

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

14th August 2018

Agenda item 11

Application Ref. 18/00314/FUL

Land south of Mucklestone Road, Loggerheads

Given that this is a full planning application rather than a reserved matters application, the Section 106 agreement relating to the outline consent for the wider site (Ref. 15/00202/OUT) would not ordinarily apply to this consent and the agenda report refers to the need for a Section 106 agreement or undertaking or some other mechanism to ensure that there is no diminution of the secured contributions and to address the issue of what would happen if only this consent were to be taken up.

Having considered the requirements of the Section 106 agreement relating to the outline consent for the wider site, your Officer's advice is that the granting of full planning permission for this site should be subject to a Section 106 agreement to preserve the Council's position in respect of obligations secured. Indeed subject to legal advice it may even be necessary to require a Deed of Variation of the original Section 106 agreement

The revised RECOMMENDATION is as follows:

A) Subject to the applicant entering into a planning obligation and/or any required Deed of Variation of the original Section 106 agreement, by 14th September 2018 that preserves the Council's position in respect of obligations secured prior to the grant of permission 15/00202/OUT unless the Head of Planning in consultation with its Solicitor is satisfied that the matter can be dealt with via another mechanism such as a condition, PERMIT the planning application subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Landscaping scheme for public open space**
- 5. Revised access details**
- 6. Provision of private drive, parking and turning areas**
- 7. Surfacing materials for private driveway, parking and turning areas**
- 8. Off-site highway works**
- 9. Vehicular access to remain ungated**
- 10. Construction Method Statement**
- 11. Noise levels**
- 12. Construction hours**
- 13. Report of unexpected contamination**
- 14. Importation of soil/material**

B) Failing the securing by the date referred to in the above resolution (A) of the above mechanism, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of

Published 13.08.18

a secured mechanism the development would fail to secure the provision of adequately maintained public open space, appropriate provision for required education facilities and measures to ensure that the development achieves sustainable transport outcomes; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.