

**SOUTHERN PLANNING COMMITTEE – 28<sup>TH</sup> OCTOBER 2015**

**UPDATE TO AGENDA**

**APPLICATION NO.**

15/3157C

**LOCATION**

*Land off Paradise Lane, Church Minshull.*

**UPDATE PREPARED**

28<sup>th</sup> August 2015

**Education**

The main report has an education section detailing the requirement for a contribution to secondary education; however this was not reflected in the recommendation section. It states the following:

An application of 11 dwellings is expected to generate 2 primary aged children and 2 secondary aged children.

An assessment has been undertaken looking at the capacities at primary schools within a 2 mile radius and secondary schools within a 3 mile radius of the proposal and this has been considered against numbers on roll and 5 year pupil forecasts.

Forecasts indicate that there will be sufficient space available in the catchment primary school to accommodate the pupils generated by this development. Forecasts are indicating a shortfall of places in the catchment secondary school and so a contribution will be needed to accommodate the pupils generated by the development.

$2 \times £17,959 \times 0.91 = 32,685.$

Transport Service Solutions have confirmed that the existing school transport service which would include for this development proposal has sufficient space to accommodate the pupils generated and so the development will not create an extra burden on the service. The cost of transport is included in the calculations for education provision.

**S106 Contributions:**

**LEVY (CIL) REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to

consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, the financial contributions to secondary education would help to make the development sustainable and is a requirement local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

## **RECOMMENDATION**

### **RECOMMENDATION**

**Approve subject to the completion of a Section 106 Agreement to secure:**

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
  
- 2. A contribution of £32,685 to secondary education.**

**And the following conditions:**

- 1. Commencement**
- 2. Approved plans**
- 3. Submission of external material**
- 4. Submission of full details of boundary treatments**
- 5. Submission of a scheme for disposing of foul surface water**
- 6. Submission of a Phase II Contaminated Land Report**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Tree protection scheme**
- 9. Breeding bird survey for works in the nesting season**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Should the application be subject to an appeal, resolve to enter into a Section 106 Agreement based on the above Heads of Terms.**