Paid before occupation of 50% if the dwellings approved under reserved matters	Started on site	£82,009.60	£0.00	£82,009.60	
				<b>£89,185.44</b>	<b>£0.00</b>	<b>£89,185.44</b>	
15	11/00743/OL	Payable prior to the occupation of the first market house	Agreement made (work not started)	£127,322.00	£37,000.00	£90,322.00	

24	12/00600/FL	to be paid over a period of 10 years & To be paid before occupation of 50% of approved dwellings	Started on site	£18,720.00	£18,360.00	£360.00	
66	14/00827/FL	To be paid upon commencement of development	Started on site	£40,000.00	£0.00	£40,000.00	
85	15/00211/FL	To be paid before the occupation of 50% of approved dwellings	Finished on site	£360.00	£0.00	£360.00	
87	11/00685/FL	Within 8 years. To be paid upon commencement of development	Finished on site	£8,000.00	£0.00	£8,000.00	
104	17/00425/FL	1st payment of £7,330 before occupation of 1st dwelling. 2nd payment of £7,300 before occupation of 26th dwelling. 3rd payment of £7,353.60 before occupation of 40th dwelling	Started on site	£22,013.60	£0.00	£22,013.60	
122	18/00188/OL, 19/00567/FL & 19/01040/RM	to be paid prior to commencement of development	Agreement made (work not started)	£23,128.00	£0.00	£23,128.00	
130	17/00227/OL	Within 5 years of payment date	Agreement made (work not started)	£32,500.00	£0.00	£32,500.00	
				<b>£272,043.60</b>	<b>£55,360.00</b>	<b>£216,683.60</b>	
				£36,284.17	£0.00	£36,284.17	
				<b>£36,284.17</b>	<b>£0.00</b>	<b>£36,284.17</b>	
				<b>£2,656,293.46</b>	<b>£343,738.22</b>	<b>£2,312,555.24</b>	

From Master  
Spreadsheet £2,312,555.24

£0.00 balanced as at  
5/8/21