

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Development Management

Officer Making the Decision

Head of Governance and Human Resources

Recommendation

That a Deed of Variation be signed to amend Schedule 6 of the Section 106 Agreement dated 4 October 2022 for application P/21/0550/2 (appeal reference APP/X2410/W/21/3289048).

Schedule 6 will be amended to include:

- That the link road will have a carriageway width of 5.5 metres, with a foot / cycleway of at least 3 metres wide on one side and a footway of at least 2 metres wide on the other side.
- The link road will meet the prevailing Leicestershire Highway Design Guide.

Schedule 2 will be amended to correct a paragraph numbering error in paragraph 1.13.4

Reason

The Deed of Variation has been requested by the applicant. The applicant states that the prospective purchaser wants the comfort of knowing that the link road will be of a design and specification that was agreed at the outset with the County Highway Authority and will be fully consistent with the access arrangements approved as part of the outline planning permission.

The County Council have no objection to the Deed of Variation.

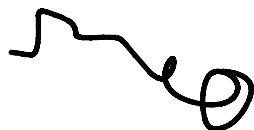
Authority for Decision

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 was required and duly signed for application P/21/0550/2.

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.

The Deed of Variation has been determined under delegated powers, as agreed with the Chair and Vice Chair of Plans Committee and the Ward Councillors.

Decision and Date



Simon Jackson
22 May 2023

Background

The outline application P/21/0550/2 for development of up to 120 new dwellings with access from Main Street, Woodthorpe, Loughborough, with all matters reserved (except for access), was approved at appeal on 18 November 2022 (appeal ref. APP/X2410/W/21/3289048) with an associated S106 Agreement dated 4 October 2022.

On 13 January 2023, the applicant submitted a request for a Deed of Variation to Schedule 6 the S106 Agreement under Section 106A (1) (a) of the Town and Country Planning Act 1990. The request relates to the link road within the site, which links the approved site access off Main Street Woodthorpe to the remainder of the emerging housing allocation (DS3(HA15) of the submitted Local Plan.

The purpose of the variation to schedule 6 is to specify the design and specification of the link road.

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:

- DD150 (2022) Woodthorpe Appeal S106
- Planning application and appeal ref. P/21/0550/2 and APP/X2410/W/21/3289048

