

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Development Management

Officer Making the Decision

Head of Strategic Support

Recommendation

That a Memorandum to s106 Legal Agreement - P/18/1071/2 Nottingham Road, Barrow-upon-Soar is entered into, to enable planning application P/18/1071/2 to be tied into the original s.106 legal agreement for planning application P/16/1721/2.

Reason

The Memorandum to the S.106 is required to make the development acceptable in planning terms.

Authority for Decision

Planning application P/18/1071/2 relates to a section 73 planning application for the variation of condition 2 on Planning application P/16/1721/2. The application seeks to substitute the approved materials schedule.

The original S106 agreement (P/16/1721/2) provides that the terms may be applied to a later grant of Planning Permission by memorandum endorsed on the original (clause 2.5 on page 12). The Memorandum seeks to apply the terms of the original s106 Agreement (as varied in Feb 2017 and Dec 2017) to the new planning permission.

The current application does not vary the terms of the permission and as such there is no need for any amendments to the terms of the S.106 legal agreement.

The planning application has not been called in and the decision will be made under delegated authority to the Head of Strategic Support.

Decision and Date

Background

P/18/1071/2 seeks to vary condition 2 of P/16/1721/2 to substitute the materials schedule. The amended material schedule seeks to vary the type of bricks on plots 57, 61-63 due to a shortage of materials. The brick type which they are now proposing to use is "Ibstock Hardwicke Welbeck Village Blend". This brick has been used elsewhere on the development. All background can be found within the Officers Recommendation Report and on the planning file.

The original S106 legal agreement provides that the terms may be applied to a later grant of Planning Permission by memorandum endorsed on the original (clause 2.5 on page 12). The original application was determined under delegated powers on the 14th March 2017.

Financial Implications

None

Risk Management

Key Decision: No

Background Papers:

P/18/1071/2 – planning file and Officer Recommendation Report (11/09/18)