

DD 082 2022

Correction Slip – Corrections shown in **Red**

Decision and Date (for Corrections)



Simon Jackson

Strategic Director

Environmental and Corporate Services • Governance and Procurement

09/05/2022

Recommendations

That a Section 106 Agreement be signed to secure the following planning obligations to be secured under Planning Permission 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 - number of dwellings x 2.42 x 0.16 x £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
- **An Allotment Contribution : £112.92/dw to a max £19,197 Index Linked for creation of community growing space or additional allotment plots at Memorial Park Sibleby**

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

Reasons

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 appellant to show how they will overcome this issue. **The infrastructure concerned included allotment provision by means of enhancing the capacity of exiting facilities.**

Background

Application P/21/0491/2 was refused planning permission, via a delegated decision, on 17th 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 21st, 23rd and 25th March, 4th April, with 3 days remaining on 27th – 29th 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 Inspectors findings when his decision is issued.

No change arising from this correction

Financial Implications

None

No change arising from this correction

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.

No change arising from this correction

Key Decision: No

Background Papers: