

Decision under Delegated Powers

Officer Requesting Decision

Group Leader Development Management

Officer Making the Decision

Head of Governance & HR

Recommendation

That a Section 106 Agreement be signed to secure minor amendment to the planning obligations secured under Planning Permission reference P/13/2498/2 relating to Land North East of Leicester Sustainable Urban Extension ('Thorpebury') in relation to liabilities associated with affordable housing provision on part of the site.

All other obligations and covenants in the Original Agreement (save to the extent that they have already been satisfied) will continue to bind the development of the Application Site.

Reason

The amendment itself is of limited significance, and consists entirely of 'default' guarantor provisions relating to Affordable Housing as follows:

- a. Sector standard provisions Lender exclusion provisions (as promoted by the NHF) are adopted in place of the now outdated content of the agreement. This is order to be acceptable to a lender to facilitate the affordable housing via a Registered Provider.
- b. exclusion provisions to be extended to apply to all affordable housing provisions (for the same reasons as a. above)
- c. That Land Registry Transfer obligations contain appropriate lender exclusion provisions.
- d. The obligations in relation to recycling of proceeds of sale should be deleted, because the legislative requirements associated with these provisions have been repealed.

These variations are requested in order to prevent barriers to lenders wishing to support a Registered Provider to develop Affordable Housing on part of the site.

Authority for Decision

An application to vary a section 106 agreement which was granted by the Plans Committee can be delegated to the Head of Planning and Growth

provided, following consultation with the Chair and Vice-Chair of the Plans Committee and relevant ward councillors, the Head of Planning and Growth is of the opinion that the variation is minor in nature.

Further, the Head of Governance & HR has delegated authority to enter into and vary an agreement

The relevant Members were consulted on the proposed Variation in November 2022 and none opposed its progression through the use of delegated powers. The variation is considered minor in nature and has a low probability of being activated.

Decision and Date

Background

See above

Comments from HR

Not applicable.

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Scheme is not implemented	Very Low	Low	Very Low (1 - 2)	Potential inability for Registered Providers to access finances, and impediment to the delivery of Affordable Housing on the site

Key Decision: No

Background Papers: Planning Application P/13/2498/2
<https://portal.charnwood.gov.uk/Northgate/PlanningExplorerAA/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=480628&XSLT=/Northgate/PlanningExplorerAA/SiteFiles/Skins/charnwood/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=Y&XMLSIDE=/Northgate/PlanningExplorerAA/SiteFiles/Skins/charnwood/Menus/PL.xml&DAURI=PLANNING>

