

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 Agreement (as amended) for the development at Cropston Road, Loughborough approved under planning permission reference P/14/0428/2 to allow for:

- A contribution of £154,555.20 towards a wider scheme to A46/Anstey Lane junction which is being delivered by Highways England and the County Council; and
- A contribution of £62,425 which will be payable to Anstey Parish Council for the enhancement of bus stop provision in Anstey village centre instead of the current requirement for the bus stop scheme on Leicester Road, Anstey (at paragraph 3.4 of Schedule 1),.

Reason

To ensure that the highways contributions identified in the planning permission are implemented in the most effective way.

Authority for Decision

As this application was approved prior to the Council decision to amend the constitution on 27 February 2017 (minute 77.3 16/17 refers) the provision of the previous constitution apply.

Part 2a of the Council Constitution - Delegation to the Head of Planning and Regeneration:

1. To determine all planning applications and applications for advertisement consent, listed building consent, conservation area consent and consent to carry out works to protected trees, except where:

(vi) an application is received to remove or vary a condition or to vary a Section 106 Agreement and the planning permission for the development was granted by the Plans Committee and, following consultation with the Chair and Vice-chair of the Plans Committee and relevant ward councillors, the Head of Planning and Regeneration is of the opinion that the variation is non-minor or non-technical.

Decision and Date



19 April 2018

Background

Relevant Planning History

P/87/2906/2 Outline application for residential development and open space was refused and the appeal dismissed.

P/14/0428/2 Outline planning permission was conditionally granted on the site for residential development of up to 160 dwellings, public open space and various other associated works on 9 November 2015.

P/16/0302/2 Reserved Matters approval was refused planning permission by Plans

Committee on 22 September 2016 for 2 reasons related to the housing mix and the design of the development and how the scheme was integrated with the affordable housing and market housing. An appeal was dismissed.

P/16/2205/2 Variation of conditions 4 and 25 to planning application P/14/0428/2 to carry out highway works to the Nook and A46/Anstey Lane junction prior to occupation of up to 30 dwellings. The application was refused by Plans Committee on 8 December 2016 as it was considered that the alterations to the condition would result in a severe and unacceptable impact on the highway network contrary to the intentions of paragraph 32 of the National Planning Policy Framework. An appeal was withdrawn.

P/17/0314/2 - Erection of 160 dwellings (Reserved matters - Outline application P/14/0428/2 refers) – Granted 8 May 2017.

P/17/0893/2 - Discharge of Condition 8, 9, 10, 11, 12, 18, 21, 22 and 23 of P/14/0428/2. Traffic/Construction Management Plan. Construction Traffic Routing. Residential Travel Plan. SUDs Drainage Scheme. Management of Buffer Zone. Landscaping Scheme. Hedgerow and Tree Protection. Foul and Surface Water disposal details. Discharged 3 November 2017.

P/17/1898/2 - Reserved Matters application for layout for up to 160 dwellings (outline planning permission P/14/0428/2 refers). Granted 20 December 2017

Separately a Deed of Variation is being sought by the Registered Provider relating to the Mortgage Indemnity Protection Clause in the original S106 which is being engrossed as this was more urgent than this Deed of Variation.

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

Leicestershire County Council – Support the proposal and have calculated the amounts to be sought.

Sileby Parish Council – Support the proposal

Councillor Deborah Taylor – Ward Member - Supports the proposed alterations to the S106 Agreement and agrees that the application can be dealt with by the Head of Planning and Regeneration under officer delegated powers

Councillor David Slater – Chair of Plans Committee – Agrees that the application can be dealt with by the Head of Planning and Regeneration under officer delegated powers.

Considerations

The proposals are to further amend the s106 Legal Agreement attached to planning permission P/14/0428/2 in order to facilitate the delivery of wider highway improvements in Anstey and minimise disruption. The amendment is a consequence of the formal application by the developer to remove planning condition 25 of P/14/0428/2, which relates to highway works at the junction of the local highway network with the A46 and is necessary to tie the new permission to the legal agreement.

The County Council are joint signatory to the S106 Agreement and the proposals are the outcome of negotiations between the County Council, Highways England and the applicant to tie together planned roadworks from the housing development and the wider scheme of improvements to the A46/Anstey Lane junction promoted by Highways England. This would result in a single period of disruption for residents rather than two concurrent periods.

It is also proposed to make amendments to the existing s106 agreement to facilitate the delivery of a bus stop improvements. The existing Agreement requires the developer to use reasonable endeavours to secure improvements to a bus stop on Leicester Road. The contribution was requested as part of the overall improvements to public transport in co-ordination with the Parish Council. This was agreed by the developer and the Plans Committee but was not considered necessary by the County Council Highway Authority.

Since the planning approval, the Parish Council has worked up a draft scheme to improve the bus stop provision in Anstey village centre which was costed and a formal quote provided by the County Council as £62,425

(excluding VAT) but the County Council Engineering Services - Design and Delivery Team who provided the quote have retracted from this quote and highlighted a number of technical matters with the submitted scheme which would raise the cost and require further amendment. The developer therefore suggests that they will provide funds to the level that was previously quoted and that the Parish Council and County Council work together to draw up the scheme meeting any shortfall in project costs themselves.

The delivery of the contribution will therefore allow the Parish Council to take the lead on improvements to the bus stop provision and allow for the community to work with the County Council in securing the maximum benefit from the proposals.

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Highway Improvements	Unlikely	Minor	<p>The wider scheme has obtained Government approval and is due to commence work in 2018.</p> <p>The Parish Council are in active discussions with the County Council to deliver bus stop enhancements.</p>

Key Decision:

No

Background Papers:

Planning files: P/14/0428/2; P/17/1898/2

Agreed Deed of Variation