



# PLANNING OBLIGATIONS

2012 to 2013



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# Introduction

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Carlisle Planning Services have been implementing S106 Agreements since they were introduced in 1991 and to date have over 250 agreements in place (including Deeds of Variation<sup>1</sup>).

This annual report gives an overview of S106 agreements (and Unilateral Agreements<sup>2</sup>) entered into over the last year and give an update on the delivery of the obligations within those and previous years. It is intended to update members, developers and members of the public of the implementation of obligations so it can be seen how they have a direct positive impact for the District and therefore its residents.

A S106 is a legal agreement between the planning authority and the applicant/developer, and any others who might have an interest in the land.

They can cover a range of commitments which are enforceable against all the parties concerned and any subsequent owner of the site. It is therefore important that all agreements are monitored to ensure compliance and ensure timely delivery by all parties and avoid the possibility of enforcement action being taken by one party on another.

Government policy was set out in Circular 5/05 which was listed in Annex 3 as a document replaced (but not the associated guidance) by the National Planning Policy Framework in March 2012. Paragraph 204 states:

***“Planning obligations should only be sought where they meet all of the following tests:***

- necessary to make the proposed development acceptable in planning terms;***
- directly related to the proposed development; and***
- fairly and reasonable related in scale and kind to the development.”***

These tests are unchanged from when Community Infrastructure Levy came into force in April 2010 when it became unlawful for a planning obligation to be taken into consideration when determining a planning application for a development, or any part of a development, that is capable of being charged the Levy, whether there is a local levy in operation or not, if the obligation did not meet all of these tests.

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<sup>1</sup> Deed of Variation where there is a change to the original agreement which may or may not have a material change to its delivery.

<sup>2</sup> A unilateral agreement is where only one party makes an express promise, or undertakes a performance without first securing a reciprocal agreement from the other party. Such agreements are marked with an asterisk by way of identification throughout this document.

# Summary 2012 to 2013

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## 12 S106's were entered into with the potential to deliver:

### *Housing*

- 276 Affordable Dwellings (17 in the rural area with qualifying person's restrictions).

### *Commutted sums in lieu of on-site Affordable Housing Provision*

£223,373 has been negotiated, but a further 3 agreement are formula based and reflect market value at time of first sale of each property.

### *Financial*

A total of £4,979,855 (including £3M Bond in respect of the provision of a school on the Crindledyke site) has been negotiated, excluding commuted sums in lieu of affordable housing provision and sums yet to be negotiated and finalised in respect of open space.

Of the sum quoted £1,136,090 is payable to the County Council for Highways/School Transport and Travel Plans. The balance is due to the City of Carlisle of which £48,402 is for the provision/enhancement and maintenance of Public Open Space and Children's Play Areas, £223,767 is in lieu of on site affordable housing provision and £566,000 for transport and highways initiatives (some of which may be provided by the developer in lieu of payment).

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## During the year delivery via S106 obligations has achieved:

### *Housing*

45 Affordable Dwellings, including **8/10** in the rural area.

### *Financial*

**£130,592** has been **received** for a variety of dedicated projects for the provision and maintenance of Public Open Space/Children's Play Areas and cycleways.

\* \* \* \* \*

Balances of monies held to complete undertakings as detailed within S106 agreements and unilateral agreements as at 31 March 2013:

In Lieu of on-site Affordable Housing	£ 15,000
Cycleway and Public Realm	£ 732,841
Open Space and Children's Play Areas, provision of and/or maintenance	£ 555,160
Transport and Pedestrianisation	£ 69,540
<b>Total</b>	<b>£1,386,623</b>

NB: Failure to evidence that monies have been spent for the purpose for which it was delivered and within the requisite timescale, will result in the monies having to be returned to the developer.

# New Agreements 2012 - 2013

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## Planning Permissions granted subject to a S106 Agreement:

PP No	Date Signed	Parties	Address	Development Proposal	S106 Obligation Overview
09/0617	05/04/12	Story Homes Limited and 2 other 'Covenanting Parties'	Crindledyke, Carlisle  <b>Ward – Stanwix Rural</b>	Residential Development	<b>Affordable Housing:</b> 81 – Social Rented 82 – Discounted (70% OMV) <b>Open Space Maintenance Sum:</b> To be agreed within each phase (indicative £5,463 per HA) <b>Highways Improvements Contribution:</b> First contribution £25,000 payable prior to occupation of 20 units Second contribution £10,000 prior to occupation of 20 units (or carries out work themselves) <b>Transport Improvements Contribution:</b> First contribution - £250,000 (instalments) Second Contribution - £281,000 prior to first occupation (or carries out work themselves) <b>Travel Plan:</b> Implement and comply with the Travel Plan for that Phase. £11,125 Administration fee on or before 1 <sup>st</sup> occupation of the 1 <sup>st</sup> unit. <b>New School</b> New School Bond of £3,500,000 to be executed prior to occupation of 60 <sup>th</sup> dwelling together with notification regarding construction of the New School. Prior to occupation of the 199 <sup>th</sup> dwelling the New School to be completed and ready for

					occupation. <b>Local Centre</b> To be constructed prior to the occupation of more than 649 dwellings.
10/1026	17/04/12	Persimmon Homes and Cumbria County Council	land to the Rear & West of Garden Village, Wigton Road, Carlisle, CA2 6QX <b>Parish - Cummersdale</b>	Residential Development Comprising The Erection Of 253No. Dwellings	<b>Affordable Housing:</b> 19 – Social Rented 37 – Discounted (70% OMV) <b>Public Open Space:</b> to provide details of schemes prior to any phase and to have a Management Company in place prior to 1st occupation <b>Travel Plan - COUNTY:</b> £6,125 payable within 14 days of commencement <b>Off site Highways and Signage Contribution - COUNTY:</b> £10,000 payable within 14 days of commencement <b>Education – COUNTY:</b> £804,000 payable in 4 instalments of £201,000 prior to 1 <sup>st</sup> occupation of 60 <sup>th</sup> , 120 <sup>th</sup> , 180 <sup>th</sup> & 240 <sup>th</sup> dwellings.
11/0733	19/04/12	Personal Covenant	Iona, Gelt Road, Brampton, CA8 1QH <b>Parish - Brampton</b>	Demolition of existing workshop & stables; erection of 4 dwellings	<b>Affordable Housing Financial Contribution:</b> Contribution payable upon first occupation of relevant unit. Formula: (Market Value x 0.1) x 0.3
10/1066	24/05/12	Citadel Estates Limited	Skelton House, Wetheral <b>Parish - Wetheral</b>	Demolition of exiting house, adjoining barn & outbuildings; erection of 15 2 bed apartments	<b>Affordable Housing:</b> 4 – Discounted (70% OMV) – plots 1,4,6 & 17. <b>Open Space:</b> £3,000 within 28 days of 1 <sup>st</sup> Occupation <b>Property Management Policy</b> To be in place prior to occupation of any unit.
12/0108	27/06/12	Two Castles Housing Association	St Elisabeths Parish Church, Mayfield Avenue,	Erection of 11 dwellings for Social Rent	<b>Affordable Housing:</b> 11 – Affordable Rent (80% gross market rent) <b>Open Space:</b>

			Harraby, Carlisle <b>Ward – Harraby</b>		£8,979.25 payable within 28 days of the grant of the first tenancy of an affordable unit.
11/10/60	30/07/12	Maris Properties Ltd	Land at Briar Bank, Carlisle (Spice Enterprise)	Demolition Of Existing Building And Erection Of 14no. Linked Properties	<p><b>Affordable Housing:</b> A scheme to be submitted prior to commencement (could be 4 discounted but expected to be 4 affordable rent)</p> <p><b>Public Open space Contribution:</b> £9,973.71 payable on or before occupation of the 7th Full Market Value Unit.</p>
11/0730	20/09/12	AP & J Brown and Cumbria County Council	Land adjacent Beech Cottage, Cumwhinton  <b>Parish - Wetheral</b>	Erection Of 14 Dwellings, comprising of affordable and housing for the elderly	<p><b>Affordable Housing &amp; Housing for the Elderly:</b> 10- Discounted (70% OMV)</p> <p><b>Play Equipment Contribution:</b> £5,000 payable within 28 days of commencement. To be used by Wetheral Parish Council for the provision of children's play facilities within Cumwhinton.</p> <p><b>Education Contribution – COUNTY</b> £39,117 on or before the date of 1<sup>st</sup> occupation of the 10th unit.</p>
00/0439	09/10/12	Persimmon Homes Limited and Cumbria County Council	Land at Peter Lane, Morton, Carlisle  <b>Ward – Dalston</b>	Residential Development	<p><b>Affordable Housing:</b> 30% affordable; 50:50 split Social Rented and Discounted (70% OMV).</p> <p><b>Open Space Management Scheme:</b> To be approved prior to commencement of development.</p> <p><b>Public Open Space Contribution:</b> Sum to be agreed subject to terms within agreement on adjacent site (09/0413). Payable within 28 days of agreement.</p> <p><b>Education Contribution – COUNTY</b> Payable prior to occupation of 48% of the units. Formula: Units x 0.193 x £12,200</p> <p><b>Bridleway Improvements - COUNTY</b> £10,000 payable prior to occupation of 50% of</p>

					<p>units.</p> <p><b>Travel Plan – COUNTY</b> Submit for approval prior to commencement plus appoint in accordance with the Travel Plan and county council a Travel Plan Co-Ordinator.</p> <p><b>Travel Plan Monitoring Fee – COUNTY</b> £6,600 payable prior to 1<sup>st</sup> occupation of 1<sup>st</sup> unit.</p> <p><b>Travel Plan Bond – COUNTY</b> £100,000 payable upon 1<sup>st</sup> occupation of 1<sup>st</sup> unit.</p>
12/0383 <b>REPLACES AGREEMENT 08/1059 DATED 29/09/09</b>	11/12/12	Citadel Estates Limited	Land at the former George Public House  <b>Parish - Wetheral</b>	Mixed development comprising retail development for Co-Operative Store with 18 Houses and 10 Apartments	<p><b>Affordable Housing:</b> 3 – Discounted (70% OMV)</p> <p><b>Public Open Space Contribution:</b> £5,000 payable before 1<sup>st</sup> occupation of the 10<sup>th</sup> unit for maintenance &amp; enhancement of Downgate, Warwick Bridge.</p>
12/0025 <b>REPLACES AGREEMENT 09/0245 DATED 18/07/10</b>	13/12/12	Lancaster Roman Catholic Diocesan Trustee and McCarthy & Stone Retirement Lifestyles Limited	Land at St Augustines Church, Waverley Gardens Carlisle  <b>Ward – Stanwix Urban</b>	Erection Of Retirement Housing For The Elderly Comprising 42No. Apartments, Communal Facilities, Landscaping And Car Parking	<p><b>Affordable Housing Financial Contribution:</b> £223,373 Index Linked payable in 3 equal instalments:</p> <p>Prior to 1<sup>st</sup> occupation of a dwelling</p> <p>Prior to 1<sup>st</sup> occupation of 12<sup>th</sup> dwelling</p> <p>Prior to occupation of the 24<sup>th</sup> dwelling</p> <p><b>Public Open Space Contribution:</b> £11,627 payable prior to 1<sup>st</sup> occupation of a dwelling</p>
12/0185 <b>REPLACES AGREEMENT 11/0181 DATED 05/10/11</b>	02/01/13	Greensyke Property Ltd	Kingswood Educational Centre, Cumdivock  <b>Parish - Dalston</b>	COU of existing educational buildings to 7 dwellings and erection of 1 dwelling	<p><b>Affordable Housing Financial Contribution:</b> Pay to the Council on the date of first occupation of each relevant dwelling the contribution due</p> <p>Formula: (Market Value x 0.1) x 0.25</p>
11/0495	26/02/13	Personal Covenant and Cumbria County Council	Land Adjacent to Willowholme Road,	Proposed land for Industrial Development	<b>Travel Plan Monitoring Fee - COUNTY</b> £6,600 payable upon commencement

			Willowholme Industrial Estate, Carlisle <b>Ward – Castle</b>		
12/0847	27/02/13	Personal Covenant	Rear 1 & 2 Whitehouse, Walton, Brampton <b>Parish - Dalston</b>	Residential Development	<b>Affordable Housing Financial Contribution:</b> Contribution payable upon first occupation of relevant unit. Formula: (Market Value x 0.1) x 0.3
<b>UNILATERAL AGREEMENT</b> 11/0135	31/08/12	Lovell Partnership Ltd	Site F Brookside, Raffles, Carlisle <b>Ward – Belle Vue</b>		<b>Open Space:</b> £12,823 for the maintenance of off-site public open space.

#### Deed of Variation with Material Change

11/0120 07/1312	13/06/12 18/08/10	Senator Homes	Former Penguin Factory, Westmorland St, Carlisle  <b>Ward – Denton Holme</b>	Proposed Residential Development	<b>Affordable Housing:</b> Affordable rented dwellings- <b>reduction</b> from 6 to 4 Discounted Sale Dwelling (70% OMV) – <b>reduction</b> from 4 to 2 dwellings <b>Off-Site Play and Open Space Contribution:</b> <b>Increase</b> from £84,076 to £84,520 for improvement or provision within the vicinity of the site. <b>Off-Site Highway Infrastructure Improvements Contribution - COUNTY:</b> <b>Reduction</b> from £29,920 to £25,110 for improving pedestrian connectivity cycleway signage Traffic Regulation Order
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## Summary of Obligations Entered into:

### Financial – Commuted Sums - 2012 to 2013

Open Space Capital	Open Space Maintenance	In Lieu of On-Site Affordable Housing	Transport Improvements (City)	Highways Improvements (City)	Highways/ (county)	Travel Plan (County)	Education	Parish/Ward
	To be agreed at each phase		£531,000 (part works may be undertaken in lieu of payment)	£35,000 (part works may be undertaken in lieu of payment)		£11,125	On site school or £3,000,000 Bond	Stanwix Rural
		(Market Value x 0.1) x 0.3						Brampton
	£8,979.25							Harraby
£5,000							£39,117 COUNTY	Wetheral (Parish)
	To be agreed				£10,000 (bridleway)	£6,600 and £100,000 Bond	£242,523 (based 103 dwellings)	Dalston (Ward)
	£11,627	£223,373						Stanwix Urban
		(Market Value x 0.1) x 0.25						Dalston
		(Market Value x 0.1) x 0.3						Dalston
						£6,600		Castle
	£12,823							Belle Vue
£5,000	£33,429 plus figures to be agreed	£223,373 plus formulas	£531,000	£35,000	£10,000	£24,325 plus £100,000 Bond	£3,281,640 estimated value	

## Non financial 2012 to 2013

### *Affordable Housing*

	<b>Social Rented</b>	<b>Shared Ownership</b>	<b>Discounted</b>	<b>Parish/Ward</b>
Crindledyke	81		82	<b>Stanwix Rural</b> <b>Wetheral</b>
Skelton House, Wetheral			3	
St Elisabeths Church, Harraby	11			<b>Harraby</b>
Adj Beech Cottage, Cumwhinton			10	<b>Wetheral</b>
Peter Lane	Approx 15		Approx 15	<b>Dalston (Ward)</b> <b>Wetheral</b>
George Public House, Warwick Bridge			3	
	<b>Approx 107</b>		<b>Approx 114</b>	

### *Occupancy Clauses*

Affordable Housing has Qualifying Persons restrictions within the agreements  
Land adjacent Beech Cottage, Cumwhinton – Age and qualifying persons restriction

### *Land Transfer*

No agreements entered into

### *Other*

No agreements entered into

# Delivery of Obligations 2012 to 2013

## BY DEVELOPERS TO CARLISLE CITY COUNCIL

### Non Financial

#### *Affordable Housing*

	Social Rented	Intermediate Rented	Shared Ownership	Discounted	Parish/Ward
Former Laboratories, Talkin		2 <i>NB conditions not complied with</i>			Hayton
Adjacent The Shieling, Cumwhinton	8				Wetheral
Seatoller, Carlisle	16		7		Morton
Alexandra Drive, Carlisle				8	Wetheral (Ward)
West of Garden Village, Carlisle				4	Dalston (Ward)
	<b>24</b>	<b>2</b>	<b>7</b>	<b>12</b>	<b>(45)</b>

*It should be noted these figures are for the delivery of affordable housing through S106 agreements. A further 3 Social Rented Properties have been delivered via the planning system by Housing Associations without entering into a S106 agreements.*

#### *Occupancy Clauses*

8 Affordable properties adjacent The Shieling, Cumwhinton – Approved Persons having been born, lived or worked in the village of Cumwhinton or parish of Wetheral and cascades to district.

## *Land Transfer*

None Transferred

Agreement dated 31/03/04 Montgomery Homes (1970) Limited relating to land to the South of Moor Road, Longtown required land to be offered to a Housing Association. The process as detailed within the terms of the agreement has been completed with no Housing Association accepting the offer so the land is now free from the condition imposed by the agreement.

## **Financial**

### *Payments Received by Carlisle City Council*

<b>S106 Agreement</b>	<b>Open space Capital</b>	<b>Open Space Maintenance</b>	<b>Cycleways/ Pedestrian</b>	<b>Purpose</b>	<b>Parish/Ward</b>
St Elisabeths, Harraby, Carlisle		£ 8,979.25		Maintenance of the public open space, (5 years from payment)	<b>Harraby</b>
Watts Yard, Carlisle			£39,790	1 <sup>st</sup> Tranche of contribution for River Petteril Cycle Route	<b>St Aidans</b>
The Shieling, Cumwhinton	£3,000			Play area contribution to be used by the Parish Council	<b>Wetheral</b>
Site F Brookside, Raffles, Carlisle		£12,823		<b>Unilateral Agreement</b> for the maintenance of off-site open space at Heysham Park	<b>Belle Vue</b>
Land at Norfolk Street, Denton Holme, Carlisle			£16,000	Contribution to Caldew Cycleway (5 yrs from receipt)	<b>Denton Holme</b>
Land at Norfolk Street, Denton Holme, Carlisle		£50,000		Provision and enhancement of public open space in the District (5 years)	<b>Denton Holme</b>
<b>Total</b>	<b>£3,000</b>	<b>£71,802.25</b>	<b>£55,790</b>		

**Total £130,592**

## Carlisle City Council - Financial

### Affordable Housing

No Expenditure. Total Pooled Fund £15,000.

### Open Space/Play Areas

Location	Commitment	Original Sum	Summary of Works Undertaken 12/13	Amount Spent 12/13	Balance Outstanding	Expiry date of funds	Parish/Ward
The Beeches, Wigton Road	Maintenance of Play Area	£10,000	Play area maintenance	£ 1,000	£ 3,000	2016	<b>Yewdale</b>
Holme Head Bay*	Maintenance of Public Open Space.		Grass cutting, tree & shrub management	£ 600	£ 4,200		<b>Denton Holme</b>
Scotby Road, Scotby*	Maintenance of Public Open Space		Amenity grass land maintenance	£ 1,630	£ 4,740		<b>Wetheral</b>
Windsor Way*	Maintenance of Play Area		Play area maintenance	£ 600	£ 4,200		<b>Stanwix Rural</b>
Walkmill, Warwick Road*	Maintenance of Play Area		Play area & football pitch maintenance	£ 2,310	£16,170		<b>Botcherby</b>
Wakefield Road, Lowy Hill	Maintenance of Play Area	£10,000	Play area maintenance	£ 1,000	£ 7,000	Dec 2019	<b>Belah</b>
Turnstone Park	Maintenance of Play Area	£10,000	Play area maintenance	£ 1,000	£ 3,900	Sep 2020	<b>Belle Vue</b>
Jocks Hill, Brampton*	Maintenance of Public Open Space		Grass cutting	£ 268	£ 1,338		<b>Brampton</b>
Greenfield Lane, Brampton*	Maintenance of Public Open Space		Play area maintenance and grass cutting	£ 2,000	£10,000		<b>Brampton</b>
Burgh Road	Provision & maintenance of off site pitches & open	£45,354.30	Maintenance at Spider Park	£ 4,535	£14,693.30	Sep 2019	<b>Belle Vue</b>

	space						
Former Cavaghan and Gray, London Road, Carlisle	Recreational facilities associated with 3 Rivers Strategy or improvements at community centre	£137,500	New play equipment installed and ongoing maintenance	£ 45,000	£ 77,750	Sep 2020	<b>Harraby</b>
Harraby Methodist Church, cumwhinton Road, Carlisle	Maintenance of Play Area	£ 5,670	Play area maintenance	£ 555	£ 3,890	May 2014 5 yrs from start	<b>Harraby</b>
Tribune Drive *	Remedial work and 10 year maintenance of Public Open Space	£20,025	Grass cutting, tree & shrub management	£ 1,800	£ 12,600	Jul 2019	<b>Stanwix Rural</b>
Heysham Park, Raffles	Maintenance of Public Open Space	£25,000	Play area and park maintenance	£ 2,500	£17,500	Open ended	<b>Belle Vue</b>
Parkland Village, Garlands	Maintenance of Public Open Space and Tree Planting	£71,889	Remedial landscape work and maintenance	£14,378	£28,755	Jul 2015	<b>Dalston/ Harraby</b>
Levens Drive/ Newlaithes Ave	Provision of Public Open Space, Formal Sports and Children's Play Facilities	£57,805	None	None	£57,805	Mar 2013 Extended by negotiation	<b>Morton</b>
	Maintenance of the above	£31,345	None	None	£ 31,345	Mar 2020	
Gelt Rise, Brampton	Provision of additional Play Area	£12,800	None	None	£12,800	Feb 2021	<b>Brampton</b>
	Maintenance of Play Area	£ 3,551	Remedial work on existing equipment	£ 355	£ 3,196	Feb 2021	<b>Brampton</b>
Carleton Grange, Garlands	Maintenance of Play Area	£10,000	Maintenance of Play Area	£1,000	£ 8,000	Mar 2021	<b>Harraby/ Dalston</b>
	Maintenance of Public Open Space	£102,837	Maintenance of Public Open Space	£ 10,283	£ 82,264	Mar 2021	

Seatoller Close	Enhancement of off-site provision in the Morton Ward	£14,481.56	Maintenance of Public Open Space	£ 3,620.39	£ 10,861.17	June 2016	<b>Morton</b>
Former Depot/Dandy Croft Brampton	Provision of public open space	£61,181	Funds passed to Parish Council as per agreement (see below )	£61,181	Nil	Nov 2014	<b>Brampton</b>
	Enhancement of King George V Playing Fields	£9,025		£9,025	Nil	Nov 2014	
	Maintenance of King George V Playing Fields	£4,230		£4,230	Nil	Nov 2021	
Stainton Road, Etterby	Provision and enhancement of public open space in the District	£43,790		£ 8,758	£35,032	Jun 2016	<b>Belah</b>
Watts Yard, London Road	For play equipment at Melbourne Park	£27,160	None	None	£27,160	Jan 2022	<b>St Aidans</b>
	10 year maintenance	£ 5,731.59	Remedial work on existing equipment	£ 573	£5,158.59	Jan 2022	
St Elisabeths, Harraby	Maintenance of Public Open space	£ 8,979.25				May 2017	<b>Harraby</b>
The Shieling, Cumwhinton	Provision of children's playing facilities within the village of Cumwhinton	£ 3,000	Funds passed to Parish Council as per agreement (see below )	£3,000	Nil	Aug 2017	<b>Wetheral</b>
Site F, Brookside, Raffles, Carlisle *	Maintenance @ Heysham Park	£12,825	None	None	£12,825	None	<b>Belle Vue</b>
Norfolk Street, Denton Holme, Carlisle	Provision & enhancement of public open space	£50,000	None	None	£50,000	Sep 2017	<b>Denton Holme</b>
		<b>£804,510</b>		<b>£181,201</b>	<b>£555,160</b>		

## Infrastructure

Location	Commitment	Original Sum	Summary of Works Undertaken 12/13	Amount Spent 12/13	Balance Outstanding	Expiry date of funds	Parish/ Ward
Immediate area around Carlisle College	Contribution towards Cycle Network and improvement of pedestrian facilities in the immediate vicinity	£ 29,750	Zero path works completed, other outstanding works on Newark Terrace once agreement has been reached with adjacent retail store.	None	£29,750	None	Castle
Caldew Cycle Way/ Willowholme	“Castle Way Ramp” To implement a section of the cycleway as detailed in the agreement	£370,000	Design fees and supportive surveys undertaken.	£23,159	£346,841	Feb 2016	Castle
Public Realm, Caldewgate/ Shaddongate	Undertake works defined as a range of initiatives arising from the adopted Urban Design Ground and Public Framework comprising structural landscaping and associated to Church St, Bridge St & Shaddongate corridor.	£370,000	Schedule of works being drafted.	None	£370,000	Feb 2016	Castle
Petteril Cycle Route (Watts Yard)	Towards the River Petteril Cycle Route Access Improvement Scheme	1 <sup>st</sup> tranche £39,790	Proposals taken forward at County Local Committee on 5 <sup>th</sup> Feb 2013, await receipt of the 2 <sup>nd</sup> tranche.	None	£ 39,790	10 years from receipt of 2 <sup>nd</sup> tranche	St Aidans
Caldew Cycleway (Norfolk Street Student development)	Improvements to the Caldew Cycleway	£16,000	None	None	£ 16,000	Sep 2017	Denton Holme
		£825,540		£23,159	£802,381		

## Parish Councils - Financial

### Open Space/Play Areas

Location	Commitment	Original Sum	Summary of Works Undertaken 12/13	Amount Spent 12/13	Balance Outstanding	Expiry date of funds	Parish/ Ward
Former Depot/Dandy Croft Brampton	Provision of public open space	£61,181	Skate Park Play Equipment @ Murray Park Play Equipment @ King George V	£50,000.00 £ 6,911.94 £ 4,269.06 (contribution see below)	Nil	Nov 2014	Brampton
	Enhancement of King George V Playing Fields	£9,025	Play Equipment @ King George V	£ 9,025 <b>total cost £23,051.68</b>	Nil	Nov 2014	
	Maintenance of King George V Playing Fields	£4,230	None	None	£4,230	Nov 2021	
The Shieling, Cumwhinton	Provision of children's playing facilities within the village of Cumwhinton	£ 3,000	None	None	£ 3,000	Aug 2017	Wetheral

# Outstanding Obligations to Carlisle City Council from previous years as at 31 March 2013 (in part or full)

PP No	Date Signed	Parties	Address	Development Proposal	S106 Obligation Outstanding	When Due/Comment
97/0604	20/01/99	Crowther Homes	Shuttle House, Wigton Road, Carlisle. Now known as The Beeches. <b>Ward – Yewdale</b>	Housing Development	Drainage & Sport Pitch Contribution payable following the grant of permission of the adjoining development land (formula based)	Being reviewed in light of the application for the adjacent development (Adj Garden Village 10/1026) and expect to enter into a Deed of Variation.
11/0713	10/08/01				Transfer of land to the Council for the consideration of £1 upon payment of £38,000 from the developer	
06/1265	14/03/06	Harrison Northern Ltd	Highgrove Dairy <b>Ward – Harraby</b>	Housing Development	Transfer of the land to the Council marked in the Deed to be used as Public Open Space and Children's Play Area. £10,000 Commuted sum for maintenance of the above 4 Discounted Affordable Units @ 75% OMV	Upon completion of the development
08/1059 12/0383	28/09/09 11/12/12	Citadel Estates Ltd	The George, Warwick Bridge <b>Parish - Wetheral</b>	Mixed Development Comprising Retail Development With 24 Apartments	3 Affordable Units @ 70% OMV £5,000 provision & maintenance of play area at Downgate,	Throughout construction. Prior to 1 <sup>st</sup> occupation of 10 <sup>th</sup> unit ( <b>Commenced</b> )

							28/11/12)
08/0845	08/12/09	Persimmon Homes	Watts Yard, Carlisle <b>Ward – Harraby</b>	Housing Development	£79,580 towards River Petteril Cycle Route	2 <sup>nd</sup> tranche; half on disposal of 98 <sup>th</sup> Dwelling.	
09/0216	25/01/10	Northern Developments (Cumbria Ltd)	Land adj to Blackwell House, Durdar Road, Carlisle <b>Ward – St Cuthberts Without Parish - Dalston</b>	Residential Development	Commuted Sum for "Currock Link" of £24,800	Within 6 months of the commencement of the development <b>(Commenced 22/01/13)</b>	
09/1059 11/0369 11/0495	04/10/10 08/12/11 20/02/13	Briery Homes Ltd <b>Now Oakmere Homes (DOV dated 20/02/13)</b>	Former Sawmill, Netherby Road, Longtown <b>Parish - Arthuret</b>	Housing Development	10 Discount Affordable Units @ 70% OMV £26,000 for the maintenance of the on-site play area	Throughout construction Upon completion of the on-site play area. <b>(Under Construction)</b>	
06/0993	10/05/10	Bimson Homes	Greenholme Lodge, Corby Hill <b>Parish - Hayton</b>	Conversion of redundant courtyard steading to provide 6 No Live/Work units.	Occupancy Restriction: The occupant must run a business from the property	Throughout construction <b>(revised undetermined application 12/0202)</b>	
09/0861	28/05/10	Personal Covenant	Barns at Lees Hill, Brampton <b>Parish - Askerton</b>	Change Of Use Of Stone Barn to Live/Work Unit	Occupancy Restriction: The occupant must run a business from the property	Throughout construction <b>(Permission still unimplemented)</b>	
09/0245 12/0025	08/07/10 13/12/12	Lancaster Roman Catholic Diocesan Trustees and McCarthy & Stone Retirement Lifestyles Limited	Land at St Augustines Church, Waverley Gardens Carlisle <b>Ward – Stanwix Urban</b>	Housing for the elderly comprising of 42 apartments	Affordable Housing: £223,373 Index Linked payable in 3 equal tranches  Public Open Space Contribution: £11,627	Prior to 1 <sup>st</sup> occupation of the 1 <sup>st</sup> , 12 <sup>th</sup> and 24 <sup>th</sup> dwelling  Payable prior to 1 <sup>st</sup> occupation of 1 <sup>st</sup> dwelling <b>(Permission still unimplemented)</b>	
07/1312 11/0120	18/08/10 13/06/12	Senator Homes (now known as	Former Penguin Factory, Westmorland	Proposed Residential Development	Affordable Housing: 4 – RP rented	Throughout construction	

		Persimmon Homes)	St, Carlisle <b>Ward – Denton Holme</b>		2 - discounted (70% OMV) £84,520 In lieu of on site provision (inc Play area)	Prior to occupation of 35 <sup>th</sup> dwelling <b>(Permission still unimplemented)</b>
10/0346	01/10/10	Story Homes	Former Depot Station Road, Dandycroft, Station Rd, Brampton <b>Parish - Brampton</b>	Residential Development	On site Open Space: To be laid out by the developer. Upon satisfactory completion transferred to the Council for the consideration of £1. Upon Transfer pay a Maintenance sum of £14,204 (10 yrs from receipt.)	At appropriate stage of development <b>(Site complete awaiting confirmation from developer regarding laying out of on-site Open Space)</b>
09/0413	15/11/10	Church Commissioners for England	Morton Development, Carlisle <b>Parish – Cummerdale Ward - Various</b>	Development for Residential (Maximum 825 Dwellings), Employment (40,000m <sup>2</sup> Floorspace), And Public Open Space	<b>See Appendix 1</b> Affordable Housing Open Space	Throughout Development <b>(Outline Permission – Reserved Matters received - undetermined)</b>
10/0642	16/12/10	Wellburn Care Homes and Cumbria Cerebral Palsy and Impact Housing Association	Scalesceugh Hall, Carleton, Carlisle <b>Parish – St Cuthbert's Without</b>	Proposed 47 Bed Residential Care Home With associated 6 Close Care Cottages to be constructed within the grounds.	Occupancy Restriction: Closed Care Housing (aged 55 or over falling between traditional sheltered housing and full residential care)	Throughout Development <b>(Permission still unimplemented)</b>
10/0265	01/03/11	Personal Covenant	Brampton Playhouse, Moatside, Brampton <b>Parish - Brampton</b>	Demolition of redundant Brampton Playhouse. Erection of 5 No. dwellings	Commuted sum in lieu of on-site provision (30% of the open market value of all 5 dwellings divided by 10	Payable on sale of 3 <sup>rd</sup> dwelling. <b>(Permission still unimplemented)</b>

09/0815	07/04/11	Denton Business Park Ltd	Former storage & workshop buildings, Denton St, Carlisle  <b>Ward – Denton Holme</b>	Erection Of 40no. Craft/Art Workshop Units, Retail Facilities, Admin Support With Performance Areas, 196no. Student Bedrooms Creation Of 2no. Additional Flats; Alterations To 2no. Flats	<b>Cycle Network:</b> £46,000 <b>Sports Provision:</b> £48,584 <b>Other:</b> Gates to the development to be designed by qualifying Students by way of a design competition	Both within 14 days of commencement .  <b>(Permission still unimplemented)</b>
10/0577	13/06/11	Dean Montgomery	Tarn end House, Talkin  <b>Parish - Brampton</b>	Removal Of The Effects Of Conditions 2, 3, 4, 5 And 6 Attached To The Grant Of Full Planning Permission Under Application 06/0693 (Conversion To 8no. Holiday Units) To Enable Unrestricted Residential Occupation	<b>Affordable Housing Financial Contribution:</b> Min £3,875 per dwelling linked to Nationwide House Price Index,	Payable on first occupation of each dwelling  <b>(Permission still unimplemented)</b>
10/0965	13/06/11	Dean Montgomery and Dawn MacKenzie	Land SE of Town Foot Farm, Talkin  <b>Parish - Hayton</b>	Demolition Of Existing Laboratory Building; Erection Of Terrace Of 4No. Dwellings	<b>Affordable Housing:</b> 2 Discounted Rental Units @ 75% Market Rent subject to Lettings and Disposal Policy	<b>Development complete but in breach of S106 agreement – Negotiations in progress</b>
09/1082	25/08/11	Tesco Stores Ltd and Cumbria County Council	Bowling Green Adj to Horse and Farrier Public House, Wigton Road, Carlisle  <b>Ward - Yewdale</b>	Erection Of A Convenience Foodstore	<b>Horse and Farrier Public House:</b> Undertake works as specified in agreement before occupation of the store and procure marketing of the public house during the Marketing Period (6	<b>(Permission still unimplemented)</b>

					months of occupation of the store)	
11/0181	05/10/11	Greensyke Property Ltd	Kingswood Educational Centre, Cumdivock  <b>Parish - Dalston</b>	COU of existing educational buildings to 7 dwellings and erection of 1 dwelling	<b>Affordable Housing Financial Contribution:</b> Formula: (Market Value x 0.1) x 0.25	Payable 1 <sup>st</sup> occupation of relevant dwelling <b>(Permission still unimplemented)</b>
10/0164	19/10/11	Top Notch Contractors Ltd and Cumbria County Council	Former Prince of Wales Public House & Conversion of 102 Denton Street <b>Ward – Denton Holme</b>	Redevelopment to create 16 Apartments and 1 Commercial Unit	<b>Outdoor Sports Facilities:</b> £3,538 towards the improvement of outdoor sports facilities within the District.	<b>(Permission still unimplemented)</b>  14 days of commencement
10/0792	20/10/11	Persimmon Homes Limited	Land adj Alexandra Drive, Durranchill, Carlisle  <b>Ward - Wetheral</b>	Erection of 49 dwellings with access from Durranchill Road.	<b>Affordable Housing:</b> 3 – Discounted (70% OMV). <b>Open Space:</b> £88,248 Open Space Contribution payable £47,873.40 Open Space Maintenance Contribution Highways Contribution: £13,500	<b>5 Social Rent have been agreed to be discounted</b> (8/10 delivered @70% OMV). Prior to the occupation of the 35 <sup>th</sup> Unit  <b>(Under construction)</b>
10/0874	04/01/12	Personal Covenant	Land at 21 Old Road, Longtown  <b>Parish – Arthuret</b>	Construction of 6 Two Story Dwellings	<b>Affordable Housing:</b> 1 Discounted Property (70% OMV) to be disposed of to qualifying persons	<b>(Permission still unimplemented)</b>
11/0315 RM	05/01/12	Personal Covenant	Land between Longlands and	Live/Work Unit	<b>Live/Work Unit:</b>	<b>(Commenced 18/05/12)</b>

12/0130	21/05/12		Stonelea, Greenwoodside, Smithfield <b>Parish – Kirklington Middle</b>			
11/0448	26/01/12	Personal Covenant	Former Highland Laddie, Todhills, Blackford <b>Parish – Rockcliffe</b>	Change of use to Live/Work Units	<b>Live/Work Unit:</b>	(Permission still unimplemented)
11/0610	14/02/12	Personal Covenant	Knockupworth Farm, Burgh by Sands <b>Parish – Beaumont</b>	Relocation of Farmhouse and Farm Associated Shed	<b>Occupancy:</b> Upon Occupation of the replacement farm house and the related vacation of the existing farm cottage, at no time hereafter residential use of the existing farm cottage.	(Commenced 15/05/12)
11/0818	27/03/12	Hearthstone Homes Ltd (Now Two Castles Housing Association)	The Sheiling and Meadow View, School Road, Cumwhinton <b>Parish – Wetheral</b>	Erection Of 8no. Dwellings For Affordable Rent Comprising: 4No. 2 Bed Bungalows And 4No. 3 Bed Houses	<b>Transport Contribution (School Transport):</b> £14,082	Payable within 28 days of the granting of the 1 <sup>st</sup> Tenancy <b>Negotiations taking place on the grounds of viability.</b>
09/0617	05/04/12	Story Homes Limited and 2 other 'Covenanting Parties' (conditionally indemnified)	Crindledyke, Carlisle <b>Ward – Stanwix Rural</b>	Residential Development	<b>Affordable Housing:</b> 81 – Social Rented 82 – Discounted (70% OMV) <b>Open Space Maintenance Sum:</b> indicative £5,463 per HA) <b>Highways Improvements Contribution:</b> First contribution	Throughout Development  To be agreed at each phase  Both prior to

					<p>£25,000 Second contribution £10,000 (or carries out work themselves)</p> <p><b>Transport Improvements Contribution:</b> First contribution - £250,000 (instalments) Second Contribution - £281,000 (or carries out work themselves)</p> <p><b>Travel Plan:</b> Implement and comply with the Travel Plan for that Phase. £11,125 Administration fee</p> <p><b>New School</b> New School Bond of £3,500,000 together with notification regarding construction of the New School. New School to be completed and ready for occupation.</p> <p><b>Local Centre</b> To be constructed</p>	<p>occupation of 20 units</p> <p>Prior to first occupation</p> <p>Throughout development</p> <p>On or before 1<sup>st</sup> occupation</p> <p>Executed prior to occupation of 60<sup>th</sup> dwelling</p> <p>Prior to occupation of the 199<sup>th</sup> dwelling</p> <p>Prior to the occupation of more than 649 dwellings. <b>(Commenced 31/08/12)</b></p>
10/1026	17/04/12	Persimmon Homes and Cumbria County Council	Land to the Rear & West of Garden Village, Wigton Road, Carlisle, CA2 6QX	Residential Development Comprising The Erection Of 253No.	<p><b>Affordable Housing:</b> 19 – Social Rented 37 – Discounted (70% OMV)</p>	Throughout Development

			<b>Parish - Cummersdale</b>	Dwellings	<b>Public Open Space:</b> to provide details of schemes prior to any phase and to have a Management Company in place prior to 1st occupation	Each Phase  <b>(Commenced 24/07/12)</b>
11/0733	19/04/12	Personal Covenant	Iona, Gelt Road, Brampton, CA8 1QH  <b>Parish - Brampton</b>	Demolition of existing workshop & stables; erection of 4 dwellings	<b>Affordable Housing Financial Contribution:</b> Formula: (Market Value x 0.1) x 0.3	Upon 1st occupation of relevant unit. <b>(Permission still unimplemented)</b>
10/1066	24/05/12	Citadel Estates Limited	Skelton House, Wetheral  <b>Parish - Wetheral</b>	Demolition of exiting house, adjoining barn & outbuildings; erection of 15 2 bed apartments	<b>Affordable Housing:</b> 4 – Discounted (70% OMV) – plots 1,4,6 & 17. <b>Property Management Policy</b>	Throughout development  To be in place prior to 1 <sup>st</sup> occupation <b>(Permission still unimplemented)</b>
12/0108	27/06/12	Two Castles Housing Association	St Elisabeths Parish Church, Mayfield Avenue, Harraby, Carlisle  <b>Ward – Harraby</b>	Erection of 11 dwellings for Social Rent	<b>Affordable Housing:</b> 11 – Affordable Rent (80% gross market rent)	Throughout development.  <b>(Commenced 15/11/12)</b>
11/1060	30/07/12	Maris Properties	Land at Briar Bank, Carlisle (Spice Enterprise)  <b>Ward – Belah</b>	Demolition Of Existing Building And Erection Of 14no. Linked Properties	<b>Affordable Housing:</b> A scheme to be submitted prior to commencement (could be 4 discounted but expected to be 4 affordable rent) <b>Public Open space Contribution:</b> £9,973.71	Delivery throughout development  payable on or before occupation of the 7th Full Market Value Unit. <b>(Commenced 07/06/12)</b>
11/0730	20/09/12	AP & J Brown and Cumbria County Council	Land adjacent Beech Cottage, Cumwhinton	Erection Of 14 Dwellings, comprising of affordable and	<b>Affordable Housing &amp; Housing for the Elderly:</b>	Throughout Development

			<b>Parish - Wetheral</b>	housing for the elderly	10- Discounted (70% OMV)  <b>Play Equipment Contribution:</b> £5,000 To be used by Wetheral Parish Council for the provision of children's play facilities within Cumwhinton.	Payable within 28 days of commencement.  <b>New Agreement being negotiated as a result of revised planning application 12/0856</b>
00/0439	09/10/12	Persimmon Homes Limited and Cumbria County Council	Land at Peter Lane, Morton, Carlisle  <b>Ward – Dalston</b>	Residential Development	<b>Affordable Housing:</b> 30% affordable; 50:50 split Social Rented and Discounted (70% OMV).  <b>Open Space Management Scheme: Public Open Space Contribution:</b> Sum to be agreed subject to terms within agreement on adjacent site (09/0413).	Throughout development  To be approved prior to commencement of development. Payable within 28 days of agreement. <b>(Permission still unimplemented)</b>
12/0847	27/02/13	Personal Covenant	Rear 1 & 2 Whitehouse, Walton, Brampton  <b>Parish - Dalston</b>	Residential Development	<b>Affordable Housing Financial Contribution:</b> Formula: (Market Value x 0.1) x 0.3	Contribution payable upon first occupation of relevant unit. <b>(Permission still unimplemented)</b>

## APPENDIX 1

TRIGGER	COVENANT	PARA
<b>Pre- Commencement</b>		
4 Months prior commencement 1 <sup>st</sup> Phase (and subsequent phases)	Owner serve notice on the Council detailing its election under para 3.2 (affordable housing provider)	3.2
<b>Phases</b>		
4 months prior to every phase	Owner serve notice on the Council detailing its election under para 3.2 (affordable housing provider)	3.2
90% Market Housing of each phase	Not to be occupied until all of the Affordable Housing Units allocated to that phase (if any) have been delivered	3.10
6 months after commencement of each phase	If the owner has not entered into a Contract with an Affordable Housing Provider under para 3.4 they may serve notice to the Council for its approval of Revised Affordable Housing Details (Revised Affordable Housing Provision Notice)	3.5
<b>Housing Development/Occupation</b>		
Not to Occupy Any Dwelling	£5k <b>Newlaithes Avenue Bus Stop Contribution</b> has been paid.	County 10.1
Occupation of 50 <sup>th</sup> Dwelling and every 50 <sup>th</sup> Dwelling thereafter	Owner notify the County Council	County 12.10
Occupation of 101 Dwellings	£120k <b>Bus Service Capital Contribution</b>	County 6.1
Occupation of 185 Dwellings	Bus Service Not to be operated prior to occupation of 185 dwellings	County 5.1
	£100k <b>Pedestrian Connectivity Contribution</b>	County 10.1
After 185 Dwellings Occupied	County to serve written notice to owner confirming the date on which the bus service has come into operation and such notice shall be served within 28 days of the first operation of the bus service  Upon receipt of the notice the owner shall pay £110k being the 1 <sup>st</sup> instalment of the <b>Bus Revenue Contribution</b>  £110K on 1 <sup>st</sup> anniversary of 1 <sup>st</sup> instalment £110K on 2 <sup>nd</sup> anniversary of 1 <sup>st</sup> instalment	County 8.3  8.1  8.1  8.1
Occupation of 200 Dwellings	Owner shall carry out the Primary Leisure Area Works on Primary Leisure Land shown shaded dark green on plan 4 prior to 200 Occupation	1.2
After Occupation of 250 <sup>th</sup> Dwelling	County can serve written notice that it	County

but prior to Occupation of the 400 <sup>th</sup> Dwelling or 10 yrs from commencement (whichever the earliest)	requires the School Site. If served prior to 28 <sup>th</sup> dwelling then the owner shall not occupy more than 360 Dwellings until obligations 12 para 12.3 have been complied with. If served after occupation of 280 <sup>th</sup> dwelling then owner shall not occupy more than an additional 80 dwellings until obligations under para 12.3 have been complied with.	12
Occupation of 256 Dwellings	£30k <b>Bridging Payment</b> if CNDR Roundabout is not in operation	County 4.2
	£50K 1 <sup>st</sup> Instalment of <b>Modal Shift Contribution</b> (reduce by Bridging Payment if paid)	County 10.2
	£20k <b>McVities Roundabout Contribution</b>	County 10.1
	£25k <b>Traffic Signals Contribution</b>	County 10.1
	£30k 1 <sup>st</sup> Instalment <b>Cross City Bus Route Improvement Contribution</b> £35k 2 <sup>nd</sup> instalment on 1 <sup>st</sup> Anniversary of occupation of 256 <sup>th</sup> dwelling  £35k 3rd instalment on 2 <sup>nd</sup> Anniversary of occupation of 256 <sup>th</sup> dwelling  Any Unexpended sum on 3 <sup>rd</sup> anniversary to be returned to the payer.	County 9.1  5 <sup>th</sup> Schedule 2.2
	If the Bus Service is NOT operational any unexpended sum of the <b>Bus Service Capital Contribution</b> (£120k paid on occupation of 101 <sup>st</sup> dwelling) shall be <b>returned</b> to the payer within 1 month of such occupation.	County 2.2
Occupation of 300 Dwellings	£50K 2 <sup>nd</sup> Instalment of <b>Modal Shift Contribution</b>	County 10.2
After the Occupation of the 360 <sup>th</sup> Dwelling and before Occupation of the 400 <sup>th</sup> Dwelling.	Owner pay the <b>Education Contribution</b> (Department for Children Schools and Families Cost Multiplier – [or equivalent]) by 159	County 12.7
Occupation 450 Dwellings	£62,813 3 <sup>rd</sup> Instalment of <b>Modal Shift Contribution</b>	County 10.2
Occupation 742 Dwellings	Not to occupy until owner has paid £4,928 per HA ( <b>Primary Leisure Area Maintenance Contribution</b> ). Adjusted by the Landscape Institute's index of inflation. To be used towards the maintenance of Primary Leisure Area	City 2
Occupation of 95% (784) Dwellings	Owner shall carry out the Primary Leisure Area Works on Primary Leisure Land shown shaded light green on plan 4 prior to 95% Occupation	City 1.2

<b>Other</b>		
Employment Units	Not to be occupied until: £5k <b>Wigton Road Bus Stop Contribution</b> has been paid	County 10.1
Megarider Scheme	Owner covenants to make available and provide on request one bus season ticket for the Megarider Scheme per dwelling until the operation of the Bus Service comes into effect up to a maximum cost of £20k in total for all tickets.	7.1
School Reserve Site	County shall use reasonable endeavours to ensure that a school is constructed on the School Reserve Site within 3 yrs from the date of transfer or 3yrs from the date of payment of the Education Contribution whichever is the later. In the event that material works of construction of the school have not commenced or a building contract has not been let for completion by the above, then the County shall offer back the School Reserve Site for £1 consideration.	
Affordable Housing	30% of dwellings 2 bed 30% = 74 3 bed 50% = 124 4 bed 20% = 49 NO MORE THAN 30% of TOTAL FLOORSPACE 50/50 split between discounted and Social Rented	