

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Development Management

Officer Making the Decision

Head of Governance and HR

Recommendation

That a Section 106 Agreement be signed to secure the following planning obligations under Planning Permission reference P/21/0869/2:

- 30% Affordable housing on the site (tenure mix of 67% social and affordable rent and 33% shared ownership).
- The provision of offsite provision for young people of £47,700.00, off-site outdoor sports facilities £16,469.00, and allotments £5,646.00 within the vicinity of the development.
- A contribution towards £191,411.68 to provide secondary school at Martin High School Anstey or such any other secondary school within the locality of the development.
- A waste contribution of £2066.80 for the provision for the increase capacity at the Mountsorrel Household Waste and Recycling Centre.
- A library facilities contribution of £1,207.91 towards library facilities.
- The provision of two bus passes per dwelling at £360 per pass
- A contribution towards information display cases at the two nearest bus stops £120.00 per stop (£240.00 total).
- The provision of travel packs for each dwelling £52.85 per dwelling
- A contribution to secure raised kerbs at the the nearest bus stops £5,000.00 per stop (total £10,000.00).
- Construction of a traffic routeing scheme prior to the commencement of development
- A healthcare contribution of £24,153.00 towards increasing patient capacity at doctors surgeries in Anstey and Glenfield
- The submission of a Biodiversity Mitigation Strategy which includes a biodiversity net gain on site, or biodiversity compensation (to be agreed by all parties).

The S106 agreement will be required to enable the grant of planning permission, as per the Plans Committee resolution:

<https://charnwood.moderngov.co.uk/ieListDocuments.aspx?Cld=152&Mld=702&Ver=4>

Reason

The S106 Agreement is required to make the development acceptable in planning terms.

Authority for Decision

The application was presented to the Plans Committee in line with the Council's Constitution on 22nd December 2022 where a resolution was made to grant outline planning permission following the completion of the S106 Agreement to be agreed under the delegated authority of the Head of Strategic Support (now the Head of Governance & HR) and subject to conditions, reasons and advice notes.

Under the constitution (Scheme of Delegation to Officers - 8.2 Delegation of Council Functions) the Head of Governance & HR has delegated authority to enter into and vary an agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Planning and Growth has delegation to negotiate the heads of terms of section 106 agreements.

Under 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.

Decision and Date

Background

The full background of planning application P/21/0869/2 is provided in the Plans Committee report of 22nd December 2022 and the planning file. The application was resolved at Plans Committee for approval in line with officer recommendation, subject to the prior completion of a Section 106 legal agreement in accordance with Recommendation A set out in the report of the Head of Planning and Regeneration.

Since the Plans Committee resolution in December 2022, it has been brought to officers attention that the Construction of a traffic routeing scheme recommended by the Highways Authority, was missed in the recommendation A as approved by members in December 2022. The applicant is in agreement with the traffic routeing scheme to be secured by this S106 .

The above changes from the committee resolution are considered by the Head of Planning and Growth to be positive benefits to the scheme and minor variations in nature and do not materially affect the decision Plans Committee took in December 2022, and thus the changes can be made under delegated authority in line with the constitution.

In addition the emerging Local Plan has been submitted and the examination hearing sessions have concluded. The Head of Planning and Growth is satisfied that the planning balance has not been changed by the increased weight that is applied to the emerging Local Plan policies.

Comments from HR

Not applicable.

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
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 ref. P/21/0869/2