

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Development Management

Officer Making the Decision

Head of Governance and Human Resources

Recommendation

Regarding planning application ref: P/20/1347/2 62 Iveshead Road
Shepshed LE12 9ER Erection of 26 dwellings with associated infrastructure,
access, parking & landscaping.

That a Section 106 Agreement be signed to secure the following planning
obligations to be secured under Planning Permission reference:

Affordable Housing

20% on site

Schools

£504,075.60

Library Services

£1,900.00

Waste

£2,691.00

Open Space:

On site provision and £157,148.00 for offsite improvements

Sustainable Transport

- Travel Packs: one per dwelling at £52.85 per pack
- Bus Passes: 6 month bus passes, two per dwelling at £360 per pass
- Raised kerb provision at the nearest 2 bus stops at a cost of £3,500
- A512/ Charnwood Road/ Iveshead Road – the sum of £75,863.63 towards the highway improvement works.
- A512/ Leicester Road/ Ingleberry Road – the sum of £103,784.23 towards the highway improvement works.

CBC Biodiversity

£255 799.00

NHS

£34,274.04 GP Surgeries

Reason

The above planning application ref: P/20/1347/2 was considered by the the Plans Committee on 29th March 2021, and was approved subject to the completion of S106 Agreement and to conditions. The S.106 Agreement was completed and permission issued on 1st October 2021.

The Landowners and Registered Affordable Housing Provider to vary the wording of Section 106 Agreement dated 1st October 2021, as follows:

- i. The mortgagee protection clause amended to bring it up to date to what is now the accepted standard practice in accordance with NHF mode
- ii. Amendment to reasonableness requirement for the deletion of 'all' in the definition of 'Reasonable Endeavours' in Clause 1 of the original agreement

These amendments are sought to address concerns raised by the Landowners/ Registered Affordable Housing Provider in order to have a bespoke mortgagee protection clause and use of 'reasonable endeavours' wording, which is acceptable to the mortgagee/lender and would meet their requirement.

The agreed level of affordable housing contribution, at 20%, to be secured on-site, will still be delivered. The Council's Housing Strategy and Support Manager has raised no objection in respect of the principle of the proposed Deed of Variation Request.

All other on-site provisions/off-site contributions secured under the Section 106 Agreement will remain unaltered.

As the S106 terms vary from the that was approved at Plans Committee, any amendments to the resolution can be agreed under delegated authority as follows:

An application is received to remove or vary a condition or to vary a section 106 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 Growth is of the opinion that the variation is minor in nature.

The necessary agreement to proceed by means of delegated powers has been agreed by the Chair and Vice-Chair of the Plans Committee and 2 x Ward Councillors

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

Authority for Decision

The application has received the agreement of relevant Members to be determined under delegated powers therefore the Planning Permission decision will be made under delegated authority in line with the constitution 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).

Decision and Date

Background

The planning application ref: P/20/1347/2 62 Iveshead Road, Shepshed LE12 9ER for Erection of 26 dwellings with associated infrastructure, access, parking & landscaping was agreed by the Council Plans Committee on the 29th March 2021:

Committee report:

<https://charnwood.moderngov.co.uk/documents/s6567/Item%201%20-%20P.20.1347.2%20-%20Land%20to%20the%20rear%20of%2062%20iveshead%20road.pdf>

Minutes of meeting:

<https://charnwood.moderngov.co.uk/documents/g656/Printed%20minutes%2029th-Mar-2021%2017.00%20Plans%20Committee.pdf?T=1>

Comments from HR

NA

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/20/1347/2 62