

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Development Management

Officer Making the Decision

Head of Governance and Human Resources

Recommendation

That a Section 106 Agreement be signed to secure the following planning obligations to be secured under Planning Permission reference P/20/1952/2, land at Oakley Road and Hallamford Road, Shepshed:

	P/13/1838/2 S106 Agreement obligations to be secured through this application:	Obligations to be secured for application P/20/1952/2 in addition to that previously secured through P/13/1838/2:
Affordable housing	30% of dwellings (75% Affordable Rent & 25% Shared Ownership)	
Highways	£5,600 - Bus Pass Contribution (6 months bus passes) £3,263 - Bus Stop Contribution £120 - Information Display Case Contribution £2,920 – Real Time Information Board Contribution £52.85 - Travel Pack Contribution per dwelling	£211.40 Travel Packs £2,880 Six-month bus passes
Civic Amenity	£1,367 - Civic Amenity Contribution	£171 towards improving capacity at Shepshed Household Waste Recycling Centre
Education	£5,692.40 per dwelling towards provision, improvement, remodelling or enhancement of education facilities at Primary, Higher and Upper school	£36,521.60 towards primary and secondary school provision in the area
Healthcare	£285.12 per dwelling towards improved	

	healthcare care facilities at Field Practice and Leicester Road Surgery	
Libraries	£1,740 towards improvements to library facilities within Shepshed	
Off-site Open Space Contribution	£1,066 per dwelling for the provision of off-site child's formal play space £706 per dwelling for the provision of off-site youth and adult play facilities	£1,373 Provision for outdoor sport facilities £3,816 Provision for young people £909 Natural and semi-natural open space £1,067 Children's Play £452 Allotments
Open Space	400sq. m to be provided on-site	
Open Space Maintenance Contribution	£68,939 per hectare of Open Space provided for the maintenance of the Open Space	

Reason

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

Authority for Decision

The planning application has been considered by the elected members of the Plans Committee in line with the Council's constitution on 18th August 2022. The Committee resolved to approve the application subject to a resolution to grant planning permission following the completion of the Section 106 agreement to be agreed under the delegated authority of the Head of Strategic Support (now the Head of Governance & HR) 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 & Human Resources 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.

Decision and Date

Background

Outline planning permission (ref: P/13/1838/2) was granted for the erection of 33no. residential dwellinghouses (with access only) subject to conditions and completion of

a Section 106 Legal Agreement on 9th November 2015. The approval of reserved matters for layout, landscaping, scale and appearance was granted under application ref: P/17/0246/2 on 23rd August 2017. The development approved under outline and reserved matters has been implemented with the access road (central spine) from Oakley Road constructed/ laid out and a total of 12no. dwellings constructed (11no. occupied) on site.

This current planning application (ref: P/20/1952/2) was considered by the elected members of Plans Committee on 18th August 2022 for the erection of 25no. dwellings (Use Class C3) on the unimplemented section of the site and resulted in a partial re-design of the layout approved under outline and reserved matters permissions (ref: P/13/1828/2 and P/17/0246/2). This would also result in the addition of 4 plots/ units to the previously approved and implemented planning consents (Overall total of 37 units on site). The original obligations as part of S.106 Agreement under outline permission and reserved matters (ref: P/13/1838/2 and P/17/0246/2) continue to apply with an additional sum payable for the 4 additional dwellings. The financial contributions as part of S.106 Agreement has been assessed as being in compliance with the CIL Regulations.

Full background is provided in Plans Committee report, Extras report and planning case file. The application was resolved at Plans Committee:

“that, in respect of application P/20/1952/2 (Fort Estates. Land at Oakley Road & Hallamford Road, Shepshed, LE12 9AU), 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 August 2022 the following matters have arisen and been addressed by officers:

1. 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.
2. 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 £2,752 in respect of the additional 4 dwellings pursuant to planning application P/20/1952/2.
3. During negotiation of the s106 Agreement, it has been agreed with the County Council that the specified purpose for the spending of the civic amenity and education contributions has been updated so that the entire sum is now payable towards the new purpose set out in the column for the additional obligations required for application P/20/1952/2.
4. 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

that took in August 2022, and thus the changes can be made under delegated authority in line with the constitution.

Comments from HR

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/20/1952/2

Plans Committee – 18th August 2022

Please refer to web links:

[Plans Committee Report Item No. 3](#)

[Extras Report](#)

[Review of Formula for calculating S106 Contribution \(Shepshed Town Centre PRP\)](#)