

Draft Heads of Terms for the Section 106 Agreement
Relating to the land known as Thorley Lane, Timperley, Altrincham, WA15 7PJ

1. Purpose and status of this document

- 1.1 This document relates to the outline application (**'Application'**) made by Harlex (RLP Timperley) LLP (**'Appellant'**) to Trafford Council (**'Council'**) in September 2021 with local authority reference number 105905/OUT/21. The Application was refused by the Council on 10 March 2022 and is the subject of this appeal (**'Appeal'**).
- 1.2 The Application seeks outline planning permission for up to 116 no. residential dwellings with all matters reserved aside from access, for which detailed consent is sought. (**'Proposed Development'**). The Application for the Proposed Development relates to the site known as World of Pets, Thorley Lane, Timperley, WA15 7PJ (**'Site'**).
- 1.3 This document has been prepared to inform the drafting of an agreement (**'S106 agreement'**) proposed to be entered into by the Appellant and the Council pursuant to Section 106 of the Town and Country Planning Act 1990 (**'1990 Act'**) in connection with the Proposed Development. It is a draft heads of terms document. It is not a binding legal contract and does not contain planning obligations for the purposes of Section 106 of the 1990 Act. All terms are subject to contract.
- 1.4 The Appellant will endeavour to negotiate and agree the detailed wording of the S106 Agreement with the Council during the course of the Appeal. A first draft of the S106 Agreement will be provided to the Council once the heads of terms have been agreed.
- 1.5 The scope of the planning obligations to be included in the S106 Agreement will only include such obligations which:
 - (a) Are in the interests of the proper planning of the Council's administrative area.
 - (b) Meet the statutory tests for planning obligations set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).
 - (c) Meet the policy tests for planning obligations in paragraph 57 of the National Planning Policy Framework (2021).
 - (d) Accord with the relevant adopted planning framework including, in this context, the Trafford Local Plan: Revised Supplementary Planning Document 1 (SPD1)- Planning Obligations July 2014.

2. Parties

- 2.1 It is anticipated that the parties to the S106 Agreement will be:
 - (a) The Appellant; and
 - (b) The Council

3. Proposed Heads of Terms

3.1 It is anticipated that the S106 Agreement will include planning obligations related to securing the following planning benefits of the Proposed Development, namely:

- (a) The provision of affordable housing on Site comprising:
 - (i) A quantum of 45%; and
 - (ii) A tenure mix of 25% affordable or social rented and 75% intermediate tenure.
- (b) An education contribution.
- (c) Biodiversity net gain provision comprising:
 - (i) On-site habitat enhancement and creation proposals along the Timperley Brook corridor and across the wider Site; and
 - (ii) To the extent that an off-site contribution is necessary, a biodiversity offsetting contribution to be used towards the creation of new habitats at three potential receptor sites identified for bio-diversity improvements being King George Pool, Altrincham Golf Course, and Davenport Green¹.
- (d) The provision of a 2 electric vehicle charging spaces for public use.
- (e) The provision of an on- site children's play area².
- (f) A financial contribution and a scheme detailing pedestrian access improvements to the Thorley Lane/Wood Lane roundabout

Town Legal LLP

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¹ To be agreed with the Council whether the biodiversity net gain provision is to be secured by an appropriately worded planning condition or planning obligation.

² To be agreed with the Council whether the provision of an on-site children's play area is to be secured by an appropriately worded planning condition or planning obligation.