

Decision under Delegated Powers

Officer Requesting Decision

Head of Planning and Regeneration

Officer Making the Decision

Head of Strategic Support

Recommendation

That a Deed of Variation be agreed to the Principal Agreement dated 11th May 2012 and Supplemental Agreements entered into 16th July 2013 (amending certain road infrastructure and traffic calming measures); 25th September 2013 to permit occupation of some dwellings prior to the completion of highway works); 11th June 2014 (amending some affordable housing provisions) and 13th October 2014 (incorporating a new planning permission) in relation to planning application P/11/0149/2 for residential development at Green Farm, Anstey.

Reason

The Deed of Variation seeks to vary an existing Section 106 Agreement and related Supplemental Agreements in relation to:

- providing more flexibility for use of Community Cohesion Contribution of £50,000
- continuing the obligation to repay the contribution if not used within 5 years from date of receipt.

Authority for Decision

A variation of a Section 106 Agreement can be made under the delegated authority of the Head of Strategic Support.

Decision and Date

Background

Planning permission was granted for 165 dwellings (ref P/11/0149/2) at Green Farm, Anstey on 15th May 2012. This was subject to a Section 106 Agreement dated 11th May 2012 relating to a variety of contributions, including £50,000 for the purposes of community cohesion to replace the Scout building.

Original Section 106 Agreement (Schedule 3, part 1.2)

The original Section 106 Agreement states that upon occupation of the 5th dwelling the community cohesion contribution should be put towards a replacement of the existing Scout building .

Proposed Variation

The Parish Council, to whom this contribution would be paid, have a number of proposed community projects. They have requested that greater flexibility is given to the use of this contribution, which could include works to existing buildings to improve local Scout facilities. The options which are proposed in the Deed of Variation are:

- i) refurbishment of existing Scout building
- ii) extension of the existing Jubilee Hall building
- iii) provision of a new building for community use within the Parish of Anstey.

The trigger remains unaltered at the occupation of the 5th dwelling on the site. All of these options are considered to be CIL compliant and have the support of all parties to the Section 106.

Financial Implications

None

Risk Management

Key Decision: No

Background Papers:

P/11/0149/2 - planning file and principal Section 106 Agreement.