

Decision under Delegated Power

Officer Requesting Decision (if necessary)

Rebecca Sells, Solicitor

Officer Making the Decision

Head of Strategic Support

Recommendation

To enter into a Deed of Variation to as.106 agreement dated 10th February 2005 relating to land at Meynell Road Quorn (outline P/03/2634/2 reserved matters P/05/1927/2).

Reason

To provide provision for Open Spaces within the original s.106 agreement, as well as an Off-site children's play contribution, maintenance for the open spaces upon transfer and extension of the healthcare contribution spending limit.

Authority for Decision

Delegated Powers (Council Functions) to the Head of Strategic Support on 12 April 2011 paragraph no 7 page 3-34.

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

Decision and Date

Background

The original s.106 agreement did not provide any provisions for the adoption of Open Spaces nor any sums in relation to this. As the intention of the Council is to adopt the open spaces (DD044 16/17) the original agreement needs to be varied to include provisions for open spaces

as well as securing financial contributions in relation to this. These financial contributions comprise of £29,943.00 for Off-site children's play facility and £12,294.96 for maintenance of the adopted open spaces.

The original agreement also included a healthcare contribution of £10,625.24. this had a spending limit of 5 years (it should have been spent by 17 April 2012). The NHS did not spend the contribution during this period therefore have requested an extension of time. The developer has agreed to extend this to the 12th January 2019.

Financial Implications

There are no financial implications for Charnwood Borough Council

Risk Management

There are no identified risks

Key Decision: No

Background Papers: final draft deed of variation

Does the report contain exempt information? No