

## Decision under Delegated Powers

### Officer Requesting Decision

Team Leader, Development Management

### Officer Making the Decision

Head of Governance & Human Resources

### Recommendation

That a Section 106 Agreement be signed to secure the following planning obligations to be secured under Planning Permission reference P/20/2199/2, Leconfield, Loughborough - (appeal ref: (APP/X2410/W/22/3304644)).

- **A Civic amenities contribution of £42.71 per dwelling up to a maximum of £1281.00** to facilitate additional capacity at the Shepshed Household Waste and Recycling Centre in order to meet the additional demands created by the Development.
- A library facilities contribution of no more than £908.28 towards the enhancement of Loughborough Library.
- A contribution towards open space and recreation provision as follows:
  - (i) On-site multi-functional green space (0.02ha minimum provision)
  - (ii) On-site natural and semi- open space (0.14ha minimum)
  - (iii) amenity green space (minimum 0.03ha);
  - (iv) (subject to paragraph 40 of Schedule 2) LEAP facility (see details below);
  - (v) provision for young people ("Young People Provision") or the Off Site Open Space (Young People) Contribution;
  - (vi) outdoor sports facilities (minimum 0.19ha) ("Outdoor Sport Provision") or the Outdoor Sport Contribution;
  - (vii) Allotment facilities (minimum 0.02ha) or the Allotments Contribution of £3,388.00
  - (viii) Outdoor Sports Facilities: £9,881.00 .
  - (ix) Allotments: 0.10ha on-site provision or a £3,388.00 contribution towards off-site provision or enhancement of existing allotment provision in the locality
  - (x) Off site contribution open space (young people) of £28,620.00 in accordance with Schedule 2 for the provision of additional children's play provision.
- A scheme for the provision of no less than 30% Affordable housing on the site (tenure mix of 63% affordable rent and 37% shared ownership unless otherwise agreed) and details of delivery partner etc, to be submitted and agreed by the Council

- A health care contribution £15,189.37 towards the provision and enhancement of facilities at Forest Edge healthcare practices in Loughborough.
- The submission of a strategy for Biodiversity mitigation which is to include a new Biodiversity Impact Assessment and which will take the form of the on site biodiversity area or off site biodiversity area. the following in order to determine if the Biodiversity Net Gain Objective has been achieved:

- A) the Baseline Biodiversity Value; and
- B) the Post-Development Biodiversity Value of the Site;

- The provision of Travel Packs upon the first occupation of each dwelling (£52.85 per dwelling)
- The sum of £500 (five hundred pounds) (index linked in accordance with clause 16) payable to the County Council towards the costs of reviewing and approving a draft Travel Pack.

The S106 was prepared using the blue pencil approach for the Inspector to decide matters in relation to the on site LEAP provision (para 40 schedule 2) and the biodiversity matters (para 42-53 schedule 2).

The S106 agreement will be required to enable the grant of planning permission through the Appeal process. The Inspector will determine if the obligations meet the CIL Regulation 122 or not and disallow such contributions within the agreement accordingly.

### **Reason**

To allow the appeal to progress, an agreed S106 agreement is required to be submitted to the Planning Inspectorate by 5pm on Friday 28<sup>th</sup> April 2023. The Council and the Appellant agreed Heads of Terms during the Appeal Inquiry.

### **Authority for Decision**

Authority to determine planning applications subject to certain caveats is delegated to the Head of Planning and Growth under the constitution scheme of delegation. A S106 agreement is required to comply with the Plans Committee resolution.

Under the Scheme of Delegation to Officers (8.2 Delegation of Council Functions) the Head of Governance and Human Resources has delegation 'to enter into and vary an agreement under Section 106 of the Town and Country Planning Act 1990'. The Head of Planning and Growth has delegation to negotiate the heads of terms of section 106 agreements.

## Decision and Date

## Background

The Appellant submitted a hearing appeal later changed to a public Inquiry for application P/20/2199/2 which was held on the 28<sup>th</sup> March 2023. The outline Application proposing up to 30 dwellings was recommended for approval and Plans Committee overturned the officer recommendation to approve the application and refused the application on two grounds on the 24<sup>th</sup> February 2022. A Statement of Common Ground has been agreed with the Appellant, which set out agreed Heads of Terms and the conditions have been agreed. The S106 that has been agreed with the Appellant during the appeal process includes offsite provision for young people as opposed to an on-site LEAP and matters concerning biodiversity. The appeal has already been heard and following the submission of the agreed S106 to the Planning Inspectorate, the Council will await the Inspectors decision.

## 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