

Decision under Delegated Powers

Officer Requesting Decision

Group Leader Development Management

Officer Making the Decision

Head of Planning & Regeneration Services

Recommendation

That a Deed of Variation is completed to the existing s106 Agreement for the development at Tickow Lane, Shepshed (application P/13/1826/2 refers)

Reason

To amend the s106 Agreement to allow for:

1. The inclusion of a sum of £75,000 towards the provision of a skate bowl at Oakley Road Playing Fields

The contribution to the skate park will allow for the removal of Condition 23 of Planning Permission reference P/17/0424/2 and a fresh permission to be issued.

Authority for Decision

The request was made under application ref P/18/0586/2 and considered by Plans Committee on 28 June 2018. The S106 has been completed in accordance with the resolution of the Plans Committee as set out in the Officers Report and the agreed Minutes of the meeting.

Decision and Date



18 September 2018

Background

The Section 106 Agreement to which this Deed of Variation relates was completed on 27 February 2017 under planning permission P/13/1826/2. This agreement comprised a residential development of up to 380 dwellings and secured 30% of the dwellings constructed on site to be affordable housing along with other contributions towards community infrastructure.

The S106 was varied by a previous deed as set out in the planning history below.

This current deed of variation relates to a proposed contribution of £75,000 to Oakley Road Playing Fields, which would be spent on a strategic project that Shepshed Town Council is seeking to deliver. This alternative provision would satisfy the needs of the existing condition attached to the base planning permission which required formal on-site open space for young adults and older children. This would meet the reasonable needs of the development.

Relevant Planning History

The application site has the benefit of outline planning permission relating to P/13/1826/2 which comprises a total 380 dwellings and associated works. The application was amended under planning permission P/17/0424/2 which also reduced the level of affordable housing provided as part of the development to 25% and provided a contribution to improvement works at Junction 23 of the M1 motorway. A deed of variation was completed to amend the original section 106 agreement in line with these updated provisions.

Policy Considerations

As set out in the committee report and in the conclusions below.

Consultations

Shepshed Town Council

In favour of the removal of the condition as long as the open space is retained and not built on. It is also, in favour of the payment for the provision of a skate bowl on Oakley Road playing fields.

Leicestershire County Council – Highways Authority

No comment

Highways England

No comment

Housing Strategy Manager

No comment

Open Space Team

Support the proposal to provide provision on a strategic project in Shepshed.

Considerations

The first phase of the development is being implemented.

The proposed changes to the S106 Agreement would be in accordance with the aims and objectives of Policy EV/1 of the Local Plan and Policies CS2, CS11, CS12, CS13, CS15, CS16, CS17, CS18, CS24 and CS25 of the Core Strategy.

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Skate Park not delivered	unlikely	moderate	Regular monitoring of S106 contributions corporately and by the Parish Council will provide appropriate oversight of progress and awareness of any repayment trigger dates

Key Decision:

No

Background Papers:

Planning files: P/18/0586/2, P/17/0424/2 and P/13/1826/2

Officer Report to 28 June 2018 Plans Committee

Draft Deed of Variation