



Planning Management Committee 09 May 2018

Section 106 Agreements and Delegations to Head of Planning Services - Update Report

Purpose of report

To provide Members of the Planning Management Committee with an update on current Section 106 agreements where a deadline was imposed for completion and on applications where matters relating to the decision were delegated to the Head of Planning Services

Attachment(s)

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

Appendix 2: Table itemising delegated applications

1.0 Background

- 1.1 At previous meetings of the Development Control Committee held in 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 and on the conditions or reasons for refusal in cases where delegated authority had been given at the previous meeting
- 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 Tables

- 2.1 Appendix 1 includes details of current S106 agreements on hand, setting out progress to date and whether additional time may be required. Appendix 2 includes details of applications which had been delegated and sets out progress to date

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 and Conditions must be legally robust as regards to appropriateness and enforceability.

5.0 Risk Management

- 5.1 These applications were previously considered by the Planning Management Committee, where any associated risks would have been considered.

6.0 Financial Implications

6.1 There are no direct financial implications arising from this report, however there are restrictions in respect of how and when Section 106 monies can be spent. Whilst these are not specifically detailed within this report, Members should be mindful of this position when reviewing the information appended to this report.

7.0 Corporate Outcomes

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

8.0 Recommendation

8.1 Members are requested to note the contents of this report

8.2 To approve extensions to time limits where necessary with reference to S106 agreements as detailed in Appendix 1.

8.3 To note the progress of the delegations to the Head of Planning Services as detailed in Appendix 2.

Legal	Power: Town and Country Planning Act 1990				
	Other considerations:				
Background Papers: None					
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Date: 25 April 2018					
CFO		MO		CX	

Appendix 1

Current S106 Agreements

Application Ref	Site	Deadline date for completion	Current Position	Extension requested	Reason for extension
10/00857/OUT	Irthlingborough West	31/05/18	Phasing plan circulated	Yes – until end of July	Still awaiting the finalisation of the land swap agreement with NCC.
16/01431/OUT	Nene Business Park	11/10/18	LGSS instructed	No	

Appendix 2

Delegations to Head of Planning Services in conjunction with Chairman/Vice Chairman and Ward Members

Application Ref	Site	Proposal	Delegation Detail	Progress
15/00119/VAR	Priors Hall	735 dwellings	Wording of conditions	In progress, delayed by sale of site
16/01431/OUT	Nene Business Park	Up to 100 dwellings	1. CMP condition 2. Archaeological info to be submitted by Cllr Hillson	1. To be circulated when other matters have been concluded. 2. No evidence submitted to date by Cllr Hillson
17/02559/FUL	Rushden Lakes	Garden Square	1. Revised site plan 2. Amendment to condition 7 3. Wording of BREEAM condition	Points 1 and 3 resolved. At the time of drafting this report, the wording of condition 7 was still to be agreed with the applicant following input from the Council's Solicitor.
18/00349/NCC	Upper Higham Lane	Plastics recycling	Objection wording	Wording agreed and objection issued .