

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	31 MAY 2022	CATEGORY: DELEGATED
REPORT FROM:	HEAD OF PLANNING AND STRATEGIC HOUSING	RESTRICTED
MEMBERS' CONTACT POINT:	JESSICA CHEADLE jessica.cheadle@southderbyshire.gov.uk	DOC:
SUBJECT:	DEED OF VARIATION – LAND AT SK3430 7732 DEEP DALE LANE, BARROW ON TRENT	REF: 9/2017/0922
WARD(S) AFFECTED:	ASTON	TERMS OF REFERENCE:

1. Recommendations

- 1.1 That the Committee approves the request to amend the Section 106 Agreement (S106) by means of a Deed of Variation (DoV) to include amendments to the Schedule Two (Management Company). This is based upon a request received from Taylor Wimpey Homes and following a discussion with colleagues at Derby City Council.
- 1.2 That the Committee delegate authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the amendments to Schedule 2 of the Section 106 Agreement to be secured under the DoV.

2. Purpose of Report

- 2.1 To inform the Committee of the proposed changes to the S106 Agreement for Land at SK3430 7732 Deep Dale Lane, Barrow on Trent and seek Members agreement.

3. Background

- 3.1 Members may recall that the site, known as Land at Deep Dale Lane, was granted planning permission for up to 100 homes following a S106 Agreement in February 2021. The S106 Agreement can be found under permission reference [9/2017/0922](#).
- 3.2 As required within the Schedule Two of the S106 Agreement, Taylor Wimpey Homes is required to create a Residents Management Company (RMC) for the development.

4. Discussion

- 4.1 The development is being built in two phases; phase 1 is under construction within Derby City (under the reference number [19/01065/RES](#)) and phase 2 is under construction within South Derbyshire under the reference [DMPA/2021/0397](#). Taylor Wimpey have approached the Council to vary the S106 Agreement to enable both phases to be under the same management company for both the Public Open Space (including LEAP) and the SUDs. The request is to remove the requirement for an RMC for the development within South Derbyshire. This will mean that the full details of the management company as stated within the S106 Agreement is still required to be provided, however it will not be a requirement for each of the residents to become shareholders of the RMC.

5. 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 Taylor Wimpey Homes.

6. Corporate Implications

- 6.1 None.

7. Community Implications

- 7.1 The whole development (SDDC and Derby City) will be under the same management company for the Open Space provision across the sites, which will allow for a more cohesive approach to the management of these areas.

8. Background Information

- a) Section 106 Agreement:

[Planning Applications, Decisions and Appeals \(southderbyshire.gov.uk\)](https://www.southderbyshire.gov.uk/Planning-Applications-Decisions-and-Appeals)