

<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM: 5</b>
<b>DATE OF MEETING:</b>	<b>11<sup>th</sup> JANUARY 2022</b>	<b>CATEGORY:</b>
<b>REPORT FROM:</b>	<b>HEAD OF PLANNING AND STRATEGIC HOUSING</b>	<b>RESTRICTED</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>SARAH BEEBY</b> <a href="mailto:sarah.beeby@southderbyshire.gov.uk">sarah.beeby@southderbyshire.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>SECTION 106 VARIATION</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ASTON</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 That the Committee approves the request to amend the Section 106 Agreement (S106) by means of a further Deed of Variation (DoV) to include reference to the recently approved planning application for a one form entry (FE) school and amendments to the site area.
- 1.2 That the Committee delegate authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the DoV.

## **2.0 Purpose of Report**

- 2.1 To inform the Committee of the proposed changes to the S106 Agreement at the site. These relate to the provision of the school site.

## **3.0 Background**

- 3.1 The site, known as Boulton Moor, Thulston, Derby was granted planning permission in January 2009 for the construction of up to 1058 dwellings, together with a primary school and retail provision. A further permission to extend the time period for submission of reserved matters was approved in November 2011. In 2017 an outline application was approved for the construction of a two FE primary school in an alternative location, together with an associated DoV.
- 3.2 The reserved matters application for the school (DMPA/2018/0017) was approved in April 2018 but has since lapsed. An application for a single FE Primary school has recently been approved in a similar position to that approved under this earlier permission (DMPA/2021/0922).
- 3.3 A further Dov is required to deal with the updated planning permission and the site boundary, at the request of the applicant (Derbyshire County Council).

## **4.0 Discussion**

- 4.1 The Head of Planning and Strategic Housing recently approved a planning application for a new one FE primary school at the site under delegated powers. As part of this application the County Council advised that the communal areas within the school including the hall, were constructed to 2FE standards and the additional parking required for the expansion to a 2FE school were also shown on the site plans submitted for the application.
- 4.2 The new application and the change from two to one FE school will need to be updated in a DoV, whilst acknowledging that a two FE school would be acceptable.
- 4.3 The County Council would also like to amend the site of the school from that approved under the original S106 Agreement and with a small amendment to that approved under the 2018 DoV, to remove a small strip of land which extends northwards to the watercourse.
- 4.4 The proposed changes are relatively minor amendments to the S106 Agreement, and amount to pragmatic changes to accommodate the wishes of the County Council as Education Authority.

## **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 County Council.

## **6.0 Corporate Implications**

- 6.1 None.

## **7.0 Community Implications**

- 7.1 Education provision would remain at the site, and this could be expanded once there is demand.

## **8.0 Background Information**

- a. Section 106 Agreement:

[https://planning.southderbyshire.gov.uk/documents/DN/2005/9\\_2005\\_0611%20Section%20106%20Agreement.pdf](https://planning.southderbyshire.gov.uk/documents/DN/2005/9_2005_0611%20Section%20106%20Agreement.pdf)

- b. Deed of Variations:

[https://planning.southderbyshire.gov.uk/documents/DN/2005/9\\_2005\\_0611%20Section%20106%20Deed%20of%20Variation%20\(22-11-11\).pdf](https://planning.southderbyshire.gov.uk/documents/DN/2005/9_2005_0611%20Section%20106%20Deed%20of%20Variation%20(22-11-11).pdf)

[https://planning.southderbyshire.gov.uk/documents/DN/2015/9\\_2015\\_0959%20Section%20106%20Deed%20of%20Variation%20\(Jul%202017\).pdf](https://planning.southderbyshire.gov.uk/documents/DN/2015/9_2015_0959%20Section%20106%20Deed%20of%20Variation%20(Jul%202017).pdf)