DD138 2019

Decision under Delegated Powers

Officer Requesting Decision

Group Leader of Development Management

Officer Making the Decision

Head of Strategic Support

Recommendation

That a Section106 legal agreement be agreed to secure the following planning obligations:

- 40% affordable housing with a tenure mix of 77% affordable rent and 23% shared ownership;
- £36,822 contribution to West Leicestershire Clinical Commissioning Group to increase capacity at the Cottage Surgery, Woodhouse Eaves;
- £1,420 contribution to Leicestershire County Council Library Services to provide additional resources;
- £2,584 contribution to Leicestershire County Council Civic Amenity to increase capacity at Mountsorrel Civic Amenity Site
- £218,880 contribution to Leicestershire County Council Education Services to provide additional primary school places to overcome the deficit in school places at Woodhouse Eaves Primary School
- £181,181 contribution to Leicestershire County Council Education services to provide additional secondary school places to overcome the deficit in school places at Rawlins Academy
- One Travel Pack per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area
- Two 6-month bus passes per dwelling; to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car.

Reason

The s106 Agreement is required to make the development acceptable in planning terms.

Authority for Decision

Planning permission was refused by the Local Planning Authority under officer delegated powers on 25th October 2018.

A subsequent appeal against that decision (ref APP/X2410/W/19/3221952) is due to be considered at a Hearing on 1st October 2019. Notwithstanding the likely outcome of the appeal, the Appeals Rules and the Planning Inspectorate Procedural Guidance published in August 2016 (and as amended) requires a planning authority to co-operate with an appellant in the preparation of a legal agreement to ensure that ,if the appeal were to be allowed, adequate mitigation would be secured.

The contributions which consultees have requested are detailed above.

The Head of Strategic Support has delegated authority to enter into and vary an agreement under Section 196 of the Town & Country Planning Act 1990.

Decision and Date

Adrian Ward

Digitally signed by Adrian Ward
DN: cn=Adrian Ward gn=Adrian Ward c=GB United Kingdom l=GB United Kingdom o=Charnwood Borough Council e=adrian.ward@charnwood.gov.uk
Reason: I am approving this document
Location:
Date: 2019-09-30 13:00+01:00

Background

P/18/0715/2 is an outline application for the development of up to 50 dwellings at Maplewell Road, Woodhouse Eaves, Leicestershire.

Financial Implications

None

Risk Management

Key Decision: No

Background Papers:
Planning file P/18/0715/2 and related appeal APP/X2410/W/19/3221952