

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

1. Recommendations

- 1.1 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 Education Contribution which is payable in accordance with the Third Schedule of the S106 Agreement– Financial Contribution. This is based upon recommendations that have been received from Derbyshire County 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 obligations to be secured under the DoV.

2. Purpose of Report

- 2.1 To inform the Committee of the proposed changes to the S106 Agreement at Land East of Acresford Road and seek Member agreement.

3. Background

- 3.1 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 S106 Agreement and subsequent DoV can be found under permission reference [9/2015/1063](#). A second Deed of Variation request was brought forward to members in August 2021 in relation to the Healthcare Contribution (Third Schedule) and it is currently being progressed.
- 3.2 As required within the Third Schedule – Education Contribution of the S106 Agreement, South Derbyshire District Council received £178,411.32 from Cameron Homes following the trigger points being met. This contribution has to be spent by 30th June 2022.

4. Discussion

- 4.1 Following the receipt of the S106 contribution, The Planning Policy Team were approached by the Local Education Authority at Derbyshire County Council wishing to propose a variation to the definition of the Education Contribution. It is requested to use the S106 contributions towards an extension to increase teaching capacity at Overseal Primary School. Through this proposal it will mean the best possible project will occur for Overseal Primary School. This change will mean that the contribution that was sought to mitigate the effects of the development will remain in place for the allocation of Overseal Primary School.
- 4.2 The proposed amendments can be seen outlined in the table below.

	Existing Section 106 Agreement definition	Proposed Amendments to Agreement definition
Education Contribution	The sum of £159,586.14 (One Hundred and Fifty Nine Thousand, Five Hundred and Eighty Six Pounds) for Project A: Adaptation and remodelling of internal space at Overseal Primary School to accommodate 14 (fourteen) primary school places generated by the development	The sum of £159,586.14 (One Hundred and Fifty Nine Thousand, Five Hundred and Eighty Six Pounds) for Project A: Creation of additional teaching space at Overseal Primary School to accommodate 14 (fourteen) primary school places generated by the development

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 Derbyshire County Council as they have requested the DoV.

6. Corporate Implications

- 6.1 None.

7. Community Implications

- 7.1 None.

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)