

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	17th AUGUST 2021	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 TO THE EAST OF ACRESFORD ROAD, OVERSEAL	REF: 9/2015/1063
WARD(S) AFFECTED:	SEALES	TERMS OF REFERENCE:

1. Background

- 1.1 Members may recall that the site, known as The Acres, Overseal, was granted outline planning permission for up to 70 homes in March 2016. The Section 106 agreement and Deed of Variation can be found under permission reference 9/2015/1063.
- 1.2 As required within the Third Schedule of the Section 106 Agreement, South Derbyshire District Council received £29,769.10 from Cameron Homes following the trigger points being met. This contribution has to be spent by 30th June 2022.

2. Recommendations

- 2.1 That the Committee approves the request to amend the Section 106 Agreement (S106) and subsequent Deed of Variation (DoV) to include amendments to be made to the definition of the Healthcare Contribution which is payable in accordance with the third schedule of the Section 106 Agreement– Financial Contribution. This is based upon recommendations that have been received from Derby and Derbyshire Clinical Commissioning Group (CCG).
- 2.2 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.

3. Purpose of Report

- 3.1 To inform the Committee of the proposed changes to the S106 Agreement, Land East of Acresford Road.

4. Discussion

4.1 Following the closure of Overseal GP Surgery in January 2020, The Planning Policy Team were approached by the Derby and Derbyshire CCG wishing to propose a variation to the definition of Healthcare Contribution. This change will mean that the contribution that was sought to mitigate the effects of the development will now follow where the patients of Overseal Surgery have since been directed to.

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

	Existing Section 106 Agreement definition	Proposed Amendments to Agreement definition
Healthcare Contribution	The sum of £26,628 (Twenty Six Thousand Six Hundred and Twenty Eight Pounds) to be paid to the Council and used towards the expansion and/or alteration of Overseal GP Surgery to meet the additional demand in healthcare provision arising from the development	The sum of £26,628 (Twenty Six Thousand Six Hundred and Twenty Eight Pounds) to be paid to the Council and used towards increasing patient capacity at either Heartwood Medical Practice or Swadlincote Surgery or Gresleydale Healthcare Centre or Woodville Surgery

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 out of the Healthcare Contribution that has been received.

6. Corporate Implications

6.1 None.

7. Community Implications

7.1 The most appropriate healthcare mitigation has been selected to be undertaken.

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)

b) Deed of Variation:

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