



## Development Control Committee – 16 January 2013

### Section 106 Agreements - Update Report

#### Purpose of report

To provide Members of the Development Control Committee with an update on current Section 106 agreements where a deadline was imposed for completion.

#### Attachment(s)

Appendix 1: Table itemising current Section 106 (S106) agreements

#### 1.0 Background

- 1.1 At the meeting of the Development Control Committee held on 28 November 2012, it was agreed that a standard item be added to future agendas so that the Head of Planning Services could report on progress with regards to the drafting of S106 agreements in cases where the Committee had previously resolved to grant planning permission, subject to the prior finalisation of such an agreement.
- 1.2 In those situations where the process of drafting the agreement has taken longer than expected, it may be necessary for the Head of Planning Services to request an extension of time, with reasons for the delay, to enable Officers to continue negotiations accordingly. Appendix 1 indicates where this will be necessary.
- 1.3 The need to secure such extensions has arisen because the drafting process for recent S106 agreements has been completed within a few days of the deadline date.

#### 2.0 Summary Table

- 2.1 The attached table includes details of current S106 agreements on hand, setting out progress to date and whether additional time may be required.

#### 3.0 Equality and Diversity Implications

- 3.1 There are no equality and diversity implications arising from this report.

#### 4.0 Legal Implications

- 4.1 S106 agreements must be legally robust as regards to appropriateness and enforceability.

#### 5.0 Risk Management

- 5.1 The applications relating to these S106 agreements were previously considered by the Development Control Committee, where any associated risks would have been considered.

#### 6.0 Financial Implications

- 6.1 There are no financial implications arising from this report.

## 7.0 Corporate Outcomes

7.1 The key corporate outcomes relevant to this report are high quality service delivery and strong communities.

## 8.0 Recommendation

8.1 Members are requested to note the contents of this report and approve extensions to time limits where necessary and as detailed in Appendix 1.

<b>Legal</b>	Power: Town and Country Planning Act 1990				
	Other considerations:				
<b>Background Papers:</b> None					
<b>Person Originating Report:</b> Rhys Bradshaw, Principal Planning Officer rabradshaw@east-northamptonshire.gov.uk					
<b>Date:</b> 3 January 2013					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

(Committee Report Normal Rev. 22)

**Item 4 - Appendix 1: Current S106 agreements – 16 January 2013**

Application ref	Site	Deadline date for completion	Current position	Extension requested?	Reason for extension
EN/12/00417/OUT	Islip Furnaces (RB)	11/01/13	Nearing completion	Yes- until 11 February 2013	NCC raised a query just before completion. Due to the Christmas period it is highly unlikely that the S106 will be finalised in time.
EN/11/01234/FUL	Sainsbury's, Thrapston (SW)	Extension agreed at meeting on 19 December until 28 February 2013	A draft S106 has been produced and circulated however agreement regarding contributions has not been reached with NCC.	No	
EN/11/00835/OUT	Keats Way, Rushden (RB)	03/03/13	Officers have given NBC legal views on the first draft.	No	
EN/10/02082/OUT	Church St, Irthlingborough (SH)	No deadline as resolution pre-dated the '6-month rule'.	First draft agreement circulated Sep 2011.	No	
EN/07/00062/OUT	Wharf Road, Higham Ferrers (SW)	28/05/13	NBC has been instructed.	No	
EN/12/01839/FUL	The Drove, Collyweston (SH)	No date yet - application due to be considered by committee 16 January 2013.	NBC instructed	No	