

## Decision under Delegated Powers

### Officer Requesting Decision

Principal Planning Officer - Strategic Development

### Officer Making the Decision

Head of Legal and Electoral Services

### Recommendation

That a Section 106 Agreement be signed to secure the following planning obligations in relation to planning application **P/23/1235/2**. This application seeks outline planning permission for up to 160 dwellings alongside associated site infrastructure, open space and landscaping, with all matters reserved except access, at Land at Melton Road, Queniborough:

- 30% Affordable Housing on the site (25% First Homes, 8% Shared Ownership and 67% Social and/or Affordable Rented Units)
- The provision of allotments on site comprising a minimum area of 0.13 hectares to be provided in accordance with an approved Allotments Scheme.
- The provision of a minimum of:
  - 1.48ha park and amenity green space
  - 3.26ha natural and semi-natural open space
  - A Neighbourhood Equipped Area of Play (NEAP) for both Children and Young People

To accord with the On Site Public Open Space Delivery Strategy which is to be submitted to and approved by the Council.

- A contribution of £53,962 for outdoor sports facilities towards implementing recommendations in the adopted Playing Pitch Strategy at Rearsby Road Playing Fields, Queniborough and/or Syston Rugby, Cricket and Tennis Club and/or for other sports facilities within the vicinity of the development.
- Contribution of £123,904 towards healthcare infrastructures/service in the immediate area of Melton Road, Syston and the surrounding areas.
- The provision of two bus passes per dwelling at £650 per pass.
- The provision of a Travel Pack for each dwelling at a cost of £52.85 per pack.

- A Travel Plan Monitoring Fee of £6,000 towards monitoring the Travel Plan.
- A contribution of £146,848 towards Queniborough Church of England Primary School and/or another primary school within the locality of the development, including the construction of a new school within the locality of the development.
- Contribution of £90,317.49 towards Birch Wood (Melton Area Special School) and/or to another school including the construction of a new school in order to provide additional capacity to accommodate pupil growth from the development.
- A contribution of £4,831.63 towards East Goscote Library to provide improvements to the library and its facilities, including but not limited to, books, materials, or associated equipment or to reconfigure the internal or external library space.
- A contribution of £8,267.20 towards site reconfiguration and/or development of waste infrastructure to increase the capacity for the Mountsorrel Household Waste Recycling Centre or any other HWRC directly impacted by the development.
- The submission of a Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. To submit an updated Biodiversity Impact Assessment with the Reserved Matters Application. To provide the Biodiversity Net Gain on site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. Where the provision of the Biodiversity Net Gain on site cannot be achieved to provide the mitigation measures off site pursuant to the approved Biodiversity Mitigation and Enhancement Scheme, which may require the purchase of habitat units if on or off site compensation is not achievable.

The S106 Agreement is required to enable the grant of outline planning permission, as per the Plans Committee resolution on 17 October 2024:

[Agenda for Plans Committee on Thursday, 17th October 2024, 5.00 pm - Charnwood Borough Council](#)

### **Reason**

The S106 Agreement is required to secure the necessary contributions and obligations to make the development acceptable in planning terms.

### **Authority for Decision**

Under the Council's Constitution, Scheme of Delegation to Officers, (8.2 Delegation of Council Functions), the Head of Legal and Electoral Services has delegated authority to enter into and vary an agreement under Section

106 of the Town and Country Planning Act 1990 (Item 7). In addition, the Head of Planning and Growth has delegation to negotiate the heads of terms of section 106 agreements and to enter into an agreement under Section 106 of the Planning Act to secure planning obligations in instances where the decision is delegated to the Head of Planning and Growth (Item 22).

### Decision and Date

N.Ford

Nicola Ford – Head of Legal & Electoral Services

Approved on 18.11.24

### Background

Planning application P/23/1235/2 was originally resolved to be approved, subject to entering into an agreement under section 106 of the Town and Country Planning Act 1990 and several conditions by Plans Committee on 20 June 2024.

Since that resolution, and while a final version of the S106 was being prepared, changes to material planning considerations occurred, and therefore the application appeared on the agenda for the Plans Committee on 17 October 2024. The Plans Committee again resolved to grant outline planning permission subject to entering into an agreement under section 106 of the Town and Country Planning Act 1990 and the imposition of the recommended planning conditions.

The S106 has been progressed on the basis of the Heads of Terms resolved to be agreed by Plans Committee, with delegation to the Head of Planning and Growth to finalise the terms.

The Committee Update Report and associated Extras Report for the Plans Committee on 17 October 2024, including a copy of the original Committee Report (Enc.1), and associated Extras Report (Extract) can be found at the following link:

[Agenda for Plans Committee on Thursday, 17th October, 2024, 5.00 pm - Charnwood Borough Council](#)

### 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**

All contained on planning file P/23/1235/2, which can be found at the following link:

**[Planning Search Results](#)**