

## Decision under Delegated Powers

### Officer Requesting Decision

Team Leader, Development Management

### Officer Making the Decision

Head of Planning and Growth

### Recommendation

That a Section 106 Agreement be signed to secure the following planning obligations to be secured under Planning Permission reference P/21/0550/2, Main Street, Woodthorpe.

- Special Education contribution £67,738.12 towards special school provision in Leicestershire (calculated at £564.48 per dwelling)
- A library facilities contribution of £3,630 towards the enhancement of Quorn library (£15.09 per one bedroom dwelling and £30.18 per 2 or more bedroomed dwelling)
- A contribution towards open space and recreation provision as follows:
  - (i) On-site multi-functional green space (0.09ha minimum parks provision and 0.13ha minimum amenity green space)
  - (ii) On-site natural and semi- open space (0.58ha minimum)
  - (iii) Provision for Children: On-site LEAP facility (all details to be approved)
  - (iv) Provision for Young People: on-site provision or £114,479 towards new or enhanced young people's provision within 1km of the site (Allendale Road/Grange Park)
  - (v) Outdoor Sports Facilities: 0.75ha on-site provision or off-site contribution of £39,524 to implement the recommendations of the Council's adopted Playing Pitch Strategy (PPS) 2018.
  - (vi) Allotments: 0.10ha on-site provision or a £13,551 contribution towards off-site provision or enhancement of existing allotment provision in the locality
- A scheme for the provision of 30% Affordable housing on the site (tenure mix of 67% affordable rent and 33% shared ownership unless otherwise agreed) and details of delivery partner etc, to be submitted and agreed by the Council
- A health care contribution £60,757.49 towards provision and enhancement of facilities at two nearby healthcare practices.
- The submission of a Biodiversity Impact Assessment and off site provision for biodiversity net gain should on site solution be impractical, including method of calculation of the contribution
- 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 bus pass)
- A £6,000 contribution towards Travel Plan monitoring
- Appointment of a Travel Plan Co-Ordinator
- The provision of a link road to adjoining land

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

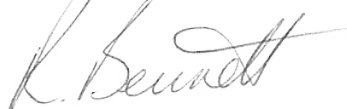
### **Reason**

To allow the appeal to progress, an agreed S106 agreement is required to be submitted to the Planning Inspectorate by 5pm on Friday 23<sup>rd</sup> September 2022. The Council and the Appellant agreed Heads of Terms in the submitted Statement of Common Ground.

### **Authority for Decision**

A S106 agreement is required to comply with the Plans Committee resolution. Under the Scheme of Delegation to Officers (8.2 Delegation of Council Functions) the Head of Governance and Human Resources has delegation 'to enter into and vary an agreement under Section 106 of the Town and Country Planning Act 1990' (Item 7) . The Head of Planning and Growth has delegation to negotiate the heads of terms of section 106 agreements (Item 21)

### **Decision and Date**



23 September 2022

### **Background**

The Appellant submitted a non-determination appeal on application P/21/0550/2 on 14 December 2021. Application P/21/0550/2 was considered at Plans Committee on 26<sup>th</sup> May 2022 and the Committee resolved that the application would have been approved subject to a S106 agreement and conditions. A Statement of Common Ground has been agreed with the Appellant, which set out agreed Heads of Terms and agreed conditions. The S106 that has been agreed with the Appellant includes the provision of a link road to adjoining land, as per the Plans Committee resolution, and which was not agreed within the Statement of Common Ground. The appeal is being managed by a Hearing arranged for 27<sup>th</sup> September 2022.

### **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/21/0550/2

APP/X2410/W/21/3289048