

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Development Management

Officer Making the Decision

Head of Governance and HR

Recommendation

That a Section 106 Agreement be signed to secure the following planning obligations under Planning Permission reference P/21/1260/2:

- Primary Education contribution £512,132.40 towards Mercefield Primary School or any other schools in the locality (calculated at £5,506.80 per dwelling)
- Secondary Education contribution of £277,632.16 towards Brookvale Groby Learning Campus Secondary School or any other schools in the locality (calculated at £2,985.29 per dwelling)
- 40% Affordable housing on the site (tenure mix of 77% social and affordable rent and 23% shared ownership)
- The provision of off-site contributions for outdoor sports facilities £32,839.00 and allotments £10,501.00 within Markfield
- A health care contribution £51,367.69.00 towards improving the capacity of Markfield Medica Centre to allow for the accommodation of 225 additional patients generated by the scheme
- A library facilities contribution of £2,810.00 towards library facilities
- A contribution of £454,212 (£4,884 per dwelling) towards the extended Coalville Transport Strategy to facilitate improvements to the A511/A50 corridor in mitigating offsite impacts from developments in the area.
- The provision of raised kerbs at the nearest two bus stops.
- The provision of travel packs for each dwelling (to include two six-month bus passes, two per dwelling)
- Sustainable Travel Accreditation and Recognition (STAR) Scheme monitoring fee of £6,000
- Civic Amenity contribution of £6,080.00 towards improving waste capacity within the area
- The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment (using the Warwickshire County Council calculator) with an agreed baseline for the site, at reserved matters stage. Mitigation will be provided in order of the following preference:
 1. To achieve no net biodiversity loss.
 2. Mitigation on site.
 3. Offsite contribution compensatory payment for a project within the vicinity of the development (to be agreed by all parties).

The S106 agreement will be required to enable the grant of planning permission, as per the Plans Committee resolution:

<https://charnwood.moderngov.co.uk/ieListDocuments.aspx?CId=152&MId=702&Ver=4>

Reason

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

Authority for Decision

The application was presented to the Plans Committee in line with the Council's Constitution on 24th February 2022 where a resolution was made to grant outline planning permission following the completion of the S106 Agreement to be agreed under the delegated authority of the Head of Strategic Support (now the Head of Governance & HR) and subject to conditions, reasons and advice notes.

Under the constitution (Scheme of Delegation to Officers - 8.2 Delegation of Council Functions) the Head of Governance & HR has delegated authority 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.

Under the 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.

Decision and Date

Background

The full background of planning application P/21/1260/2 is provided in the Plans Committee reports of 1st December 2021 and 24th February 2022 and the planning file. The application was resolved at Plans Committee on 24th February 2022:

“that, in respect of application P/21/1260/2 (Penland Estates Ltd, RV Millington Ltd, Sarah Higgins and Gavin Higgins, Land at Ashby Road, Markfield), the Committee's resolution dated 1st December 2021 [38 (1.) refers] be amended and planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration, and subject to the prior completion of a Section 106 legal agreement in accordance with

Recommendation A set out in the report of the Head of Planning and Regeneration;”

Since the Plans Committee resolution in February 2022 the emerging Local Plan has been submitted and the examination hearing sessions have concluded. The Head of Planning and Growth is satisfied that the planning balance has not been changed by the increased weight that is applied to the emerging Local Plan policies.

Comments from HR

Not applicable.

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 ref.

P/21/1260/2