

Decision under Delegated Powers

Officer Requesting Decision

Principal Planning Officer

Officer Making the Decision

Group Leader Development Management

Recommendation

That a S106 is completed to allow the Inspector to make the decision on the CIL compliance of contributions sought as part of appeal reference APP/X2410/W/17/3186714 which is an appeal to planning refusal under reference P/16/1852/2.

Reason

To agree a s106 Agreement to secure:

- 40% affordable housing in a mix to be agreed as part of the Reserved Matters.
- The remainder of the application site should be offered to the Parish Council or to be managed open space if not taken up by the Parish (also a contribution to manage the open space in perpetuity).
- County Council Contributions to:

Education - Post 16 Sector - £16,042.16 – considered by the LPA to be CIL compliant

Libraries - £760 towards Loughborough Library as the nearest library. Loughborough library will have received more than 5 contributions from schemes and as such the contribution would not be considered to be CIL compliant in the view of the Local Planning Authority. Further at 7.6km this is distant from the application site and therefore could not be considered as reasonably related to the application site.

Highways – Whilst beneficial as stated by the County Council, the development is of a scale that a travel plan would not normally be required. As such whilst promoting sustainable travel is a key aim of the Government in the NPPF it is not considered necessary or reasonable to seek contributions towards travel packs and would not be CIL compliant in the view of the Local Planning Authority.

Public Transport - Improvements to 1 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities (at £3263.00 per stop) and information display

cases at 1 nearest bus stops; to inform new residents of the nearest bus services in the area (at £120.00 per display) would be considered to be CIL compliant.

- A draft construction management plan would need to be appended to the S106 in order to allow for details of the routeing of construction traffic, to be approved by the Local Planning Authority in consultation with the Highway Authority, should be included in a S106 legal agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times. The legal agreement has been drafted in conjunction with the appellant and the County Council.
- West Leicestershire Clinical Commissioning Group (NHS) have also requested a contribution towards healthcare in the area of £12,762.42. Despite this not being sought at the time of the application, the request appears to be CIL compliant and is therefore sought.

Authority for Decision

The request was made under application ref P/16/1852/2 which is the subject of an appeal. The S106 has been completed in accordance with the resolution of the Plans Committee as set out in the Officers Report (minute 20 (4) 17/18 refers).

Part 2a of the Council Constitution - Delegation to the Head of Planning and Regeneration and sub delegation to the Group Leader in Development Management applies and therefore there is authority to agree:

- To agree non-material amendments and minor material amendments to planning permissions where no demonstrable harm would be caused to an interest of acknowledged importance.
- To negotiate the heads of terms of section 106 agreements.

Decision and Date

Stephen Stray - 2/1/18

Background

Planning permission was refused under P/16/1852 for two reasons:

1	The site lies beyond the Development Limits of Wymeswold and in a location where, due to limited services and lack of opportunities to use sustainable transport, the Council considers that housing development should only be permitted where it results in small scale and infill development. The proposal is not considered to be small scale or infill development and as such would cause substantive and significant harm to the form and character of the settlement which has a strong historic core and result in the loss of a clear and defined boundary to the settlement. The assessment of planning balance identifies that the harm from the development would outweigh any benefits arising from the proposal and
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	would be contrary to policies ST/2 and EV/1 of the Borough of Charnwood Local Plan 2004 and policies CS1, CS2, CS11, CS12, CS14 and CS25 of the Charnwood Local Plan 2011-2028, Core Strategy as amplified by the Council's Supplementary Planning Documents, the Wymeswold Village Design Statement and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system.
2	In the absence of a signed Planning Obligation, although a Draft Heads of Terms is noted, the proposal fails to deliver an appropriate level of affordable housing and contributions that are necessary to make the development acceptable in planning terms. The proposals would be contrary to Policies CS3 and CS24 of the Charnwood Local Plan 2011-2028, Core Strategy (2015) and adopted Affordable Housing Supplementary Planning Document and Community Infrastructure Levy Regulations.

An appeal has been lodged against the refusal. A S106 has been negotiated to overcome Reason 2 and secure S106 contributions.

Relevant Planning History

The planning application under P/16/1852/2 was refused as set out above.

Policy Considerations

Development Plan

Policy CS3 of the Charnwood Core Strategy 2011 to 2028 - Strategic Housing Needs - sets out affordable housing requirements and an appropriate mix of types, tenures and sizes of homes.

Policy CS24 of the Charnwood Core Strategy 2011 to 2028 - Delivering Infrastructure – sets out that infrastructure should be delivered having regard to the economic viability and circumstances.

Housing SPD (May 2017)

The SPD provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan in respect of Policy CS3: Strategic Housing Needs - for affordable housing. The new SPD includes a flexible and negotiated position in terms of meeting housing needs and tenure mixes.

Consultations

Housing Strategy Officer – The S106 is being sought to secure the appropriate level of S106 contributions.

County Council – The County Council are Party to the Agreement and the agreement to deliver highway improvements as part of the wider scheme would lessen the disruption to the highway network.

Considerations

The proposed S106 Agreement would be in accordance with the aims and objectives of Policies CS3 and CS24 of the Core Strategy and the new Housing SPD and would allow the Inspector to determine the compliance of S106 contributions sought with the Regulations.

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Affordable Housing Delivery	unlikely	minor	Housing Strategy Officers and Planning Officers are engaged in and have agreed the delivery of an appropriate mix of affordable housing and where these are best located.

Key Decision:

No

Background Papers:

Planning files: P/16/1852/2

Officer Report and Statement of Case

Draft S106