

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Development Management

Officer Making the Decision

Head of Planning & Regeneration

Recommendation

That a s106 legal agreement be agreed to secure the following planning obligations:

-) Affordable Housing - 10 2-bed units
-) Parks, Natural Open Space and Facilities for Young People – securing these on site facilities in perpetuity.
-) Outdoor Sports Facilities - £149,776.36
-) Allotments - £12,318.73
-) Library Facilities Contribution - £3,200 to Sileby Library
-) Education Services – 301,991.29 to Sileby Redlands Community Primary School
-) Civic Amenity - £5,508 at Mountsorrel Waste Site
-) Construction Routing Plan
-) Financial contributions to the County Council to support sustainable travel initiatives.
-) Healthcare Contribution - £59,342.40 towards the Banks and Highgate Surgeries with flexibility to ensure the delivery of s106s to a potential practice on the Peashill Farm proposal (reference: P/17/1578/2) in case the extensions cannot be delivered within the constraints of the existing surgery sites.

Reason

The s106 legal Agreement is being completed to make the development acceptable in planning terms.

Authority for Decision

At their meeting on 17th May 2018 the Plans Committee resolved that delegated authority be given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990, in respect of this application, on terms to be finalised by them. The final s106 agreement is in accordance with the heads of terms as considered by the Plans Committee.

Decision and Date



17 August 2018

Background

The application seeks full planning permission for up to 108 units with associated public open space (POS), access from Cemetery Road and the associated development including site clearance, remediation and works including the creating of landscaped areas, highway and access roads, drive and gardens.

As part of the application process it has been necessary to consider the benefits arising from the proposals and the weight to which they are considered. These then need to be balanced against any identified harm.

Of significant weight in favour of the application is the contribution towards the Council's requirement to maintain a 5 Housing Land Supply; the effective re-use of a previously developed site within development limits; delivery of market and affordable housing and s106 contributions; and the significant levels of open space delivered as part of the proposals.

The delivery of ecological enhancements and other improvements to local environment are given minor weight in the positive balance.

In terms of identified harm, there is the level of growth in Service Centres and Sileby itself that has already delivered housing through planning permissions significantly above the base levels envisaged within the Core Strategy Policy CS1 and the impact this has on the Development Strategy for planned housing growth in the Borough. The lower provision of affordable housing has also been noted. Impacts and changes in the relationship to neighbouring properties and the impacts during the construction process are also noted.

It is considered that there are no significant impacts arising from the development that cannot be mitigated. Having carefully considered all consultation responses and the views of neighbouring and nearby residents and the Parish Council, it is considered that the proposals are in accordance with the Development Plan. In particular policies CS1, CS2, CS3, CS11, CS12, CS13, CS14, CS15, CS17, CS18, CS24 and CS25 of the Core Strategy and saved policies ST/2, CT/1, CT/2, EV/1 and TR/18 of the Local Plan and the associated guidance in Supplementary Planning Documents and material considerations including and the aims and objectives of the National Planning Policy Framework and associated guidance and Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The s106 legal agreement is being completed to secure the planning obligations necessary to make the development acceptable in planning terms.

Policy Considerations

Development Plan

Charnwood Local Plan Core Strategy 2006-2028 (Adopted 9th November 2015)

Policy CS1 - Development Strategy - sets out the development strategy for the Borough. This includes a direction of growth which focuses housing development in locations around Loughborough and Shepshed with three Sustainable Urban Extensions. The 7 Service Centres and Other Settlements are the next two levels in the settlement hierarchy.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 – Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision. In Sileby 30% affordable homes are sought on sites of 10 dwellings or more.

Policy CS11 – Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS13 – Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy CS14 – Heritage – Sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS15 – Open Space, Sports and Recreation deals with open space and requires all new development to meet the standards in the open space Strategy.

Policy CS16 – Sustainable Construction and Energy supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

Policy CS17 – Sustainable Transport seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new

and enhanced bus services where new development is more than 400m walk from an existing bus stop.

Policy CS18 – The Local and Strategic Highway Network – seeks to ensure that appropriate highway improvements are delivered and applications are supported by appropriate Transport Assessments.

Policy CS24 - Delivering Infrastructure - seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 Agreements. This is so the local impacts of developments will have been reasonably managed and mitigated.

Policy CS 25 – Presumption in Favour of Sustainable Development – sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Borough of Charnwood Local Plan 1991-2006 (adopted 12th January 2004)
(saved policies)

Where they have not been superseded by Core Strategy policies, previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant policies are:

Policy ST/2 – Limits to Development – This policy seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to development distinguish between areas of development and development potential, and areas of restraint.

Policy EV/1 – Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy CT/1 - General Principles for areas of the countryside, green wedge and local separation. The policy restricts new development to that which is small-scale and where it meets certain criteria.

Policy CT/2 - Developments in the Countryside – indicates in areas defined as countryside, development acceptable in principle will be permitted where it would not harm the character and appearance of the countryside and safeguards its historic, nature conservation, amenity and other local interest.

Policy TR/18 – Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

Consultations

Leicestershire County Council – Developer Contributions

Library Services - £3,200 towards Sileby Library which is 0.5km from the site.
Education – Primary School contribution - £301,991.29 to Sileby Redlands Community Primary School only.

Civic Amenity - £5,508 towards Mountsorrel Waste Site to provide capacity to deal with additional waste.

Leicestershire County Council – Education Services

£301,991.29 - contribution would be used to improve, remodel or enhance existing facilities at Sileby Redlands Community Primary School.

Leicestershire County Council - Highways Authority

Contributions should be secured for the following:

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC.
- 6 month bus passes, two 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. These can be supplied through LCC at an average of £360.00 per pass (cost to be confirmed at implementation)
- Sustainable Travel “STARS” Monitoring Fee - £6,000

West Leicestershire Clinical Commissioning Group

Seeks £59,342.40 towards Healthcare enhancement at the Banks Surgery & Highgate Surgery

Housing Strategy Manager

Having regard to the revised provision of affordable housing which has been proposed as a result of the viability exercise, the provision of 10 units is noted and these being 2-bed properties would be the most appropriate in terms of the housing needs.

Open Space and Recreation Team

In summary, proposals meet or exceed most of Charnwood Borough Council's adopted policy standards for Open Space provision within new developments on-site. To ensure the long-term sustainability of proposals the arrangements for the future maintenance of on-site open space provision, including SUDS, should be agreed prior to development along with any associated financial maintenance contribution.

Off-site contributions should be secured for:

- J Outdoor Sports Facilities - £149,776.36 - to create the equivalent of 0.67ha of space or enhancements to existing facilities to meet the needs of the future residents in line with the Council's Open Space Strategy and Core Strategy Policy CS15.
- J Allotments - £12,318.73 - to create the equivalent of 0.09ha of space or enhancements to existing facilities to meet the needs of the future residents in line with the Council's Open Space Strategy and Core Strategy Policy CS15.

Considerations

The proposal therefore is to complete a S106 agreement to ensure the provision of affordable housing, open space, healthcare and the requirements of the County Council to deliver s106 contributions to make the development acceptable in planning terms and mitigate the impact of the development.

The proposed provisions of the S106 Agreement would be in accordance with the aims and objectives of Policies CS3, CS15, CS17 and CS24 of the Core Strategy.

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Ecology	Unlikely	Minor	Four potential locations have been identified for the contribution to be spent. The risk is that the contribution could not be spent in any of the identified locations. Ecology Officers have commenced work on securing delivery of a suitable scheme to reduce potential for non-delivery.
County Council	Unlikely	Minor	The County Council would need to work closely with the applicant on sustainable travel initiatives, education, library and civic amenity aspects but these are well established within the existing business. The County Council are party to the s106 and are aware of the timescales.

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Affordable Housing	Unlikely	Minor	The provision of affordable housing has been put back in the development programme to assist with delivery on a lower profit margin. This will be monitored as the development progresses to ensure delivery with the developer and partners.
Open Space	Unlikely	Minor	The development will provide for its own needs and the open space trigger will be monitored to ensure delivery in accordance with standards.
Healthcare	Unlikely	Minor	Monitoring of the development will take place and partner liaison is likely to take place around trigger points given the range of contributions to be secured from this site.
Construction Routing	Unlikely	Minor	Monitoring of the development will take place and any issues addressed in regular liaison between LPA and the Local Highway Authority

Key Decision:

No

Background Papers:

Planning File – P/16/1359/2