

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Strategic Development (interim)

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 Permission reference P/21/0027/2, Iveshead Road, Shepshed.

- Primary Education contribution calculated at $(£18,356.00 \times 0.043 \times A - \text{number of dwellings of two bedroom flats or apartments}) + (£18,356.00 \times 0.3 \times B - \text{number of dwellings not a flat or apartment with two or more bedrooms}) = C - \text{total primary education contribution}$
- A Secondary Education contribution of $(£17,876.00 \times 0.0267 \times A - \text{number of dwellings of two bedroom flats or apartments}) + (£17,876.00 \times 0.167 \times B - \text{number of dwellings not a flat or apartment with two or more bedrooms}) = C - \text{total secondary education contribution}$
- A scheme for the provision of 20% Affordable housing on the site comprising tenure mix and details of delivery partner etc, to be submitted and agreed by the Council
- A contribution towards open space and recreation provision as follows:
 - (i) Provision for Children : An off-site contribution of £13,333 to enhance nearby facilities
 - (ii) Provision for Young People: £47,700 to meet the needs of the development through new or enhanced young people's provision within Shepshed.
 - (iii) Outdoor Sports Facilities: off-site contribution of £12,200 to implement the recommendations of the Council's adopted Playing Pitch Strategy (PPS) 2018.
 - (iv) Allotments: £5,646 is sought to create new plots or enhance existing allotment provision in Shepshed
 - (v) Indoor Sport Off site contributions :
 - an additional 1.21 sq. m pool space at a cost of £22,709),
 - 0.03 indoor courts (at a cost of £21,943) and
 - 0.01 Indoor Bowls Rinks (at a cost of £3,240). Bus Stop
- Improvement contribution at nearest bus stops 260008405: Ashby Road West, Adjacent to Iveshead Road and 260008408: Charnwood Road, opposite Iveshead Road at a cost of £3,500
- 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 (£360.00 per dwelling)
- Civic Amenities contribution of £51.67 per dwelling
- A health care contribution £27,312.72 towards increasing capacity at two nearby healthcare practices.
- A library facilities contribution of £15.09 per one bedroom dwelling and £30.18 per 2 or more bedroomed dwelling
- Off site highway improvement works: A512/ Charnwood Road/ Iveshead Road – the sum of £60,209 & A512/ Leicester Road/ Ingleberry Road – the sum of £82,368
- Off site provision for bio-diversity net gain should on site solution be impractical, including method of calculation of the contribution.

The S106 agreement will be required to enable the the grant of planning permission through the Appeal process and should therefore give discretion to the Inspector to determine if the obligations meet the CIL Regulation 122 or not and disallow such contributions within the agreement accordingly.

Reason

To allow the appeal to progress, a signed S106 agreement will be needed by 13th May 2022 or prior to the Inspector making a decision at the latest. 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.

Authority for Decision

Authority to determine planning applications subject to certain caveats is delegated to the Head of Planning and Regeneration under the consitution scheme of delegation. This application was determined 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.

Decision and Date

Background

Application P/21/0027/2 was refused planning permission, via a delegated decision, on 23 June 2021. Following this a section 78 planning appeal was submitted. The appeal is being managed by Hearing arranged for 25th May 2022.

The Section 106 will 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.

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:
Planning application and appeal ref. P/21/0027/2