

## **Decision under Delegated Powers**

### **Officer Requesting Decision (if necessary)**

Deborah Clarke, Senior Building Surveyor

### **Officer Making the Decision**

Adrian Ward, Head of Strategic Support

### **Recommendation**

It is recommended that Taylor Wimpey East Midlands is provided with a temporary licence to enable them to access the Council's land at Peartree Lane and Darwin Crescent, Loughborough to construct pedestrian/cycle link under a Section 106 agreement (Peartree Lane) and condition attached to P/05/1640/2 (Darwin Crescent).

### **Reason**

In relation to Peartree Lane there is an easement which runs within our land. Utility companies have requested that trial holes be dug to ascertain how deep the services have been laid. This is due to the requirement from Leicestershire County Council that the cycle path be lit. If with the agreement of the utility companies that lighting can be installed within the easement, Taylor Wimpey will then need to construct the cycle path as per the approved plan submitted as part of P/03/3456/2 on Charnwood Borough Council owned land between Darwin Crescent and Wain Drive.

### **Authority for Decision**

To enter into licences and grants of other rights over land where the Heads of Service consider the land is of insignificant current or foreseeable use to the council or would not suffer significant detriment from the grants of rights and the value is under £50,000 (capital) or £20,000 per annum.

### **Decision and Date**

## **Background**

Clause 7.1.3 of the S106 attached to P/03/3456/2 – Land at Pear Tree Lane, Loughborough stipulates that the developer was to submit a scheme for a cycleway to include the lighting and clause 7.1.4 requires its implementation. Condition 14 attached to P/05/1640/2 – Land at Pear Tree Land, Loughborough requires that a pedestrian/cycle link be installed linking Wain Drive to Darwin Crescent. This is to ensure sustainability of the development and the general amenity of the area.

The Head of Cleansing & Open Spaces agrees that the Council will receive no detriment and there will be re-instatement after completion of the works.

## **Financial Implications**

Taylor Wimpey has agreed to cover the council's legal fees for the preparation of the licence.

## **Risk Management**

There are no risks associated with this decision.

Key Decision: No