



Planning Management Committee 9 September 2020

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.

Legal	Power: Town and Country Planning Act 1990				
	Other considerations:				
Background Papers: None					
Person Originating Report: Carolyn Tait, Principal Development Management Officer ☎ 01832 742321 ✉ rjohnson@east-northamptonshire.gov.uk					
Date: 31 July 2020					
CFO		DMO		CX	

Appendix 1: 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)	31/03/2021	Work progressing to establish available options to progress the planning application	No	
18/01648/OUT	Land South East of Ferrers School Higham Ferrers	10/09/2020	Legal agreement being circulated between parties for comment / amendment	Yes – 08/10/2020	To allow discussion to continue between parties and to allow for the completion of the Agreement.
19/01092/FUL	'Rushden Living' Land West of Rushden Lakes Ditchford Lane Rushden	10/09/2020	Legal agreement being circulated between parties for comment / amendment	Yes – 08/10/2020	To allow comment / amendments to continue between parties.
19/01777/FUL	Rushden Memorial Clinic Hayway Rushden	12/08/2020	Planning permission issued	No	
19/01392/OUT	Land off Huntingdon and Market Road Thrapston	23/09/20	Negotiations ongoing between ENC and applicant in relation to healthcare s106 obligation	Yes – 08/10/2020	To allow negotiations to continue regarding the level of healthcare contribution.
19/01355/OUT	Land Between St Christophers Drive And A605 Oundle Bypass Oundle Northamptonshire	18/09/2020	Legal agreement being circulated between parties for comment / amendment	Yes – 08/10/2020	To allow comment / amendments to continue between parties.
19/01425/FUL	Rear Of Green Close Wellingborough Road Irthlingborough Northamptonshire	12/11/2020	Legal agreement being drafted	No	

20/00090/FUL	7 Wharf Road Higham Ferrers Northamptonshire	23/09/2020	Legal agreement being drafted	Yes – 08/10/2020	To allow comments / amendments to continue between parties.
--------------	--	------------	----------------------------------	---------------------	---

Appendix 2: Delegations to Head of Planning Services in Conjunction with Chair / Vice-Chair 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.
19/01024/OUT	Mike Wells Cars Montague Street Rushden	11 dwellings.	Wording of refusal reason in the event that outstanding drainage matter cannot be resolved in agreed timeframe.	Negotiations ongoing between ENC, Lead Local Flood Authority and applicant.
19/01092/FUL	'Rushden Living' Land West of Rushden Lakes Ditchford Lane Rushden	Full application for the erection of retail units, restaurant units, office floorspace, physiotherapy / leisure floorspace, ancillary storage floorspace, and an outline application for the erection of employment units. Plus a new link road between Ditchford Road and Rushden Lakes.	Consideration of retail matters and construction management condition.	Legal agreement being circulated between parties for comment / amendment.
19/01569/FUL	105 High Street Rushden Northamptonshire	Change of use of the existing public house (Class A4) to a mixed-use comprising restaurant and bar (Classes A3 and A4) at ground floor level with external and internal alterations involving a rear extension, the creation of a new lower ground floor to provide ancillary restaurant/bar space, a first floor rear extension together with an associated extension of the roof above, and the sub-division of the first floor and the new accommodation within the roof space to create a total of 8 self-contained flats.	Wording of conditions.	Wording of conditions circulated to Chair, Vice Chair and Ward Member(s). Awaiting approval.
19/01425/FUL	Rear Of Green Close Wellingborough Road Irthlingborough,	Erection of 84 dwellings with associated vehicular access, parking, landscaping and open space (revised	Additional conditions and final wording of conditions.	With case officer to continue negotiations.

	Northamptonshire	scheme) (resubmission of application reference 18/02395/FUL)	To negotiate an extension to the 30mph speed limit beyond the cemetery entrance on Wellingborough Road.	
20/00090/FUL	7 Wharf Road Higham Ferrers Northamptonshire	Conversion of former band club to form 10 dwellings with external alterations to provide new windows, doors and 12 off-street car parking spaces	Wording of conditions.	Wording of condition circulated to Members.
20/00430/FUL	Land Rear Of 23 And 25 St Marys Avenue Rushden Northamptonshire	Single dwelling	Wording of additional condition.	With case officer to draft condition.