

Decision under Delegated Powers

Officer Requesting Decision

Principal Planning Officer – Development Management

Officer Making the Decision

Head of Legal and Electoral Services

Recommendation

That a Third Supplemental Deed under Section 106 of the Town and Country Planning Act 1990 in respect of Land at Grange Park, Loughborough be signed to secure the following planning obligations in relation to Outline planning permission P/00/2078/2 and to subsequent related planning permissions for approval of Reserved Matters P/02/1114/2, P/02/3188/2, P/06/1894/2, P/07/1524/2, and P/09/0234/2:

- To pay to the Council “Approval of Details Fees” of £292 (index linked) for each submission for approval of details
- To pay to the Council a “Council Monitoring Fee” of £3,560 to fund monitoring of the Development
- “Leap Area 1”, being an equipped play area measuring 420 m², to be kept available for use by the general public in perpetuity.
- To pay to the Council the “Leap Area 1 Maintenance Cost” being £47,123.00
- “Leap Area 2”, being an equipped play area measuring 420 m², to be kept available for use by the general public in perpetuity.
- To pay to the Council the “Leap Area 2 Maintenance Cost” being £66,426.00
- “Public Amenity Area 1”, being an area identified on a “Plan” and measuring 4500 m², together with a further area measuring 750 m² labelled on the “Plan” as Future Community Hub Space be kept available for use by the general public in perpetuity.
- “Public Amenity Area 2”, being an area identified on a “Plan” and measuring 7955 m² be kept available for use by the general public in perpetuity.
- “Public Amenity Area 3”, being an area identified on a “Plan” and measuring 800 m² be kept available for use by the general public in perpetuity.
- To pay to the Council the “Public Amenity Area 3 Maintenance Cost”, being £5,515.00.
- “Public Amenity Area 4”, being an area identified on a “Plan” and measuring 180 m² be kept available for use by the general public in perpetuity.

- To pay to the Council the “Public Amenity Area 4 Maintenance Cost”, being £1,241.00.
- “Public Amenity Area 5”, being an area identified on a “Plan” and measuring 425 m² be kept available for use by the general public in perpetuity.
- To pay to the Council the “Public Amenity Area 5 Maintenance Cost”, being £3,190.07.
- “Public Amenity Area 6”, being an area identified on a “Plan” and measuring 824 m² be kept available for use by the general public in perpetuity.
- To pay to the Council the “Public Amenity Area 3 Maintenance Cost”, being £5,677.36.
- “Public Amenity Area 7”, being an area identified on a “Plan” and measuring 90 m² be kept available for use by the general public in perpetuity.
- To pay to the Council the “Public Amenity Area 3 Maintenance Cost”, being £1,019.72.
- To complete the unencumbered “Open Space Land Transfer” of ownership to the Council for a nominal consideration of £1.
- The “First Developer” covenants that it has completed the “Open Space Works”
- To pay to the Council a “Site Inspection Fee of £195 (index linked) for each site visit required by this Deed.
- To pay to the Council a “Tree Replacement Contribution” of £29,590 for the replacement by the Council of 110 trees on Open Space Land, calculated at a rate of £269 per tree.
- The “Wildlife Corridor”, being an area measuring 5,314 m², to be kept available for the benefit of the general public in perpetuity.
- To pay to the Council a “Wildlife Corridor Maintenance Cost” of £28,372.

The phrases included within inverted commas in the schedule above are defined in the full text of the Third Supplemental Deed. The “Plan” is a composite site layout plan which is endorsed with coloured areas and references which identify the various Areas described above.

Reason

The S106 Agreement is required to secure the provision and maintenance of the various components of Open Space at the subject development site, as approved in detail in the series of planning applications which approved those matters reserved in the outline planning permission P/00/2078/2, which was approved on 2nd May 2002, for the benefit of the general public, and to secure the transfer of ownership of the “Open Space Land” to the Council.

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 03.12.24

Background

Planning application P/00/2078/2 was an outline planning application described as “Site for residential development with recreational open space, local centre, linear park and road link to proposed Epinal Way extension. (48ha)”. It was approved subject to planning conditions and obligations set out in a planning agreement. The planning conditions included a requirement to submit details of the layout and landscaping in applications for approval of reserved matters. Those obligations anticipated the need for further agreements under S106 of the Town and Country Planning Act 1990 as the details of design evolved, in order to define the lands involved, to provide for ongoing maintenance, including the payment of commuted lump sums to Charnwood Borough Council.

A series of subsequent related planning permissions for approval of Reserved Matters, P/02/1114/2, P/02/3188/2, P/06/1894/2, P/07/1524/2, and P/09/0234/2 were granted, with each defining more precisely the locations and details of a series of spaces intended to be for the benefit of the general public.

The development is now practically complete, and the “Open Space Land” will be transferred into the ownership of the Council. This Deed is necessary to ensure that the lands to be transferred are clearly identified, monies are paid to the Council to support the maintenance of these spaces, and to commit these lands for the benefit of the general public in perpetuity.

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

Further details about planning application P/00/2078/2 can be found at the following link: [P/00/2078/2 in Planning Explorer](#)

Further details about planning application P/02/1114/2 can be found at the following link: [P/02/1114/2 in Planning Explorer](#)

Further details about planning application P/06/1894/2 can be found at the following link: [P/06/1894/2 in Planning Explorer](#)

Further details about planning application P/07/1524/2 can be found at the following link: [P/07/1524/2 in Planning Explorer](#)

Further details about planning application P/09/0234/2 can be found at the following link: [P/09/0234/2 in Planning Explorer](#)

