

Decision under Delegated Powers

Officer Requesting Decision

Principal Planning Officer, Development Management

Officer Making the Decision

Head of Planning & Regeneration Services

Recommendation

That a Section 106 agreement is signed providing for the payment of a sum of £75K towards affordable housing in the Borough and to ensure that the area of land known as “the conker field” is offered for public use as open space to an appropriate adopting body and retained and maintained in this form thereafter.

Reason

The development makes no provision for affordable housing due to landscape and visual constraints making this difficult to achieve within the site. A commuted sum of £75K has been accepted in lieu of this, which would provide for affordable housing off site in the Borough.

In order to ensure the unique setting of the development is preserved and that surrounding open space is retained and enhanced it is important to secure the long term retention of “the conker field”.

Authority for Decision

Part 2a of the Council Constitution – Delegation to the head of Planning and Regeneration and namely section 21 which gives the head of Planning and Regeneration delegated Authority “to negotiate the heads of terms of section 106 agreements”.

Decision and Date



1 June 2018

Background

Planning permission was granted for the conversion of the convent building to 8 dwellings, the erection of 3 bungalows and 5 houses and associated access, parking and landscaping under reference P/16/0987/2.

This was also subject to a separate resolution authorising the preparation of a section106 agreement to provide “a commuted payment of £75K towards affordable housing provision off site” and “an agreement that the land known as the conker field is offered for public use to an appropriate adopting body and that this is thereafter retained and maintained by the appropriate adopting body.”

This Section 106 agreement has now been prepared and requires signing.

This agreement requires payment of £75K for affordable housing before first occupation of the 13th dwelling and transfer of the conker field to Rearsby Parish Council for a nominal sum. In the event the Parish Council do not wish to accept the conker field or fail to do so within 6 months the agreement requires it to be transferred in accordance with an off site open space management scheme to an agreed management entity. There is also a requirement that a footpath link to the development is provided before any of the approved dwellings are occupied.

Financial Implications

The agreement will provide a commuted sum of £75K to be used towards affordable housing within Charnwood and this will need to be used within five years from the date the agreement is signed. If this does not happen the money has to be returned.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
That the Parish Council do not wish to take on the conker field open space.	Unlikely	Low	There is a cascade within the S106 that allows it to be transferred to a management entity. The Borough Council is excluded from this cascade as it would be unable to resource maintenance. There is also a condition attached to the permission requiring retention of the conker field as open space.
That the footpath link may not be provided	Possible	Low	The S106 requires the footpath to be put in before the occupation of the dwellings as it is to make those dwellings more sustainable in terms of location. If they are not built provision will not be triggered but in that event it would be unneeded.

Key Decision:

No

Background Papers:

Planning files: P/16/0987/2

Approved Section 106 Agreement