

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	14 NOVEMBER 2023	CATEGORY:
		DELEGATED
REPORT FROM:	HEAD OF PLANNING AND STRATEGIC HOUSING	OPEN
MEMBERS' CONTACT POINT:	JESSICA CHEADLE Jessica.cheadle@southderbyshire.gov.uk	DOC:
SUBJECT:	DEED OF VARIATION – SITE B, CADLEY PARK	
WARD(S) AFFECTED:	NEWHALL AND STANTON	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That the Committee approves the request to amend the Section 106 Agreement (S106) to include amendments to be made to the definition of the Greenbank Leisure Centre Contribution which is payable in accordance with the sixth schedule of the Section 106 Agreement – Recreation and Healthcare Contributions. This is based upon recommendations that have been received from the Head of Cultural and Community Services
- 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 Deed of Variation.

2.0 Purpose of the Report

- 2.1 To inform the Committee of the proposed changes to the S106 Agreement, Land at Site B, Cadley Park

3.0 Background

- 3.1 Members may recall that the site, known as Kiln Meadows, Swadlincote, was granted outline planning permission for up to 132 homes in April 2018. The Section 106 agreement can be found under permission reference 9/2017/0667.
- 3.2 As required within the Sixth Schedule – Recreation and Healthcare Contributions of the Section 106 Agreement, South Derbyshire District Council received £42,246.37 from Taylor Wimpey Homes following the trigger points being met. This contribution has to be spent by 31st August 2026..

4.0 Discussion

4.1 Following the receipt of the Section 106 contribution, Cultural and Community service are wishing to propose a variation to the definition of the Greenbank Leisure Centre Contribution. It is requested to amend the Section 106 agreement as due to allow for proposed changes to the definition of Green Bank Leisure Centre Contribution to allow for the contribution to be used towards future leisure provision within Swadlincote.

4.2 This change will mean that the contribution that was sought to mitigate the effects of the development will still remain as it will be for mitigating the effects of the development at Site B, Cadley Park.

4.3 The proposed amendments can be seen outlined in the table below.

	Existing Section 106 Agreement definition	Proposed Amendments to Agreement definition
Green Bank Leisure Centre Contribution	The sum of £40,260 (forty thousand, two hundred and eight-two pounds and eighteen pence) to be used for works to the swimming pool at Green Bank Leisure Centre;	The sum of £40,260 (forty thousand, two hundred and eight-two pounds and eighteen pence) to be used for works to the swimming pool at Green Bank Leisure Centre; towards future leisure provision within Swadlincote.

5.0 Financial Implications

5.1 There are financial implications associated to the Council for this change for the DoV, however compared to the potential implications of losing the contribution this is the most appropriate step to be taken.

6.0 Corporate Implications

6.1 None

7.0 Community Implications

7.1 The most appropriate mitigation has been selected to be undertaken. The residents will see an improvement to the leisure services that they can access within Swadlincote.

8.0 Background Information

a) Section 106 Agreement:
[Planning Applications, Decisions and Appeals \(southderbyshire.gov.uk\)](https://www.southderbyshire.gov.uk/Planning/Applications%2C%20Decisions%20and%20Appeals)