

## Decision under Delegated Powers

### Officer Requesting Decision

Principal Planning Officer, Development Management

### Officer Making the Decision

Head of Planning & Regeneration Services

### Recommendation

That a Deed of Variation is completed to the existing s106 Legal Agreement for the development at Millstone Lane, Queniborough

### Reason

To allow for amendments to the Cemetery building, car park layout and access road under planning application P/17/1535/2 as an amendment to planning permission P/14/0393/2, which will be updated as a result of this decision.

### Authority for Decision

The Variation is sought under Part 2a of the Council Constitution - Delegation to the Head of Planning and Regeneration:

2. 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.
21. To negotiate the heads of terms of section 106 agreements.

### Decision and Date



Date: 15 February 2018

### Background

The Section 106 Agreement to which this Deed of Variation relates was completed on 7 October 2014 under planning permission P/14/0393/2. A subsequent Deed of Variation was agreed on 7 April 2016 to amend the type and tenure of the affordable housing provision, in agreement with Housing Strategy Officers.

The current s106 Legal Agreement includes provisions for the transfer of the cemetery land to the Council or nominee. The s106 also includes a plan of the approved cemetery layout which would be superseded by the new provision.

### **Relevant Planning History**

This is set out in the planning history of the officer's report but the site has planning permission for up to 101 dwellings on which work has commenced with a number now occupied.

### **Policy Considerations**

#### Development Plan

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.

### **Consultations**

Queniborough Parish Council – No comments to make

Syston Town Council are prepared to fund the additional costs of the Cemetery and building and are proposing that the landscaping be carried out over a period of a few years as the proposed cemetery comes into use.

### **Considerations**

The development is being implemented.

Under the existing S106 Agreement, Syston Town Council will receive monies (£219K) for the cemetery construction including a facilities building but it has transpired, now that quotations have been received, that the S106 monies will not even cover the cost of the cemetery construction and building, even with the exclusion of the landscaping plan, which has been costed at circa £45K.

The proposal therefore is to vary the S106 agreement to ensure the adoption of the access road to the proposed cemetery and the car park, reposition and redesign the cemetery building to a more cost effective design and to include accessible toilets and to ensure that the car parking is laid out to meet county council standards which would create a turning facility.

The proposed changes to the S106 Agreement would be in accordance with the aims and objectives of Policies CS3 and CS24 of the Core Strategy and allow for the access road to be completed to an adoptable standard.

### **Financial Implications**

None

## Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Cemetery provision	Unlikely	Minor	The Cemetery provision remains unaffected and the transfer arrangements are also unaffected. As such the area would be transferred to Syston Parish Council.

Key Decision:

No

Background Papers:

Planning files: P/17/1535/2 and P/14/0393/2

Officer Report and Draft Decision Notice