



Planning Management Committee 18 December 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.
- 1.2 Such progress reports are subject to the prior finalisation of such an agreement and on the wording of conditions or reasons for refusal in cases where delegated authority had been given at the previous meeting
- 1.3 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.
- 1.4 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 Constitutional Implications

8.1 There are no Constitutional Implications

9.0 Implications for our Customers

9.1 There are no implications for our customers.

10.0 Corporate Outcomes

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

11.0 Recommendation

11.1 Members are requested to:

- a) note the contents of this report;
- b) approve extensions to time limits where necessary with reference to S106 agreements as detailed in Appendix 1; and
- c) note the progress of the delegations to the Head of Planning Services as detailed in Appendix 2.

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|--|---|------------|--|-----------|--|
| Legal | Power: Town and Country Planning Act 1990 | | | | |
| | Other considerations: | | | | |
| Background Papers: None | | | | | |
| Person Originating Report: Rosalind Johnson, Planning Development Manager ☎ 01832 742045 ✉ rjohnson@east-northamptonshire.gov.uk | | | | | |
| Date: 03 December 2019 | | | | | |
| CFO | | DMO | | CX | |

Current S106 Agreements

| Application Ref | Site | Deadline date for completion | Current Position | Extension requested | Reason for extension |
|-----------------|---|------------------------------|---|---------------------|---|
| 10/00857/OUT | Land Between Wellingborough Road and Finedon Road, Irthlingborough (Irthlingborough West) | 31/12/19 | Work progressing to establish available options to progress the planning application | Yes – 28/02/20 | A meeting is being sought with relevant parties |
| 18/02171/FUL | Land Off Fenn Close, Nassington | 31/12/19 | Legal agreement being finalised | Yes – 28/02/20 | Additional time requested to conclude legal agreement |
| 18/01648/OUT | Land South East of Ferrers School, Higham Ferrers | 31/01/20 | Draft agreement under consideration | No | |
| 19/01024/OUT | Mike Wells Cars, Montague Street, Rushden | 23/04/20 | ENC in discussion with the applicant and NCC regarding the method to secure obligations | 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 | Unlikely to proceed – a new planning application has been received |
| 18/01648/OUT | Land South East of Ferrers School, Higham Ferrers | 300 dwellings | Heads of terms and conditions | Negotiations ongoing |
| 19/01024/OUT | Mike Wells Cars, Montague Street, Rushden | 11 dwellings | Wording of refusal reason in the event that the obligations cannot be secured by the agreed deadline | Negotiations ongoing |