

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Strategic Development

Officer Making the Decision

Head of Planning and Growth

Recommendation

That a Section 106 Agreement be signed to secure planning obligations in relation to Planning Permission referenced **P/21/1797/2**, relating to land at Zouch Road, Hathern, described as “Erection of 56 no. dwellings and associated landscaping and infrastructure (as amended by revised layouts and supporting documents)”

The S106 agreement will be required to enable the grant of planning permission for P/21/17972 based on the resolution of Plans Committee on 27th July 2023 to grant planning permission with authority given to the Head of Planning and Growth and the Head of Democracy and Monitoring Officer to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties.

The Heads of Terms resolved to be approved by Plans Committee are as follows:

Affordable Housing	40% to be affordable housing with 70% affordable rent and 30% shared ownership.
Charnwood Borough Council Open Space	<p>S106 contributions required on site of equivalent off-site contribution:</p> <ul style="list-style-type: none"> • Parks and amenity green space – 0.19ha (on-site) • Natural and semi-natural open space – 0.27ha (on-site) • Provision for children – 1 facility (recommended that an off-site contribution of £14,933 is sought to enhance the existing play facilities adjacent to the site (Daisy Bank)) • Provision for young people – 1 facility (it is recommended that an off-site contribution of £53,424 is sought towards provision of young people's provision in Hathern) • Outdoor sports facilities – 0.35ha (recommend off-site contribution of £18,386)

	<p>to be used to meet need and implement recommendation of the Charnwood Play Pitch Strategy)</p> <ul style="list-style-type: none"> Allotments – 0.04ha (recommend provide on site or provide an off-site contribution of £6,324 for the provision of new or enhancement of existing allotment provision in Hathern)
Sustainable Transport	<ul style="list-style-type: none"> Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. Can be supplied by LCC at £52.85 per pack. Advised Trigger: 100% of contribution paid Prior to Commencement of Development. 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. Can be supplied through LCC at £470.00 per pass. Advised Trigger: 25% of total obligated contribution paid Prior to 1st Occupation. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings. Raised kerb provision at the two nearest bus stops on Zouch Road (Ref: 260007612 NB & 260080017 SB) at a cost of £4,500 each to support modern bus fleets with low floor capabilities. Advised Trigger: 100% of contribution paid Prior to Commencement of Development. A flag and pole at the 260080017 SB stop at a cost of £170. 16. Installation of street lighting will require Traffic Regulation Order (TRO) at a cost of £7,500 to return the speed limit to the de restriction currently in place. Justification: In the general interest of highway safety in accordance with the National Planning Policy Framework (2021).

Leicestershire County Council Education	Contribution towards provision of additional space at Hathern Church of England Primary School - £18,356.00
Leicestershire County Council Libraries	Hathern Library - £1,604.63
Leicestershire County Council Waste Management	Shepshed HWRC - £2,391.76
Biodiversity	<p>To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval prior to commencement.</p> <p>a) To submit an updated Biodiversity Impact Assessment of the approved scheme</p> <p>b) To provide the Biodiversity Net Gain on site, and/or off-site, or via Biodiversity Impact Compensation (where neither on-site or off-site mitigation are practicably deliverable), in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</p> <p>c) Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council.</p>

The above Heads of Terms have informed an agreed S106, received 12th March 2024.

Reason

To allow the application to progress, a signed S106 agreement is needed prior to planning permission being granted.

A final S106 agreement has been received which accords with the Heads of Terms resolved to be agreed by Plans Committee. Officers are content that the resolution of Plans Committee on 27th July 2023 has been satisfied such that the S106 can be completed, and the planning permission subsequently granted.

Authority for Decision



20 March 2024

Authority to determine planning applications subject to certain caveats is delegated to the Head of Planning and Growth under the constitution scheme of delegation. This application is determined following a resolution to grant permission from Plans Committee but a S106 agreement is required to secure the necessary infrastructure, phasing and other obligations associated with this very major development.

Decision and Date

Background

Application P/21/1797/2 was originally resolved to be approved by Plans Committee on 27th July 2023. Since that resolution, and while a final version of the S106 was being prepared, changes to material planning considerations have occurred, including publication of a revised version of the NPPF and further progress of the emerging Local Plan, with further hearing sessions having concluded in Feb 2024. An update report assessing these matters is to be considered separately.

Notwithstanding the above, the S106 has been progressed on the basis of the Heads of Terms resolved to be agreed by Plans Committee, with delegation to the Head of Planning to finalise terms. An agreed S106 has been received on 12th March 2024 which is in accordance with the agreed Heads of Terms.

Full details can be found in the appended update report and associated committee papers:

<https://portal.charnwood.gov.uk/Northgate/PlanningExplorerAA/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=604135&XSLT=/Northgate/PlanningExplorerAA/SiteFiles/Skins/charnwood/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=Y&XMLSIDE=/Northgate/PlanningExplorerAA/SiteFiles/Skins/charnwood/Menus/PL.xml&DAURI=PLANNING>

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 P/21/1797/2

<https://portal.chnwood.gov.uk/Northgate/PlanningExplorerAA/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=604135&XSLT=/Northgate/PlanningExplorerAA/SiteFiles/Skins/chnwood/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=Y&XMLSIDE=/Northgate/PlanningExplorerAA/SiteFiles/Skins/chnwood/Menus/PL.xml&DAURI=PLANNING>