



Planning Management Committee 20 January 2021

Section 106 Agreements and Delegations to the 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: Amie Baxter, Principal Development Management Officer ☎ 01832 742226 ✉ abaxter@east-northamptonshire.gov.uk				
Date: 6.01.21				
CFO		DMO		CX 6.1.21 

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	31/12/2020	Legal agreement being circulated between parties for signing and sealing	No	Decision has been issued.
19/01092/FUL	'Rushden Living' Land West of Rushden Lakes Ditchford Lane Rushden	31/12/2020	Legal agreement being circulated between parties for comment / amendment	No	Decision has been issued.
19/01392/OUT	Land off Huntingdon and Market Road Thrapston	31/12/2020	Negotiations ongoing between ENC and applicant in relation to healthcare s106 obligation	No	Decision has been issued.
19/01425/FUL	Rear Of Green Close Wellingborough Road Irthlingborough Northamptonshire	31/12/2020	Legal agreement being drafted	Yes – 31/03/2021	To allow comment / amendments to continue between parties.
20/00090/FUL	7 Wharf Road Higham Ferrers Northamptonshire	31/12/2020	Legal agreement being drafted	Yes – 31/03/2021	To allow comment / amendments to continue between parties.
19/01726/FUL	Land Off Huntingdon And Market Road Thrapston Northamptonshire	15/01/2021	Legal agreement being drafted	Yes – 31/03/2021	To allow comment / amendments to continue between parties.
19/01219/OUT	Priors Hall Site Kirby Lane Deene Northamptonshire	31/12/2020	Legal agreement being circulated for signing/sealing.	Yes – 31/03/2021	To allow comment / amendments to continue between parties.

19/01781/FUL	Federal Estates Newton Road Higham Ferrers Northamptonshire	31/05/2021	Legal agreement being negotiated	No	
--------------	--	------------	-------------------------------------	----	--

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 considered and has a resolution to grant planning permission. Update to follow on next steps for this application.
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.
19/01425/FUL	Rear Of Green Close Wellingborough Road Irthlingborough, Northamptonshire	Erection of 84 dwellings with associated vehicular access, parking, landscaping and open space (revised scheme) (resubmission of application reference 18/02395/FUL)	Additional conditions and final wording of conditions. To negotiate an extension to the 30mph speed limit beyond the cemetery entrance on Wellingborough Road.	With case officer to continue negotiations.
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 agreed. Awaiting completion of s106.
19/01318/FUL	SP97144 68428 Land Off Newton Road Higham Ferrers Northamptonshire	Change of use from agricultural to provide a new football facility by providing a full size 3G football pitch and a pavilion incorporating changing facilities in addition to community and office accommodation (purely dedicated to sports development in the County). A new car park with SUD surface is to be created to serve the new facilities. The remaining site is to be grassed with informal pitches for football training and matches.	Outstanding matters to be resolved and the wording of conditions.	With case officer to resolve outstanding matters.

19/01726/FUL	Land Off Huntingdon And Market Road Thrapston Northamptonshire	14 dwellings	Seek clarification from the County Archaeologist.	With case officer to resolve and complete S106.
20/00840/FUL	2 Essex Road Rushden Northamptonshire	Demolition of detached two storey outbuilding. Extension of existing 8 bedroom care home to create 6 additional bedroom suites with ancillary facilities. Parking for 13 cars.	Wording of condition to secure the implementation of gates.	Wording of condition circulated to Members. Awaiting Member approval before a decision can be issued.
19/01219/OUT	Priors Hall Kirby Lane Northamptonshire	Outline application for up to 3500 dwellings.	Wording of conditions to ensure that they are consistent with those applied by Corby Borough Council.	With case officer to resolve.
19/01781/FUL	1. Land at Federal Estates, Newton Road, Higham Ferrers. 2. Land at Chelveston Renewable Energy Park, Caldecott.	Hybrid application for residential development and commercial development.	Wording of conditions and s106 clauses. Full details set out in the post committee report for the 12 th November 2020 Planning Management Committee.	With case officer to resolve.