

## Decision under Delegated Powers

### Officer Requesting Decision

Head of Planning & Regeneration Services

### Officer Making the Decision

Head of Strategic Support

### Recommendation

That a Section 106 Agreement be agreed to secure the following planning obligations to be secured under Planning Permission reference P/20/2322/2 and appeal reference APP/X2410/W/20/3264488 in the event that the the Inspector grants planning permission:

- 40% affordable Housing on site which is comprised of 50% Affordable Rent Units and 50% Shared Ownership Units; and
- £306,432 (THREE HUNDRED AND SIX THOUSAND FOUR HUNDRED AND THIRTY TWO POUNDS) payable to the County Council shall be used towards the remodelling, improving or enhancing of existing facilities at Burton on the Wolds Primary School or any other primary school within the locality of the development; and
- £44,645.37 (FORTY FOUR THOUSAND SIX HUNDRED AND FORTY FIVE POUNDS AND THIRTY SEVEN PENCE) payable to the County Council Index-Linked shall be used towards remodelling, improving or enhancing of existing facilities and / or otherwise creating capacity for education for pupils aged 16 years and above at Rawlins Academy or any other post 16 educational facility within the locality of the Development in order to accommodate pupil growth and mitigate the impacts of this Development
- £1,020.00 (ONE THOUSAND AND TWENTY POUNDS) Index Linked per Dwelling payable to the County Council to issue the Bus Pass(es) (which shall not exceed 2 per Dwelling); and
- £2,110 (TWO THOUSAND ONE HUNDRED AND TEN POUNDS) Index Linked to be used towards additional facilities or materials for Barrow Library, payable to the County Council; and
- £52.85 (FIFTY TWO POUNDS AND EIGHTY FIVE PENCE) Index-Linked per Dwelling to be paid to the County Council to be used towards the provision of one Travel Pack to each Dwelling
- £35,441.87 (THIRTY FIVE THOUSAND FOUR HUNDRED AND FORTY ONE POUNDS AND EIGHTY SEVEN PENCE) Index-Linked payable by the Landowners to the Borough Council towards improving capacity and / or accommodation for an additional 170 patients at Barrow Health Centre or such other suitable medical centre; and
- £66,779 (SIXTY SIX THOUSAND SEVEN HUNDRED AND SEVENTY NINE POUNDS) Index-Linked towards the provision, enhancement or improvement of open space or sports facilities or sports equipment for

children's play and/or youth facilities to be used for the purposes of sport and/or recreation at Towles Field or in the event that that is not feasible such contribution shall be expended towards such other suitable open space or sports facility within the village payable to the Borough Council

- £23,056 (TWENTY THREE THOUSAND AND FIFTY SIX POUNDS) to implement the Council's recommendations of the Council's adopted Playing Pitch Strategy 2018 project identified to include improved outdoor sport provision at Towles Fields payable to the Borough Council
- £7,905 (SEVEN THOUSAND NINE HUNDRED AND FIVE POUNDS) payable to the Borough Council for off-site open space in the event that on-site allotments/orchard are not provided.
- £300 (THREE HUNDRED POUNDS) or 0.5% of the value of each financial contribution (whichever is greater) payable to the County Council towards the County Council's costs of monitoring compliance with the terms of the Agreement

### **Reason**

The S106 Agreement is required to make the development acceptable in planning terms.

### **Authority for Decision**

The appeal against non determination and the subsequent duplicate planning application have been considered by the elected members of the Plans Committee in line with the constitution. In respect of appeal APP/X2410/W/20/3264488 the Committee resolved that it would have refused the application due to the lack of a signed Section 106 agreement. The Section 106 agreement related to this Decision seeks to overcome that reason for refusal. In respect of the duplicate application P/20/2322/2, the Committee resolved to approve the application subject to the signing of a Section 106 agreement.

### **Decision and Date**

### **Background**

The appeal against non determination and the duplicate planning application submitted to the Council is for the erection of up to 70 dwellings with associated public open space, landscaping and infrastructure. The site is located on land off Melton Road outside of the defined settlement limits of Burton on the Wolds as defined by saved policy ST/2.

**Comments from HR**

None.

**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

*Does the report contain exempt information?* No

Background Papers:

P/19/0041/2 – planning file subject to appeal against non-determination

P/20/2322/2 – planning file and officer recommendation