

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Development Management

Officer Making the Decision

Head of Governance & HR

Recommendation

That a Section 106 Agreement be signed to secure the following planning obligations under Planning Permission reference P/21/1105/2 Loughborough Road, Burton on the Wolds, appeal reference APP/X2410/W/22/3310932:

A scheme for the provision of 40% Affordable housing on the site (tenure mix of 77% Social Rented Dwellings and/or Affordable Rented Dwellings and 23% Shared Ownership Housing and/or First Homes)

- Primary Education contribution of £303,380.80 towards the provision, improvement, remodeling or enhancement of education facilities at Burton on the Wolds Primary School or any other primary school within the locality of the Development
- Secondary Education contribution of £167,176.35 towards the improvement, remodelling or enhancement of existing facilities at the Humphrey Perkins School or any other school which will accommodate pupils from this Development
- Post 16 Education contribution of £35,716.30 payable towards the improvement, remodelling or enhancement of existing facilities at the Rawlins Academy or any other school which will accommodate pupils from this Development.
- Contributions towards off-site open space as follows:
 - i. Outdoor sports facilities at a cost of £18,390; and
 - ii. Allotments at a cost of £6,324.00.
- Provide on-site open space in accordance with the On-Site Open Space Scheme, to include:
 - i. multi function green space of not less than 0.04ha; and
 - ii. natural and semi natural open space of no less than 0.27ha; and
 - iii. amenity green space of no less than 0.06ha; and
 - iv. a LEAP for children; and
 - v. young people's provision or Young Peoples Contribution of £53,424
- The provision of Travel Packs upon the first occupation of each dwelling (£52.85 per dwelling) at a total cost of £2,959.60
- The provision of 6-month bus passes (two per dwelling) upon the first occupation of each dwelling (£520 x 2 x 56 dwellings) per bus pass at a total cost of £58,240
- A Travel Pack administration fee of £500

- the sum of £8,985 (Index Linked) payable by the Owner to the County Council for the submission of a Traffic Regulation Order (TRO) Consultation in accordance with the Road Traffic Regulation Act 1984, for the proposed relocation of the 30mph entry speed and village gateway location
- Commuted Costs meaning the following sums (Index Linked) per hectare for the relevant open space typology provided on the Open Space Land:
 - i. multi-function green space £69,477.06
 - ii. natural and semi natural open space £54,280.66
 - iii. amenity green space £69,477.06
 - iv. Children's play and Young People's Provision £222,092.10
 - v. maintenance of any bins provided within the Site £4,757.25 per bin
- A library facilities contribution of £1,691.07 towards Barrow Library
- A Biodiversity Mitigation and Enhancement Scheme to deliver a net gain in biodiversity on site based upon the Biodiversity Impact Assessment score, and if required to provide mitigation off site or pay biodiversity impact compensation contribution.
- A fee of £292 (index linked) for each submission and payable to the Council for the costs of considering and approving any details, document or scheme required to be submitted to the Council under the terms of this agreement
- A fee of £195 (Index Linked) for each site inspection required by this agreement and payable to the Council towards its costs of preparing for attending such visit or site inspection.
- The sum of £1964 Index Linked to be paid to the Council under the terms of this Deed and payable towards the Council's monitoring of this Deed and the Development.

The S106 agreement will be required to enable the grant of planning permission through the Appeal process. The Inspector will determine if the obligations meet the CIL Regulation 122 or not and disallow such contributions within the agreement accordingly.

Reason

To allow the appeal to progress following the hearing from 27th to 28th June 2023, an agreed S106 agreement is required to be submitted to the Planning Inspectorate by Tuesday 18th July 2023. The Council and the Appellant agreed some Heads of Terms in the submitted Statement of Common Ground and most County matters have been agreed with the County Council. The education contributions are not agreed and their inclusion will be determined by the Inspector.

Authority for Decision

A S106 agreement is required to comply with the Plans Committee resolution. 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' (Item 7). The Head of Planning and Growth has delegation to negotiate the heads of terms of section 106 agreements (Item 21).

Decision and Date

Background

The Application P/21/1105/2 'Outline application for 56 dwellings, together with public open space and associated works, with all matters reserved except for access (received 13th May 2021), was determined by Plans Committee at the meeting of 18th August 2022 and refused for two reasons. The Appellant submitted an appeal on 11th November 2022. The appeal is being managed by the Planning Inspectorate in a Hearing format, which sat from 27th to 28th June 2023.

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Overall	Risk Management
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 and appeal ref.

P/21/1105/2

APP/X2410/W/22/3310932