



**PLANNING APPLICATION REFERENCE: 12/00555/CONDIT –
FLUDE HOUSE, RUGBY ROAD, HINCKLEY, LEICESTERSHIRE
LE10 0QQ - REMOVAL OF CONDITIONS 20 AND 21 (HIGHWAY
CONDITIONS) FOR PLANNING PERMISSION 10/00847/FUL MIXED
USE DEVELOPMENT INCLUDING RETENTION, REFURBISHMENT
AND EXTENSION TO EXISTING BUILDINGS AND DEMOLITION OF FACTORY
BUILDINGS TO CREATE 48 DWELLINGS AND 6 APARTMENTS WITH ASSOCIATED
PARKING**

REPORT OF HEAD OF PLANNING

WARDS AFFECTED: HINCKLEY

1. **PURPOSE OF REPORT**

To seek Members determination of planning application reference 12/00555/CONDIT and Members approval for the variation of the existing section 106 legal agreement pursuant to approval of the application.

2. **RECOMMENDATION**

That Planning Committee approve the application and variation of the existing legal agreement subject to the recommendations in the attached report.

3. **BACKGROUND TO THE REPORT**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it involves variation of a Section 106 legal agreement for developer contributions completed in association with a major development. Please refer to attached report.

4. **FINANCIAL IMPLICATIONS [PE]**

There are no financial implications arising directly from this report.

5. **LEGAL IMPLICATIONS [EP]**

The application, if approved, will result in a fresh issue of planning permission.

The variation of the s.106 agreement needs to be approved in order to tie the existing agreement to the new consent and bind the site. The parties can agree to such a variation under s.106A of the Town and Country Planning Act 1990.

6. **CORPORATE PLAN IMPLICATIONS**

Approval of the application will contribute to the following Corporate Aims:

- Thriving economy
- Decent well managed and affordable housing.

7. **CONSULTATION**

None.

8. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to approve the application and variation to the legal agreement will result in the failure to deliver affordable housing and the Hinckley Hub Site	Approval of the application will enable the development to proceed and meet Corporate Aims	Simon Wood

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

These matters are addressed in the attached planning application report.

10. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers: Planning Permission reference 10/00847/FUL and associated Section 106 legal agreements dated 25 January 2012

Planning Permission reference 11/00100/CONDIT and associated Deed of Variation legal agreement dated 17 May 2011

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