

## Decision under Delegated Powers

### Officer Requesting Decision

Group Leader Development Management

### Officer Making the Decision

Head of Strategic Support

### Recommendation

That a Section 106 Agreement be signed to secure the following planning obligations to be secured under Planning application reference P/21/0491/2:

- Early Years contribution calculated at  $(£529.94 \times A) = B$  . Where A = total number of dwellings with two or more bedrooms and B = a maximum of £89,070.00
- Primary Education contribution calculated at  $(£18,356.00 \times 0.043 \times A - \text{number of dwellings of two bedroom flats or apartments}) + (£18,356.00 \times 0.3 \times B - \text{number of dwellings not a flat or apartment with two or more bedrooms}) = C$  – total primary education contribution
- A Primary Transport contribution of £220,400.00
- A Secondary Education contribution of  $(£17,876.00 \times 0.0267 \times A - \text{number of dwellings of two bedroom flats or apartments}) + (£17,876.00 \times 0.167 \times B - \text{number of dwellings not a flat or apartment with two or more bedrooms}) = C$  – total secondary education contribution
- A SEN contribution of  $(£65,664.00 \times 0.00363 \times A) + (£81,531.00 \times 0.004 \times A) = B$ - total SEN contribution (A= the total number of dwellings with two or more bedrooms)
- A scheme for the provision of 30% Affordable housing on the site
- A contribution towards open space provision consisting of the following:
  - 0.13ha parks
  - 0.82ha natural and semi-natural open space
  - 0.19ha amenity green space
  - A combined LEAP/LAP
  - A one young persons facility
- An outdoor sports facilities contribution of £55,992.00
- Bus Shelter Contribution of £4,500.00
- Bus Display Contribution of £120.00
- Bus Flag Contribution of £170.00
- Bus Stop Improvement contribution of £7,000.00
- A STARS Contribution of £6,000.00
- The provision of Travel Packs upon the first occupation of each dwelling (£52.85 per dwelling)
- The provision of bus passes (two per dwelling) upon the first occupation of each dwelling (£860.00 per dwelling)

- Civic Amenities contribution of £51.67 per dwelling
- A health care contribution of  $A - \text{number of dwellings} \times 2.42 \times 0.16 \times \text{£}1,902 = B$  (capped at no more than £125,269.76)
- A library facilities contribution of £15.09 per one bedroom dwelling and £30.18 per 2 or more bedroomed dwelling

The S106 agreement will be required to enable the the grant of planning permission through the Appeal process should the Inspector uphold the appeal, and should therefore give discretion to the Inspector to determine if the obligations meet the CIL Regulations or not, and disallow the application of obligations within the agreement accordingly, if necessary.

### **Reason**

To allow the appeal to progress, a signed S106 agreement will be needed prior to the Inspector making a decision. A reason for refusal was for lack of infrastructure to support the application and this S106 agreement will allow the appellants to show how they will overcome this issue.

### **Authority for Decision**

Authority to determine planning applications subject to certain caveats is delegated to the Head of Planning and Regeneration under the constitution scheme of delegation. This application was determined and refused under delegated authority but a S106 agreement is required to overcome a reason for refusal if the inspector is minded to uphold an appeal made by the applicant.

Within the Constitution the Head of Strategic Support has delegated authority to enter into and vary an agreement under Section 106 of the Town and Country Planning Act 1990.

### **Decision and Date**

### **Background**

Application P/21/0491/2 was refused planning permission, via a delegated decision, on 17<sup>th</sup> September 2021. Following this a section 78 planning appeal was submitted. The appeal is being managed by Public Inquiry and is sitting for 7 days and has currently sat on 21<sup>st</sup>, 23<sup>rd</sup> and 25<sup>th</sup> March, 4<sup>th</sup> April, with 3 days remaining on 27<sup>th</sup> – 29<sup>th</sup> April. The conditions and obligations session has been held and a final S106 has been drafted for signing by all parties.

The Section 106 has included appropriate wording which ensures that if the appeal is dismissed then the Section 106 would not be enforceable. If the appeal is allowed, a 'blue pencil' clause is included to allow an obligation(s) to be removed subject to the Inspector's findings when his decision is issued.

## Financial Implications

None

## Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Applicant doesn't comply with the S106 Agreement	Very Low	Low	Very Low (1 - 2)	Routine monitoring of the S106 Agreement.

Key Decision:

No

Background Papers: