

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/21/2045/2:

- 20% Affordable housing on the site (tenure mix of 77% social and affordable rent and 23% shared ownership)
- The provision of off-site contributions for towards improvements to Morley Quarry of £11,366.00. The provision of off site contributions towards the provision or improvement of childrens play facilities £13,333.00, offsite provision for young people of £47,700.00, outdoor sports facilities £16,465.00, and allotments £5,646.00 within Shepshed.
- A contribution towards Newcroft Primary School or any other school within the locality of the development of £275,340.00 and £181,180.00 to provide secondary school at Iveshead School or any other school within the locality of the development.
- A library facilities contribution of £1,510.00 towards library facilities.
- The provision of raised kerbs at the two 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 £2,136.00 towards improving waste capacity within the area
- The submission of a Biodiversity Mitigation and Enhancement Strategy which includes a biodiversity net gain on site, or biodiversity compensation (to be agreed by all parties).
- A contribution towards Town Centre public realm £34,400.00.

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 22nd September 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 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/21/2045/2 is provided in the Plans Committee report of 22nd September 2022 and the planning file. The application was resolved at Plans Committee for approval in line with officer recommendation, 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 September 2022, the applicant has requested a minor change to recommendation A, in that the option for an off-site contribution of £13,333.00 is secured in the S106 as an alternative to an onsite LEAP indicated in recommendation A. This is in accordance with the

request of the opens spaces team and set out throughout the plans committee report.

Since the Committee resolution in September 2022, the applicant has agreed to contribute towards Shepshed Town Centre public realm works. The Council has a formula for calculation of the Shepshed Town Centre Contribution which was approved by Cabinet on the 13th April 2023. The S106 will therefore secure £34,400.00 to improve the overall environment and public realm in respect of outline application for upto 50 dwellings under planning application P/21/2045/2 .

The above changes from the committee resolution are considered by the Head of Planning and Growth to be positive benefits to the scheme and minor variations in nature and do not materially affect the decision Plans Committee took in September 2022, and thus the changes can be made under delegated authority in line with the constitution.

In addition 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/21/2045/2