

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Development Management

Officer Making the Decision

Director of Finance, Governance and Contracts

Recommendation

That a Section 106 Agreement be signed to secure the following planning obligations under Planning Permission reference P/23/0191/2:

- 30% Affordable housing on the site (tenure mix of 67% social and affordable rent and 33% shared ownership).
- The provision of parks and amenity space offsite provision of £13,748.00, natural and semi natural open space off site provision of £4,547.00, provision for children off site contribution of £5,333.00, provision for young people off site contribution of £19,080.00, outdoor sports facilities offsite contribution £6,745.00, allotments £2,258.00.
- The submission of a Biodiversity Mitigation Strategy which includes a On Site Biodiversity Area and/or Off Site Biodiversity Area, arrangements for the implementation of the Biodiversity Scheme, the management and maintenance arrangements, and arrangements for inspection and monitoring.
- A library facilities contribution of £603.95 - funding the enhancement of Anstey Library
- Contribution of £18,356.00 to Latimer Primary School, Anstey or such other primary schools as will provide additional capacity to accommodate pupil growth.
- Contribution of £59,705.84 towards the improvement, remodelling or enhancement of education facilities at Martin High School, Anstey or such other secondary schools as will provide additional capacity to accommodate pupil growth from the Development.
- Contribution of £1033.40 towards site reconfiguration and/or development of waste infrastructure to increase capacity at the Mountsorrel Household Waste Recycling Centre (HWRC)
- The provision of two bus passes per dwelling at £360 per pass
- A contribution towards information display cases at the two nearest bus stops £120.00 per stop (£240.00 total).
- The provision of travel packs for each dwelling £52.85 per dwelling

- A contribution to secure raised kerbs at the nearest bus stops £5,000.00 per stop (total £10,000.00).
- Construction of a traffic routing scheme prior to the commencement of development
- A healthcare contribution of £9,661.44 towards increasing patient capacity at doctors surgeries in Anstey.

The S106 agreement will be required to enable the grant of planning permission, as per the Plans Committee resolution:

<https://charnwood.moderngov.co.uk/ieListDocuments.aspx?CId=152&MId=702&Ver=4>

Reason

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

Authority for Decision

The application was presented to the Plans Committee in line with the

Council's Constitution on 17th August 2023 where a resolution was made to defer the application for officers to seek further clarification from the Highway Authority as whether a pelican crossing should be secured by the application. The application was re-presented to Plans Committee on the 21st September 2023, and a resolution was made to approve the application, subject to the completion of a Section 106 agreement and planning conditions for the reasons set out in the report for 17th August 2023 and the associated 'Extras' report (Appendices A and B respectively set out in the agenda report pack for September 2023).

Under the current constitution, Scheme of Delegation to Officers (8.2 Delegation of Council Functions (Item 7), the Head of Governance and Human Resources has delegated authority to "enter into and vary an agreement under Section 106 of the Town and Country Planning Act 1990". In the absence of that postholder this is delegated to the Director of Finance, Governance and Contracts. The Head of Planning and Growth has delegation to negotiate the heads of terms of section 106 agreements.

Decision and Date



7 May 2024

Background

The full background of planning application P/23/0191/2 is provided in the Plans Committee report of 17th August 2023, the extras report and the further Plans Committee report on the 21st September 2023, confirming to members that further consultation had been carried out with the Local Highway Authority, whereby it was confirmed that a pelican crossing at Gynsill Lane was not necessary to be secured by this planning permission. The application was resolved at Plans Committee for approval in line with officer recommendation, subject to the prior completion of a Section 106 legal agreement in accordance with Recommendation A set out in the report of the Head of Planning and Growth

Since the Plans Committee in August 2023 and the further resolution to approve planning permission at the Plans Committee in September 2023, it has been brought to officers attention that the young peoples open space contribution of £19,080.00 whilst being referred in the Plans Committee report, was missed from Recommendation A. It has been agreed by the applicant that the contribution can be secured in the S106. In addition, the extras report considered by Plans Committee stated the County contributions for waste and for libraries were incorrectly set out. The contributions remain unchanged and the S106 will be amended accordingly. The applicant is in agreement with this minor change to be secured by this S106 and this has been agreed by the Head of Planning and Growth in accordance with the committee resolution and the Councils Constitution.

An update report has been completed setting out the relevant changes since the resolution to approve the planning permission in September 2023.

The above changes from the committee resolution are considered by the Head of Planning and Growth to reflect the consultation response from open spaces and are minor variations in nature and do not materially affect the decision Plans Committee took in September 2023, and thus the changes can be made under delegated authority in line with the constitution.

In addition the emerging Local Plan has been submitted and the examination hearing sessions have concluded. The Head of Planning and Growth is

satisfied that the planning balance has not been changed by the increased weight that is applied to the emerging Local Plan policies.

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:
Planning application ref.

P/23/0191/2