

15/505906/FULL

### **Amendment to Heads of Terms**

It has come to our attention that a £50,000 contribution in respect of the provision of broadband, originally referred to in the applicants viability appraisal and subsequently raised as a proposed draft head of term is intended to provide for a broadband connection to the wider village of Boughton Malherbe and is not specific just to the broadband needs of the application site. This sum was later withdrawn by the applicant from consideration under S106 to be considered, instead, as a cost to the development. Officers maintain that such a contribution, as a benefit to the wider village, would not be directly related or necessary for the development (legal tests) and such funds should instead be prioritized toward providing for an overall affordable housing contribution totalling £290,000. Without this, an inadequate contribution would continue be made toward affordable housing contrary to the Council's Affordable Housing DPD.

Therefore should members be minded to approve this application Officers would recommend that the following heads of terms to any Section 106 agreement be applied to any planning permission:

#### **Affordable Housing**

A lumps sum contribution of £290,000.00 towards affordable housing provision off-site

#### **Primary Education**

A lump sum contribution of £33,053 toward the provision of primary education

#### **NHS Provision**

A lumps sum of £18,864 towards NHS Provision

#### **Public Open Space**

A lumps sum of £22,050.00 towards off site provision of public open space

#### **Library Book Stock**

A lumps sum of £ 672.00 towards library book stock

### **Additional Condition (to secure implementation of the office development)**

Should members be minded to approve this application Officers would recommend that the following condition be attached to secure the office development.

*The office development as indicated in the approved submission shall be constructed and ready for use prior to the occupation of the 10<sup>th</sup> dwelling located on the site.*

*Reason: In order to secure the prompt delivery of the employment element of the proposal and the economic benefits it will provide.*

### **RECOMMENDATION**

My recommendation remains unchanged, however, should members be minded to approve the application, the above amended Heads of Terms and additional condition is recommended.

**REFUSE planning permission.**