

REPORT TO THE PLANNING COMMITTEE OF 20st July 2021

Meeting: Planning
Date: 20st July 2021
Subject: Amendments to Agreed S106 Contributions for Lutterworth East (19/00250/OUT)
Report of: Strategic Growth Team Leader
Cabinet Member: Cllr Jonathan Bateman
Status: Recommendation to Planning Committee.

1 Purpose of the Report

- 1.1 To decide whether the agreed Section 106 contributions should be amended to reflect ongoing discussions between the Applicants (Leicestershire County Council) and Harborough District Council and changes to circumstances since the Planning Committee meeting of the 28th July 2020.
- 1.2 To note the additional Case Law that has become available since the Planning Committee considered the draft S106 Headings in relation to S106 funding of University Hospitals of Leicester at their meeting on 28th July 2020.
- 1.3 To note relevant additions to the Development Plan since the Planning Committee considered the application at their meeting on 28th July 2020.

2 Recommendations:

- 2.1 **To agree that the agreed S106 Contributions be amended (as per Appendix B) to reflect ongoing discussions by including the principle of the requirement for land to be reserved for the provision of a Leisure facility on site, with Delegated Authority given to the Development Planning Manager to agree the final amount of land to be safeguarded.**
- 2.2 **To agree that the S106 Contributions be amended (as per Appendix B) to reflect the requirement for funding for the provision of Wheelie Bins to domestic properties, with Delegated Authority given to the Development Planning Manager to confirm detail (including trigger and phasing) of this request.**
- 2.3 **To agree that the agreed S106 Contributions be amended (as per Appendix B) to reflect the increased cost of providing the required Primary Schools on site, with Delegated Authority given to the Development Planning Manager to agree the final level of contribution.**
- 2.4 **To note that there have been further cases nationwide in relation to the funding of NHS Trusts, but that these do not change the opinion of HDC Officers and Legal Advisors.**

2.5 To note that the Misterton with Walcote Neighbourhood Plan has now been adopted, and that, as such, it forms part of the Development Plan in the consideration and determination of Planning Applications.

3 Summary of Reasons for the Recommendations

3.1 On the 28th July 2020, The Planning Committee resolved to approve 19/00250/OUT subject to the completion of a satisfactory S106 Agreement generally in accordance with the details set out in Appendix B of the Committee Report (See Background Papers).

3.2 Recommendation 1 – Leisure facility land

Policy L1 of the Harborough District Local Plan states at 3k that

“The masterplan will guide the creation of a high quality sustainable urban extension to Lutterworth and an attractive environment for living, working and recreation. It will address and overcome the issue of community severance resulting from the presence of the M1, to create a sustainable urban extension which is permeable and well-connected to Lutterworth via legible walking and cycling routes with good natural surveillance. It will provide for:

...k. safeguard land for a potential new leisure centre to serve Lutterworth;”

The submitted Parameters Plan and subsequent Masterplan make provision for an area of land to be safeguarded for the provision of a potential new Leisure Facility to serve Lutterworth as part of the proposed “Community Hub” (Parcel CH on the Parameters Plan) The total area of land forming the Community Hub is 2.5ha and within this also allows for 8,000sqm of A1 – A5 (retail and commercial) use (with A1 retail use limited to 1,500sqm). The Parameter Plan also allows for some residential use within the Community Hub area, likely in the form of above ground floor units and C2 Extra Care provision.

3.3 Despite the general agreement of the applicants to the safeguarding of the land for the potential future need for a replacement leisure facility, during the final agreement of the requirements, it became apparent that there were still outstanding areas of dispute, particularly in relation to the authorisation to seek the obligation and also how this land would be safeguarded, how long for, and who by. Officers have met with representative of the applicants on a number of occasions since the application was presented to Planning Committee in July 2020 in order to attempt to resolve the outstanding issues.

3.5 As a result of these meetings, it is proposed to amend the S106 requirements for 19/00250/OUT as set out in **APPENDIX B**. This request has been put forward by HDC Officers and Senior Management for agreement by the Applicant. Furthermore, HDC Officers consider that the offer would be CIL compliant for reasons set out in detail later in this report.

3.6 The proposal seeks to include the requirement for land to be safeguarded for the provision of a new replacement leisure facility. It is suggested that the S106 clause should state¹ that the land should be safeguarded for a minimum of 5 years following the occupation of the final dwelling on the site. If, at any time during this period, HDC require the land to be made available to them for the delivery of a new replacement leisure facility, the applicants must arrange for the land to be transferred to HDC. HDC will then have to deliver the leisure facility within 5 years of the date of the transfer of the land. If, at the end of this period, HDC have not delivered the leisure facility, the land will be transferred back to the applicants, and will no longer be required to be

¹ It should be noted that at this time, the detail of the S106 clause has not been agreed. Officers are seeking Member’s agreement to the principle of including such a clause, not agreement of the detail of the clause which will be required to go through rigorous legal processes following negotiation with the Applicants, and as such, the detail outlined in this Paragraph is solely used to illustrate the potential structure of the suggested clause.

safeguarded for the provision of a new leisure facility. Furthermore, if, at the end of the initial safeguard period, HDC have not requested the applicants to transfer the land, again, the requirement for the land to be safeguarded for the provision of a leisure facility will lapse.

3.7 An alternative solution would be for the Applicants to provide a joint facility on site. Schedule 3 Part 1 of the S106 Agreement contains an obligation upon the Developer to provide a community centre (to be located in the Community Hub) of not less than 690 square metres gross internal area to provide a minimum of four sports courts, changing rooms, toilets, meeting rooms, kitchen and storage space. Rather than providing land for a separate Leisure centre at the same location, the provision of one enhanced facility could be seen as the optimal solution. Such a solution would result in a more efficient and sustainable use of land in terms of car parking and other facilities within the centres (such as changing rooms, toilets, storage etc) and would also facilitate a singular management regime for the facility. Currently, in terms of the Community Facility, the S106 obliges the Developer to either build the Community Centre and then agree a management scheme with the Council, or, offer the land to the Council on which to build the Community Facility, along with a payment of £3.25m in lieu of providing the Community Centre. If a joint facility solution is progressed, rather than the currently drafted mechanism, HDC would require a provision in the S106 to oblige the Developer to offer the Council first refusal on the operation of the facility.

3.8 The Harborough District Built Facilities strategy at para 5.81 states:

5.81 It is recommended that:

- Lutterworth Sports Centre pool is retained and maintained at good quality. If the facility is to be replaced after 2031, this should be to a site within the existing town area of Lutterworth, in order to maximise sustainable transport options for users. If a Town Centre site is not available the secured Leisure Centre Site as part of the Lutterworth East SDA should be utilised.
- Leicester Grammar School's pool is retained and maintained at good quality and that the current levels of community use remains long term. If possible, an agreement should be put in place to secure this long-term community use.

On this basis, it is considered that any S106 mechanism to secure the safeguarding of the land should reflect this hierarchy for delivery. This will also ensure that, if a solution more closely related to the Town Centre becomes available, the land on Lutterworth East would not be unnecessarily "sterilised" and could be developed as a fully functioning Community Hub earlier in the life of the development, bringing with it the associated benefits to the social cohesion of the development.

3.9 The NPPF states that the planning system is to contribute towards sustainable development. There are three dimensions to sustainable development: Economic, Social and Environmental. The **Social** aspect of the planning system is to create a high-quality built environment, **with accessible local services that reflect the community's needs and support its health, social and cultural well-being**. The **Economic** aspect of the planning system should ensure that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, **including the provision of infrastructure**. The **Environmental** aspect of the planning system contributes by protecting and enhancing our natural, built and historic environment

3.10 To achieve sustainable development the three dimensions of the planning system should be sought jointly. It is acknowledged in the Harborough District Local Plan 2011 – 2031 that the existing Lutterworth Leisure Centre will reach the end of its life during

the plan period and would, in any event, be unlikely to be adequate to serve the expanded population resulting from the Lutterworth East development. The site is currently owned by Leicestershire County Council, and leased to HDC, with 88 years remaining on this lease. As such, both the safeguarding of land to enable the provision of a viable development on site, and the provision of a joint Community / Leisure Facility on site, are considered to be sustainable forms of development.

3.11 Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should (amongst others):

- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Supporting the safeguarding of land for a new replacement leisure facility or the provision of a joint Community / leisure Facility, as part of a comprehensive community hub will ensure provision of vital meeting place, sports facility, and cultural centre.

3.12 NPPF states at Para 9 that plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

3.13 NPPF para 91 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions, in turn, should aim to achieve places which promote:

- opportunities for meetings between members of the communitystrong neighbourhood centres.
- enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision ofsports facilities.....

By supporting the safeguarding of land for a new replacement Leisure Facility, or the provision of a joint Community / Leisure Facility on the Lutterworth East development, this aspiration in the NPPF will be fulfilled.

3.14 NPPF para 92 states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

The replacement Leisure Facility, or the provision of a joint Community / Leisure Facility, as part of the Community Hub will have the potential to provide shared space and community facilities for meeting places, sports and cultural events.

3.15 NPPF para 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. It is this solution which Members are recommended to approve.

- 3.16 Para 54 of the NPPF states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions cannot be used to secure the transfer of land, and as such, a planning obligation must therefore be considered as a suitable mechanism to make the development acceptable in planning terms.
- 3.17 The planning obligation is directly related to the development. The land to be safeguarded, or the joint Community / Leisure Facility to be provided, is located on the development site and will be in easy access for all residents. The planning contributions are fairly related to the size of the development having been calculated using the new population for which the development will cater as evidence for the calculation.
- 3.18 Recommendation 2 – Wheelie Bin provision financial contribution
Policy L1 of the Harborough District Local Plan states at 2 and 3w that:
2. *This new neighbourhood will be developed comprehensively in accordance with a masterplan, including delivery and phasing arrangements, to be prepared in accordance with masterplanning requirements set out in Appendix L and informed by key design principles, an independent design review and community consultation. This masterplan will be incorporated into a Supplementary Planning Document and/or an outline planning application and supporting section 106 agreement.*
 3. *The masterplan will guide the creation of a high quality sustainable urban extension to Lutterworth and an attractive environment for living, working and recreation. It will address and overcome the issue of community severance resulting from the presence of the M1, to create a sustainable urban extension which is permeable and well-connected to Lutterworth via legible walking and cycling routes with good natural surveillance. It will provide for:*
 - w. *facilities for recycling and waste collection, including concealed bin storage;*
- Furthermore, Policy IN1 states:
2. *Direct provision and/or financial contributions towards meeting all the eligible costs of infrastructure directly required by a major development (or cumulatively with other major developments within Harborough District or outside) will be sought from the scheme promoter whenever this is necessary.*
- 3.19 Harborough District Council have a duty to provide a waste collection service to domestic households in the Environmental Protection Act 1990. As such to provide this service a wheeled bin is required for the collection of recycling and residual waste. Green Waste at present is a non statutory service and is chargeable, therefore this is a household decision on whether they require this service and therefore the bin, and as such, no S106 request is made for these.
- 3.20 The recycling and residual bins are statutory services and therefore the building of additional properties is a direct impact on the Council in service delivery for the additional properties. Under policy IN1 of the Harborough District Local Plan, the direct provision and/or financial contributions towards meeting all the eligible costs of infrastructure directly required by a major development, this is a significant policy and is required for the provision of wheeled bins. Furthermore Policy L1 states that the Masterplan – which will be incorporated into the outline planning application and supporting S106 agreement – will provide for facilities for recycling and waste collection. The provision of Wheelie Bins for residential properties through the S106 will comply with this Policy.

- 3.21 A new dwelling-house will require one black bin (180 Litres) and one blue wheeled bin (240 litres). The cost of provision in 2020/21 is £79.04 (subject to annual review). The green bin for garden waste is optional and is not included as a developer contribution requirement, as Harborough residents can opt to make their own arrangements with the Council for garden waste collection for a modest fee. Notwithstanding the fact that Developer contributions are not be required for green bins for new residential developments, the overall design and layout of any such scheme must makes provision for suitable access and storage arrangements for all household, recycling and garden waste wheeled bins/receptacles.
- 3.22 In terms of Apartments/flats and Houses in Multiple Occupation (HMOs), the cost for a communal bin/receptacle of 1,100 litres, is £347.46 (includes delivery & VAT) at 2020/21 prices. The cost of the receptacles for apartments/flats or HMOs would be dependent on the capacity required for a particular development and the agreed bin storage design and layout as part of the overall planning of the proposed scheme at the planning application stage.
- 3.23 The planning obligation is directly related to the development. The facilities to be provided would be in use on the development site and will be used by residents. The planning contributions are fairly related to the size of the development having been calculated using the number of dwellings which the development will provide as evidence for the calculation.
- 3.24 As a result of these discussions, it is proposed to amend the S106 requirements for 19/00250/OUT as set out in **APPENDIX B**. This request has been put forward by HDC Officers and Senior Management for agreement by the Applicant. Furthermore, HDC Officers consider that the offer would be CIL compliant for reasons set out in detail above.
- 3.25 Recommendation 3 – Primary School provision financial contribution
As part of the Planning Committee’s consideration of the Application and subsequent Officer Report, contributions towards Education provision were taken into account as set out in Appendix B – S106 Contributions (see **APPENDIX A** of this report). Since this request was made by the Local Education Authority in 2019, it has become apparent that the requested (and agreed) financial contribution of £6,641,200 to cover the cost of providing each of the two Primary Schools required on site has increased quite significantly, particularly given that the costings behind this level of contribution had not been revised for a number of years prior to the request being made.
- 3.26 Currently, the LEA have not finalised the exact cost of the provision of the Primary School’s, however, through discussions with the Applicants, Officers are aware that this cost is likely to increase to in the region of £7.25m - £7.5m per school. The Applicants have agreed to the principle of the increase in the costs of providing the schools, however, until such time that the final costs have been provided by the LEA, neither Officers or the Applicants are in a position to agree the final level of contribution.
- 3.27 The principle of the contribution request is already agreed by Officers and the Applicants, as is the principle of the increase in the level of contribution. Furthermore, the Applicants have agreed with the LEA that the estimate provided of £7.25m to £7.5m is also acceptable. Additionally, Officers are content that – in light of the general increase in building costs over the past few years – the anticipated increase would be reasonable.
- 3.28 The planning obligation is directly related to the development. The Schools are to be provided on the development site and will be in easy access for all residents. The

planning contributions are fairly related to the size of the development having been calculated using the new population for which the development will cater as evidence for the calculation.

3.29 As a result of these discussions, it is proposed to amend the S106 requirements for 19/00250/OUT as set out in **APPENDIX B**. This request has been put forward by the Applicants and agreed by HDC Officers. Furthermore, HDC Officers consider that the offer would be CIL compliant for reasons set out in detail above.

3.30 Recommendation 4 – Hospital Trust funding

As reported to Planning Committee in July 2020 (in particular at Para’s 6.38 – 6.73 and additionally through the Supplementary Information List), the request received from University Hospitals of Leicester NHS Trust was considered to not be CIL compliant. Since July 2020, there have been a number of other cases across the Country which have dealt with this matter to differing extents:

- Land at Wolborough Barton, Coach Road, Newton Abbot (APP/P1133/W/18/3205558), decision 3.6.20 (“**Teignbridge**”);
- Land North of Viaduct, adjacent to Orchard Business Park, Ledbury (APP/W1850/W/20/3244410), decision 15.3.21 (“**Hereford**”); and
- Land at Whitford Road and Land at Albert Road, Bromsgrove (APP/P1805/W/20/3245111) decision 9.2.21 (“**Bromsgrove**”).

Both the Teignbridge and Hereford were decisions by the Secretary of State.

3.31 The only one of these appeals where the issue of revenue contributions to an NHS body was considered in detail because it was in dispute was the **Teignbridge** appeal. The Secretary of State accepted the Inspector’s assessment that the contributions sought were not justified in terms of the CIL Regulations. The NHS Trust was represented by counsel and called three witnesses.

3.32 The Inspector considered the claim for contributions at paras. 322-365 of her report and concluded that it did not meet the CIL Regulations tests. Although referred to, there was no direct discussion regarding the additional time following allocation for the NHS bodies (especially the commissioning body) to consider the need to accommodate changes in population which exists from permission to completion of the new dwellings and the likely build-out rates.

3.33 In the **Teignbridge** Judicial Review the original appeal decision was challenged by a third party but the claim was dismissed on 11 March 2021. It must be noted that the challenge concerned climate change, biodiversity and habitats issues and did not raise the rejection of the S106 contributions or the rejection of the NHS contribution sought and, therefore, even if the judgment were appealed it would not deal with the NHS contributions issue.

3.34 In both **Hereford** and **Bromsgrove**, the developers and LPAs did not oppose the contribution and the Inspectors (and Secretary of State) were content to accept the agreed statement and so the issue was not contentious and not critically examined in detail.

3.35 Since the application of reg. 122 (see **Para 3.16**) inevitably involves consideration of the specific circumstances of the case, the consideration of appeal decisions on different sites with different evidence is a matter for the weight to be given to the decisions in those cases. Where the issue of NHS contributions has not been contested, as in **Hereford** and **Bromsgrove**, the decision is less likely to be of weight or value if it is based on agreement since it has not been subject to the critical examination which it

would undergo in a Public Inquiry such as was the case in Teignbridge.

- 3.36 HDC Officers and Legal representatives remain concerned that UHL is seeking to obtain funding which it should be obtaining from the national funding mechanism and that there remains a risk it is being paid twice for the same changes in population if it receives an "advance payment" from a development due to some delay in the funding for the change within the national funding arrangements. It is not the role of the planning system to forward fund national funding for services but to meet reasonable requirements generated by the development within reg. 122.
- 3.37 Furthermore, HDC Officers and Legal representatives have reviewed the above cases and are of the opinion that these do not affect their consideration of the case before us.
- 3.38 Based upon the above, it remains the case that HDC Officers do not consider that a S106 claim for funding from UHL would meet the CIL Regulation 122 tests, and as such, it is not recommended that such an obligation be included within the S106 Agreement.
- 3.39 Recommendation 5 – Misterton with Walcote Neighbourhood Plan
Following a positive referendum result Harborough District Council is publishing its decision to 'make' the Misterton with Walcote Neighbourhood Development Plan part of Harborough District Councils Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.
- 3.40 Misterton with Walcote Parish Council, as the qualifying body successfully applied for Misterton with Walcote Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force in April 2012.
- 3.41 Following the submission of the Misterton with Walcote Neighbourhood Plan Examination Version to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 7 October 2020. During the formulation of the draft Neighbourhood Plan, Officers considering 19/00250/OUT provided comment on the content of the Plan. At no stage was it considered that any of the proposed Policies within the draft Plan conflicted with the relevant Local Plan Policies, or the with the proposals being considered under 19/00250/OUT
- 3.42 The Examiners report into the draft plan concluded that the plan met the basic conditions, and that subject to the modifications proposed in his report, the plan should proceed to a referendum. At its meeting on 8th March 2021 the Councils Cabinet agreed that all of the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum.
- 3.43 A referendum was held on 3rd June 2021 and a 'yes' vote was returned with 78 out of 118 persons that voted, voting '*to use the Neighbourhood Plan for Misterton with Walcote to help it decide planning applications in the Neighbourhood area.*'
- 3.44 In accordance with the Regulations and the Council's scheme of delegation the Misterton with Walcote Neighbourhood Development Plan is 'made' and planning applications in the Parish must be considered against the Misterton with Walcote Neighbourhood Development Plan, as well as existing planning policy, such as the Harborough District Local Plan and the National Planning Policy Framework and Guidance.

3.45 The inclusion of Neighbourhood Plan within the Development Plan for the District does not raise any new material considerations over and above those which were considered as part of the original determination process for 19/00250/OUT, and as such, Members are requested to note the fact that the Neighbourhood Plan now forms part of the Development Plan.

4 Impact on Communities

4.1 Harborough District Council have identified that by the end of the Local Plan period there will potentially be a deficit in Leisure Centre provision in the Lutterworth area. As such, it is acknowledged that the omission of this obligation to secure the safeguarding of the land will potentially have a detrimental impact on a proportion of the local community. As such, it is considered that the proposed safeguarding of the land and its associated transfer to HDC, which will aid the development of a new leisure facility on the site, will benefit a wide cohort of the local community.

4.2 The provision of Wheelie Bins by the developer will enable the Council to continue to fulfil its statutory obligation to collect waste from residential properties. As such, it is acknowledged that to omit this obligation to provide residential wheelie bins could potentially have a detrimental impact on a proportion of the local community. As such, it is considered that the provision of residential wheelie bins will benefit a wide cohort of the local community.

4.3 Harborough District Council acknowledge that the provision of Primary education facilities on the site are necessary to mitigate the impact of the development on the wider community, and this is reinforced by the inclusion of this requirement within Policy L1 of the Local Plan. As such, it is acknowledged that the failure of the requested obligation to fully cover the cost of the Primary education provision could potentially have a detrimental impact on a proportion of the local community through the potential under-provision of Primary education facilities. As such, it is considered that the proposed increase in the level of financial contribution, which will aid the development of the new Primary Schools on the site, will benefit a wide cohort of the local community.

5 Key Facts

5.1 The agreed S106 contributions agreed by Planning Committee in July 2015 can be seen at **Appendix 1**. The proposed S106 contributions as agreed by the Applicants and which it is suggested that Members agree can be seen at **Appendix 2**.

6 Legal Issues

6.1 There are no legal issues related to the recommendation. To decide contrary to the recommendation could potentially open the District Council up to an appeal by the Applicants on the basis of the non-determination of the application.

7 Resource Issues

7.1 None Identified

8 Equality Impact Assessment Implications/Outcomes

8.1 None Identified

9 Impact on the Organisation

9.1 If the applicants were to appeal against the non-determination of the application, The Council would have to defend the Appeal, which would have resource implications. Furthermore, The Council could be exposed to a potential costs award in favour of the Applicants

10 Community Safety Implications

10.1 None Identified

11. Carbon Management Implications

11.1 None Identified

12. Risk Management Implications

12.1 None Identified

13 Consultation

13.1 None required

14 Options Considered

14.1 Not to amend the agreed S106 Contributions. This may result in potentially leaving the District Council exposed in terms of future Leisure provision within Lutterworth, the provision of Wheelie Bins on the site and also leaving the County Council exposed in terms of the provision of primary Education facilities on the site.

15 Background Papers

15.1 *28th July Planning Committee Agenda*

15.2 *Draft S106 Agreement*

APPENDIX A

Previously considered S106 Obligations (Appendix B of July 28th 2020 Planning Committee Officer Report

Request by HDC	Obligation for Affordable Housing		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>40% on site provision</p> <p>Supported and special needs provision as part of the 40% percent Affordable Housing Requirement</p> <p>Specific disabled standard fully compliant units subject to need and demand</p>	<p>(i) No more than 60% of the Market Dwellings in any Area to be occupied until 50% of the Affordable Housing Dwellings on that Area have been provided; and</p> <p>(ii) No more than 90% of the Market Dwellings to be occupied until all of the Affordable Housing Dwellings on that Area have been built and occupied.</p>	<p>A fundamental objective of the Local Plan is to meet the need for affordable housing (LP Objective 1 and LP Policy H2). LP Policy H2 seeks a proportion of new dwellings within developments to be affordable.</p> <p>Providing housing on site will result in an inclusive, sustainable development. The size and tenure of affordable housing is based on the current needs of those on the Councils waiting list.</p>	<p>H2 of the Harborough District Local Plan 2011-2031</p> <p>HDC Planning Obligations Supplementary Planning Document Jan 2017.</p> <p>The Framework paragraphs 34, 54-57, 61-63</p>
Request by HDC	Obligation for Greenspaces		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>Outdoor sport and recreation pitches £1,263,190</p> <p>Outdoor sport and recreation changing facilities £751,950</p> <p>Cemetery</p>	<p>Occupation of 500 dwellings</p>	<p>Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities</p> <p>The provision will meet the need identified through the adopted policies.</p>	<p>Policy G12 of the Harborough District local Plan 2011-2031</p> <p>NPPF para 92 and 96</p> <p>Provision for Open Space Sport and Recreation (HDC, 2015).</p> <p>Local Plan Policy IN1</p>

AGENDA ITEM 8

Provision of site and infrastructure off site	Occupation Dwellings of 2500		<p>Harborough Infrastructure Development Plan 2017</p> <p>The Framework paragraphs 34, 54-57.</p> <p>HDC Planning Obligations Supplementary Planning Document Jan 2017.</p>
Request by HDC	Obligation for Community Facilities		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>£3,258,750</p> <p>Stand alone community Hall. Equivalent of 4 badminton courts - 690 sqm GIA</p>	To be provided by the 400 th occupied dwelling	<p>A consistent theme of the National Planning Policy Framework (NPPF) is the importance of infrastructure provision in accompanying and enabling the sustainable growth of communities.</p> <p>Community centres play an important role at the heart of communities, providing hubs for recreation, congregation and interaction through which social networks can be maintained, while minimising the need to travel.</p> <p>When assessed against the appropriate standards the scale of facilities required meet those of a population of the scale expected.</p>	<p>Local Plan Policy IN1, HC2</p> <p>Harborough Infrastructure Development Plan 2017</p> <p>HDC Planning Obligations Policy January 2017.</p> <p>The Framework paragraphs 34, 54-57 and 92.</p>
Request by HDC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£300 per obligation	TBC	It is appropriate for the Council to recover the costs associated with the negotiation, production and subsequent monitoring of developer payments. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and costs of monitoring.	Planning Obligations SPG (Jan 2017)

AGENDA ITEM 8

Request by HDC	Public Realm Improvements		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£171,495 towards the Lutterworth town centre public realm improvements.	Through the Lutterworth Town Centre Master Plan	The Framework and the Local plan recognise the importance of an attractive town centre to character of the area, being the heart of a community, economically important and a vibrant and active town centre with a range of shops can reduce the need to travel	Local Plan Policy RT2 The Framework paragraphs 34, 54-57 and 85.
Request by LCC	Obligation for Libraries		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£82,995	Occupation of 1,375 dwellings	There is need to expand existing community facilities	Leicestershire Planning Obligations Policy Adopted 10 July 2019
Request by LLC	Obligation for Education		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>PRIMARY SCHOOL SECTOR REQUIREMENT 2 NEW SCHOOLS PS 1 £ 6,641,200 PS 2 £6,641,200</p> <p>SECONDARY SCHOOL SECTOR REQUIREMENT £ 9,964,968</p> <p>EARLY YEARS £2,082,011</p> <p>SPECIAL SCHOOL REQUIREMENT £1,552,331</p>	<p>1st primary school is to be provided on site at to be available for use in the Sept prior to occupation of 300 dwellings</p> <p>The 2nd school to be triggered by the LEA at any time after the occupation of 1,000</p> <p>To be paid by reserved matters application</p> <p>At time of the delivery of each primary school</p> <p>At the time of delivery of the primary school</p>	There is insufficient capacity within the existing schools to meet the needs of the number of pupils generated by the development.	<p>Planning Obligations SPG (Jan 2017)</p> <p>Leicestershire Planning Obligations Policy Adopted 10 July 2019</p> <p>The Framework paragraphs 34, 54-57 and 94.</p>

AGENDA ITEM 8

Request by LLC	Obligation for Civic Amenities		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>£72.74 per Dwelling Maximum £200,035</p> <p>Provision of a “Waste Minimisation and Recycling Pack” to each household informing residents about sustainable waste management behaviours</p>	<p>25% of the Contribution to be paid on the commencement of works on each of the 4 phases</p> <p>Upon occupation of each dwelling</p>	<p>The existing facilities need expanding to meet the needs of the growing population.</p> <p>The ability to influence behaviour patterns from the start or early stages of a development is critical in successfully establishing sustainable waste behaviour by new residents, employees or visitors to those sites. Key methods of doing this include the provision of up-to-date information through Waste Minimisation Packs, to inform what local available services are available in the surrounding area and what incentives may be available as inducements to influence waste prevention and recycling behaviour.</p>	<p>Planning Obligations SPG (Jan 2017)</p> <p>Leicestershire Planning Obligations Policy Adopted 10 July 2019</p> <p>The Leicestershire County Council Municipal Waste Management Strategy Update 2011 (LMWMS)</p>
Request by LLC	Obligation for Highways		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>£672,959.00 to provide the Gilmorton traffic calming scheme</p> <p>£1,214,490.24 for the implementation of works at the Gibbet roundabout</p> <p>£16,976,782.00 to provide a highway capacity improvement scheme at the Frank Whittle junction on the A4303.</p>	<p>Based on the outcome of monitoring</p> <p>payable prior to the commencement of development.</p> <p>Year 1 or No more than 25 dwellings (whichever is sooner) - 5% Year 2 or no more than 120 dwellings (whichever is sooner) - 10%</p>	<p>To ensure that the development does not detrimentally impact the free flow of traffic on the highway network and to encourage the use of sustainable transport.</p>	<p>Planning Obligations SPG (Jan 2017)</p> <p>Leicestershire Planning Obligations Policy Adopted 10 July 2019</p> <p>The Framework paragraphs 34, 54-57 and 102,103 104, 110, 111.</p>

<p>£11,337.50 for the monitoring of the Site Wide Travel Plan and the effects of the development using the County Council’s monitoring programme.</p> <p>£112,500.00 to enable the provision of necessary Traffic Regulation Orders.</p> <p>£52.85 (average cost) per pack. Travel Packs to inform all new residents and employees, one per dwelling and per employee, from first occupation what sustainable travel choices are in the surrounding area including incentives to encourage changes in travel behaviour towards the greater use of sustainable travel modes can be supplied through LCC</p> <p>£360.00 per pass 6 month bus passes, two per dwelling and one per employee to</p>	<p>Year 3 or no more than 290 dwellings (whichever is sooner) - 15%</p> <p>Year 4 or no more than 400 dwellings (whichever is sooner) - 70%</p> <p>Prior to commencement of development</p>		
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AGENDA ITEM 8

<p>encourage new residents and employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car</p>			
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APPENDIX B

Proposed Amendments to S106 obligations (Amendments highlighted in **Yellow)**

Request by HDC	Obligation for Affordable Housing		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>40% on site provision</p> <p>Supported and special needs provision as part of the 40% percent Affordable Housing Requirement</p> <p>Specific disabled standard fully compliant units subject to need and demand</p>	<p>(i) No more than 60% of the Market Dwellings in any Area to be occupied until 50% of the Affordable Housing Dwellings on that Area have been provided; and</p> <p>(ii) No more than 90% of the Market Dwellings to be occupied until all of the Affordable Housing Dwellings on that Area have been built and occupied.</p>	<p>A fundamental objective of the Local Plan is to meet the need for affordable housing (LP Objective 1 and LP Policy H2). LP Policy H2 seeks a proportion of new dwellings within developments to be affordable.</p> <p>Providing housing on site will result in an inclusive, sustainable development. The size and tenure of affordable housing is based on the current needs of those on the Councils waiting list.</p>	<p>H2 of the Harborough District Local Plan 2011-2031</p> <p>HDC Planning Obligations Supplementary Planning Document Jan 2017.</p> <p>The Framework paragraphs 34, 54-57, 61-63</p>
Request by HDC	Obligation for Greenspaces		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>Outdoor sport and recreation pitches £1,263,190</p> <p>Outdoor sport and recreation changing facilities £751,950</p> <p>Cemetery Provision of site and infrastructure off site</p>	<p>Occupation of 500 dwellings</p> <p>Occupation Dwellings of 2500</p>	<p>Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities</p> <p>The provision will meet the need identified through the adopted policies.</p>	<p>Policy G12 of the Harborough District local Plan 2011-2031</p> <p>NPPF para 92 and 96</p> <p>Provision for Open Space Sport and Recreation (HDC, 2015).</p> <p>Local Plan Policy IN1</p>

AGENDA ITEM 8

			<p>Harborough Infrastructure Development Plan 2017</p> <p>The Framework paragraphs 34, 54-57.</p> <p>HDC Planning Obligations Supplementary Planning Document Jan 2017.</p>
Request by HDC	Obligation for Community Facilities		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>£3,258,750</p> <p>Stand alone community Hall. Equivalent of 4 badminton courts - 690 sqm GIA</p>	<p>To be provided by the 400th occupied dwelling</p>	<p>A consistent theme of the National Planning Policy Framework (NPPF) is the importance of infrastructure provision in accompanying and enabling the sustainable growth of communities.</p> <p>Community centres play an important role at the heart of communities, providing hubs for recreation, congregation and interaction through which social networks can be maintained, while minimising the need to travel.</p> <p>When assessed against the appropriate standards the scale of facilities required meet those of a population of the scale expected.</p>	<p>Local Plan Policy IN1, HC2</p> <p>Harborough Infrastructure Development Plan 2017</p> <p>HDC Planning Obligations Policy January 2017.</p> <p>The Framework paragraphs 34, 54-57 and 92.</p>
Request by HDC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>£300 per obligation</p>	<p>TBC</p>	<p>It is appropriate for the Council to recover the costs associated with the negotiation, production and subsequent monitoring of developer payments. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and costs of monitoring.</p>	<p>Planning Obligations SPG (Jan 2017)</p>
Request by HDC	Public Realm Improvements		

AGENDA ITEM 8

Amount /Detail	Delivery	CIL Justification	Policy Basis
£171,495 towards the Lutterworth town centre public realm improvements.	Through the Lutterworth Town Centre Master Plan	The Framework and the Local plan recognise the importance of an attractive town centre to character of the area, being the heart of a community, economically important and a vibrant and active town centre with a range of shops can reduce the need to travel	Local Plan Policy RT2 The Framework paragraphs 34, 54-57 and 85.
Request by HDC	Obligation for Wheelie Bins		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£79.04 per dwelling house £347.46 per communal bin for apartments / flats	Prior to 1 st occupation of each residential sub-phase	<p>The recycling and residual bins are statutory services and therefore the building of additional properties is a direct impact on the Council in service delivery for the additional properties. Under policy IN1 of the Harborough District Local Plan, the direct provision and/or financial contributions towards meeting all the eligible costs of infrastructure directly required by a major development, this is a significant policy and is required for the provision of wheeled bins.</p> <p>Furthermore Policy L1 states that the Masterplan – which will be incorporated into the outline planning application and supporting S106 agreement – will provide for facilities for recycling and waste collection. The provision of Wheelie Bins for residential properties through the S106 will comply with this Policy.</p> <p>The planning obligation is directly related to the development. The facilities to be provided would be in use on the development site and will be used by residents. The planning contributions are fairly related to the size of the development having been calculated using the number of dwellings which the development will provide as evidence for the calculation.</p>	Local Plan Policies IN1 and L1
Request by HDC	Obligation for Leisure Centre Land		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Land to be safeguarded at the	Land to be safeguarded for	The planning obligation is directly related to the development. The land to be	Local Plan Policy L1

AGENDA ITEM 8

<p>Community Hub for the provision of a new replacement Leisure Facility.</p> <p>Alternatively, a joint facility (combined with the Community Facility as set out above) could be delivered</p>	<p>a minimum of 5 years following the occupation of the final dwelling on the site and transferred to HDC upon request during such time</p>	<p>safeguarded, or the joint Community / Leisure Facility to be provided, is located on the development site and will be in easy access for all residents. The planning contributions are fairly related to the size of the development having been calculated using the new population for which the development will cater as evidence for the calculation.</p>	
Request by LCC	Obligation for Libraries		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£82,995	Occupation of 1,375 dwellings	There is need to expand existing community facilities	Leicestershire Planning Obligations Policy Adopted 10 July 2019
Request by LLC	Obligation for Education		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>PRIMARY SCHOOL SECTOR REQUIREMENT 2 NEW SCHOOLS</p> <p>PS 1 £ 6,641,200</p> <p>PS 2 £6,641,200</p> <p>PS1 £7,500,000</p> <p>PS2 £7,500,000</p> <p>Financial obligation to be finalised, but likely to be approximately this level</p>	<p>1st primary school is to be provided on site at to be available for use in the Sept prior to occupation of 300 dwellings</p> <p>The 2nd school to be triggered by the LEA at any time after the occupation of 1,000</p>	<p>There is insufficient capacity within the existing schools to meet the needs of the number of pupils generated by the development.</p>	<p>Planning Obligations SPG (Jan 2017)</p> <p>Leicestershire Planning Obligations Policy Adopted 10 July 2019</p> <p>The Framework paragraphs 34, 54-57 and 94.</p>
<p>SECONDARY SCHOOL SECTOR REQUIREMENT</p> <p>£ 9,964,968</p>	To be paid by reserved matters application		
<p>EARLY YEARS</p> <p>£2,082,011</p>	At time of the delivery of each primary school		
<p>SPECIAL SCHOOL REQUIREMENT</p> <p>£1,552,331</p>	At the time of delivery of the primary school		

AGENDA ITEM 8

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