

Draft S106 Heads of Terms – Land at How Bank Farm & former Orgill Junior School, Egremont

Proposal: Full Planning Application for residential development consisting of 105 dwellings



Applicant:

**homes by
gleeson**
builders for generations

January 2023

SRE Associates - Planning and Development Consultancy



1.0 Introduction

- 1.1 These Heads of Terms are proposed on behalf of Gleeson Developments Ltd in order to provide a basis for the preparation and negotiation of a Section 106 agreement with Copeland Borough Council to support a planning application for residential development comprising 105 units and associated infrastructure on land and How Bank Farm and the former Orgill School site.
- 1.2 The Heads of Terms submitted are provided to Copeland Borough Council on a without prejudice basis and are subject to the receipt of further formal consultation responses and evidence from those to who any obligation is to be provided which satisfies the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010. This requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.

2.0 Proposed Heads of Terms

- 2.1 It is envisaged that, based on the Council's Development Plan and Supplementary Planning Guidance in relation to Developer Contributions, the Section 106 agreement may include obligations as set out below:

Affordable Housing

- 2.2 It is proposed to provide 11 First Homes over the development. The houses will be our 201 house type and will be sold at 70% OMV in perpetuity. This is above the commitment of First Homes that the government wants developers to deliver.

Education

- 2.3 From the previous Cumbria County Council education response, we are aware that there are insufficient places available in the secondary catchment school (West Lakes Academy) to accommodate the secondary pupil yield of 17 from this development (As amended).

Therefore, an education contribution of **£417,418** (17 x £24,554) is required to provide additional capacity at this secondary school.

Public Open Space

- 2.4 The application provides for open space to be on site in line with the requirements of the adopted Local Plan. The formal spaces will be transferred to a management company to provide for maintenance for the lifetime of the development. In addition, the applicant can commit to offsite sports pitch and play provision contributions to Egremont Town Council of circa £50,000 as discussed with the Town Council.

Transport

- 2.5 The Transport Statement has not indicated that any off site transport interventions will be required.

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Other

- 2.6 Any additional, unforeseen contributions which are requested in compliance with the CIL Regulations, National Planning Policy Framework and the adopted Local Plan.