

Decision under Delegated Powers

Officer Requesting Decision

Head of Planning & Regeneration Services

Officer Making the Decision

Head of Strategic Support

Recommendation

That a Section 106 Agreement be agreed to secure the following planning obligations to be secured under Planning Permission reference P/20/2107/2 and appeal reference APP/X2410/W/21/3271340 in the event that the the Inspector grants planning permission:

- 40% affordable Housing on site which is comprised of 72% Affordable Rent Units and 28% Shared Ownership Units; and
- £102,144 (ONE HUNDRED AND TWO THOUSAND ONE HUNDRED AND FORTY FOUR POUNDS) index linked payable to the County Council shall be used towards providing additional primary school places at Woodhouse Eaves St Paul's C of E Primary School or any successor school accommodating pupils from the development; and
- £130,449.60 (ONE HUNDRED AND THIRTY THOUSAND FOUR HUNDRED AND FORTY NINE POUNDS AND SIXTY PENCE) payable to the County Council index linked shall be used towards providing additional secondary school places at Quorn Rawlins Academy or any successor school accommodating pupils from this development; and
- £1,860 (ONE THOUSAND EIGHT HUNDRED AND SIXTY POUNDS) index linked payable to the County Council towards increasing capacity at Mountsorrel Civic Amenity Site; and
- £720 (SEVEN HUNDRED AND TWENTY POUNDS ONE) Index Linked per Dwelling payable to the County Council towards the provision of upto 2 Bus Passes per dwelling; and
- £1,090 (ONE THOUSAND AND NINETY POUNDS) Index Linked to be used towards the provision of books, audio books, newspapers, periodicals for loan or reference use and associated equipment to account for additional use arising from the development at Quorn Library; and
- £52.85 (FIFTY TWO POUNDS AND EIGHTY FIVE PENCE) Index-Linked per Dwelling to be paid to the County Council to be used towards the provision of one Travel Pack to each Dwelling
- £26,512.36 (TWENTY SIX THOUSAND FIVE HUNDRED AND TWELVE POUNDS AND THIRY SIX PENCE) Index-Linked payable to the Borough Council towards improving capacity and / or accommodation for an additional patients at the Cottage Surgery in Woodhouse Eaves; and

- £9,600 (NINE THOUSAND SIX HUNDRED POUNDS) index linked towards the provision of new or enhanced children's play provision within Woodhouse Eaves payable to the Borough Council; and
- £36,344 (THIRTY SIX THOUSAND THREE HUNDRED AND FORTY FOUR POUNDS) payable to the Borough Council towards the provision of new or enhanced provision for young people within Woodhouse Eaves; and
- On site provision of the following open space- 0.03 ha min of parks in the form of multi-functional green space, 0.17ha min or natural and semi-natural open space, proposed attenuation and grassland areas with habitat areas created, laid out and managed for ecology, 0.04ha min amenity green space in the form of multi-functional green space combined with park provision; and
- £4,065 (FOUR THOUSAND AND SIXTY FIVE POUNDS) index linked payable to the Borough Council towards the provision of Allotments in Woodhouse Eaves, or if there are none, within the Borough of Charnwood generally; and
- £300 (THREE HUNDRED POUNDS) or 0.5% of the value of each financial contribution (whichever is greater) payable to the County Council towards the County Council's costs of monitoring compliance with the terms of the Agreement

Reason

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

Authority for Decision

Head of Strategic Support has delegated authority:

To enter into and vary an agreement under Section 106 of the Town and Country Planning Act 1990.

Decision and Date

Background

The appeal is made against an application for outline planning permission for the erection of up to 36 dwellings was refused under delegated powers in line with the constitution on 12th Feb 2021. One of the reasons for refusal was the development was proposed in the absence of any commitment to provide the necessary social or other infrastructure which would be required to mitigate the impacts of the development and which are usually secured through a legal agreement under Section 106 of the Town and Country Planning Act. As part of their appeal evidence, the appellants are now seeking to secure such an agreement to present to the Planning Inspectorate for consideration, in the

event the appeal is allowed. The Section 106 agreement related to this Decision seeks to overcome that reason for refusal.

Comments from HR

None.

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

Does the report contain exempt information? No

Background Papers:

P/20/2107/2 – planning file subject to appeal against the refusal of planning permission.

Draft Section 106 agreement