

## Decision under Delegated Powers

### Officer Requesting Decision

Principal Planning Officer - Planning and Regeneration Services

### Officer Making the Decision

Head of Strategic Support

### Recommendation

That a Deed of Variation be agreed to the Principal S106 Agreement dated 17<sup>th</sup> August 2018 in relation to planning permission reference P/16/1359/2.

### Reason

The Deed of Variation seeks to vary an existing S106 Agreement in relation to:

- continuing the obligations set out in the S106 Agreement following the grant of the planning permission for planning application P/16/1359/2.

### Authority for Decision

A variation of a S106 Agreement can be made under the delegated authority of the Head of Strategic Support.

### Decision and Date

### Background

Full planning permission was granted for the erection of 108 dwellings with access served off Cemetery Road (ref. P/16/1359/2) at the former Sileby Waste Site, Cemetery Road, Sileby on 17<sup>th</sup> August 2018. This was subject to a S106 Agreement dated 17<sup>th</sup> August 2018 relating to contributions towards affordable housing, allotment provision, education, library provision, residential bus passes, civic amenity, healthcare, open space and sustainable travel options

The Local Planning is currently considering the following planning application for the site:

P/21/0549/2 - Erection of 108 dwellings with access served off Cemetery Road. Variation of conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, and 19 of P/16/1359/2.

Planning application P/20/0549/2 seeks to vary the approved plans for the development to allow for some changes to the design and appearance of the development. This is because a new housebuilder has purchased the site and wishes to use a different set of housetypes.

The grant of planning permission P/21/0549/2 would replace the full planning permission granted previously under P/16/1359/2, and become the implemented consent for the development. A Deed of Variation to the S106 Agreement is therefore necessary to transfer the contributions contained in the principle agreement to the new planning application P/21/0549/2.

The application site also includes land which used to belong to Charnwood Borough Council. This is shown in blue on the plan attached to the original agreement. A covenant was included in the original agreement which required a supplemental deed to be entered into prior to the commencement of development to bind the blue land into the agreement. The blue land has since been sold to the developer meaning a supplemental deed to bind the entire site is needed. This current proposed Deed of Variation also makes provision for this covenant to be satisfied and binds the entire site under the agreement.

The Council's Constitution sets out the following requirement:

*'an application is received to remove or vary a planning condition or to vary a s106 legal agreement and the planning permission for the development was granted by the Plans Committee except in cases where, following consultation with the Chair and Vice Chair of the Plans Committee and relevant ward councillors, the Head of Planning and Regeneration is of the opinion that the variation is minor in nature'*

The provisions of the Constitution in this regard have been complied with, a copy of the relevant correspondence is included in the planning file.

### **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:

P/16/1359/2 – planning file and officer recommendation

P/21/0549/2 – planning file and officer recommendation