



Planning Management Committee 13 February 2019

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 Privacy Impact Assessment

7.1 There are no privacy implications.

8.0 Corporate Outcomes

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

9.0 Recommendation

9.1 Members are requested to note the contents of this report

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

9.3 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: 31 January 2019					
CFO		MO		CX	

Current S106 Agreements

Application Ref	Site	Deadline date for completion	Current Position	Extension requested	Reason for extension
10/00857/OUT	Irthlingborough West	28/02/19	Requested update from applicant on latest position – to be reported verbally at Committee if received	Yes – 29.03.19	The s106 remains incomplete and an update has been requested from the applicant to confirm the latest position
16/01431/OUT	Nene Business Park	15/02/19	Currently being circulated for signature – expected to be complete prior to deadline	No	
18/00636/VAR	Freemans Court, Rushden	15/02/19	Response being sought from applicant	Yes – 29.03.19	An extension is requested as the legal agreement is not complete and the applicant has not responded to the Council's solicitor
18/01186/REM	Land between Oaklees Rise and A14 Midland Road	14/05/19	Currently being circulated for signature	No	
18/01092/FUL	Rushden Ambulance Station	14/05/19	LGSS instructed.	No	
18/01744/OUT	Land Known as The Poplars, Brick Kiln Road, Raunds	19/06/19	LGSS instructed.	No	

**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	Unlikely to proceed with the new owners. Formal requests for EIA screening and scoping for a revised scheme have been received by the Council
18/00004/FUL	Rushden Lakes	Link Road	Waiting for Highways England objection to be removed, minor amendments if applicable and addition of informative note	Highways England has confirmed no objection subject to conditions – conditions currently being finalised
18/01009/OUT	Addington Road, Irthlingborough	Up to 49 dwellings	Final wording of refusal reasons	Refusal reasons have been circulated for comment/approval