

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	07 MARCH 2023	CATEGORY: DELEGATED
REPORT FROM:	HEAD OF PLANNING AND STRATEGIC HOUSING	RESTRICTED
MEMBERS' CONTACT POINT:	JESSICA CHEADLE Jessica.cheadle@southderbyshire.gov.uk	DOC:
SUBJECT:	SECTION 106 VARIATION – NEW HOUSE FARM MICKLEOVER	REF: 9/2017/0349 & DMPA/2020/0543
WARD(S) AFFECTED:	ETWALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That the Committee approves the request to amend the Section 106 Agreement (S106) and subsequent Deed of Variation (DoV) by means of further DoV amendments to the definition of Public Open Space and Schedule 3 of the agreement.
- 1.2 That the Committee delegate authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the DoV.

2.0 Purpose of Report

- 2.1 To inform the Committee of the proposed changes to the S106, primarily amendments to the Public Open Space definition.

3.0 Background

- 3.1 Members may recall that the site, known as New House Farm, Mickleover was granted planning permission in October 2018 for up to 1,100 homes within South Derbyshire. The Section 106 agreement can be found under planning permission reference 9/2017/0349 and the subsequent Deed of Variation under permission reference DMPA/2020/0543.
- 3.2 To date, the developers has made significant progress in the development of the site across the various different phases of the scheme which has contributed to alleviating housing need within the District.

4.0 Discussion

- 4.1 The Planning Policy team have been approached by Claremont Planning, who are representing a developer regarding the further development of the scheme. They

would like to propose a variation to the formally agreed Public Open Space definitions by means of a DoV, this will ensure there is a clear definition in place. This change will not reduce the amount that is provided on site. The proposed amendment can be seen below

	Existing Section 106 Agreement Definition	Proposed Amendments to Agreement Definition
Public Open Space	<p>the public open space and play areas to be provided across the Site as a whole and which shall include the following:</p> <ul style="list-style-type: none"> (a) a minimum 3.47 ha of formal open space; (b) a minimum of 2.81ha of informal open space; (c) a minimum of 0.51ha of open space for children and young people, including LEAPs; (d) a minimum of 1.70ha outdoor sports facilities; (e) a NEAP with a minimum of 1,000 square metres of activity space; and (f) MUGA with a minimum of 465 square metres of hard surface area; 	<p>the public open space and play areas to be provided across the Site as a whole and which shall include:</p> <ul style="list-style-type: none"> (a) a minimum 3.47 ha of formal open space; (b) a minimum of 2.81 ha of informal open space; (c) a minimum of 0.51 ha of open space for children and young people, including LEAP's; (d) a minimum of 1.70 ha of outdoor sports facilities; (e) a NEAP with a minimum of 1,000 square metres of activity space (which shall include a MUGA with a minimum size of 465 square metres of hard surface area within the 1,000 square metres of activity space to be provided);

4.2 It is also proposed that an amendment is made to Paragraph 1.3.2 of Schedule 3 (Public Open Space) to mean that a resident management company is provided for as well as a separate entity for looking after the Public Open Space and SUDs within the development.

5.0 Financial Implications

5.1 There are no financial implications associated to the Council for this change as the costs of the DoV will be paid for by the Developer.

6.0 Corporate Implications

6.1 None.

7.0 Community Implications

7.1 There would be the same amount of Public Open Space delivered on the site.

8.0 Background Information

a. Section 106 Agreement:

<https://planning.southderbyshire.gov.uk/ApplicationDetail.aspx?Ref=9/2017/0349>

b. Deed of Variation

[Planning Application: DMPA/2020/0543 \(force.com\)](#)