OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT, INCLUDING ACCESS WITH ALL OTHER MATTERS RESERVED. LAND AT THORNCLIFFE ROAD, LEEK, ST13 6NH.

DRAFT HEADS OF TERMS FOR SECTION 106 AGREEMENT

06/06/2017

INTRODUCTION

1. These Heads of terms are set out on behalf of the applicant to inform the preparation and negotiation of a S106 agreement with Staffordshire Moorlands District Council to support an outline planning application for residential development on land at Thorncliffe Road, Leek, ST13 6NH.

2. These Heads of Terms are submitted as part of the application on a without prejudice basis and are subject to the receipt of formal consultation responses and evidence from those to whom the obligation are to be given that the obligation satisfies the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (As amended 2015). This requires that planning obligations set out in a section 106 agreement must be:

    i. Necessary to make the development acceptable in planning terms;

    ii. Directly related to the development; and

    iii. Fairly and reasonably related in scale and kind to the development.

3. Based on the content of the Council's Development Plan and the information available at the time of submission of the planning application it is envisaged that the section 106 agreement may include the obligations set out below.

AFFORDABLE HOUSING

4. It is proposed that the Agreement will include an obligation for the provision of up to 33% of the total number of dwellings, based on a *70:30 tenure mix in favour of social rented housing (over intermediate housing)* or an alternative mix as may be agreed as part of the subsequent reserved matters approval, unless a Financial Viability Assessment is submitted to the Council to demonstrate that it is not viable for the development to provide this percentage of the total number of units and/or

tenure mix of affordable housing. In such circumstances the Financial Viability Assessment will set out the lower percentage of the total number of units and/or alternative tenure mix of affordable housing which is considered viable for the Development or part thereof to provide. This approach is considered to be in accordance with Policy H2 - Affordable and Local Needs Housing of the Staffordshire Moorlands District Council Core Strategy DPD (Adopted 26 March 2014).

OPEN SPACE

5. The application is submitted in outline with all matters reserved except access. Accordingly, Landscaping and Layout will be approved as part of the reserved matters application. It is therefore proposed that the S106 includes an obligation for either a specified on site open space provision to be made as part of the Reserved Matters application or a financial contribution to be made towards improvements of facilities in the immediate locality in lieu of on-site provision. This approach is considered to be in accordance with Core Strategy Policy C2 - Sport, Recreation and Open Space.

UTILITY, TRANSPORT AND COMMUNITY INFRASTRUCTURE

6. The application is submitted in outline with all matters reserved except access. Accordingly, the level of contributions required relating to utilities, transport and community infrastructure (including education) will be approved as part of the reserved matters application. It is therefore proposed that, based on the number dwellings at reserved matters that the S106 includes an obligation for the appropriate contributions relating to utilities, transport and community infrastructure. This approach is considered to be in accordance with Core Strategy Policy C1 – Creating Sustainable Communities.