



PLANNING COMMITTEE: 31st May 2011

DIRECTORATE: Planning and Regeneration

HEAD OF PLANNING: Susan Bridge

REPORT TITLE: LA/2002/0005, Southbridge West: Deed of Variation to S106 agreement

1. RECOMMENDATION

- 1.1 That the Committee agree to the variation of the Section 106 agreement as set out in this report.

2. BACKGROUND

- 2.1 Under the terms of the Section 106 Agreement dated 8th March 2002, pursuant to the residential development at Southbridge West, prior to the occupation of 50 dwelling units (excluding affordable housing) the developer (Bellway Homes Ltd.) has a legal obligation to construct, “a ramped and lit pedestrian / cycleway linking the canal tow path and Towcester Road within the public highway in accordance with details submitted to and approved by the Council in writing”.
- 2.2 Following scoping work carried out on the site by Bellway, they have discovered a number of significant engineering issues concerned with implementing this obligation. Subsequently, they have made a request to the Borough Council to agree a variation to the legal agreement to accept a financial payment in place of their existing obligation.

3. PROPOSED VARIATION

- 3.1 Bellway have offered to make a payment of £60,000, in lieu of their existing obligation to provide a pedestrian / cycleway, to be used to improve cycling provision in the Nene river valley, Becket’s Park or adjacent to the Grand Union Canal.
- 3.2 A number of available projects have been identified towards which the payment could be made such as Becket’s Park or the Grand Union Canal towpath.

3.3 The funding of cycling projects in this area will allow mitigation of the impact of the development, as per the objectives of the original agreement.

3.4 As there is an existing legal obligation to provide the pedestrian / cycleway in place, the alternative option for Members is to enforce this current obligation and request that Bellway construct the pedestrian / cycleway link as per the existing legal agreement.

4. CONCLUSION

4.1 It is considered that the proposed £60,000 payment would assist in enhancing strategic cycling provision in the area, which will augment cycling and pedestrian links to the development site, whilst reasonably offering equal or greater community benefit than the original obligation.

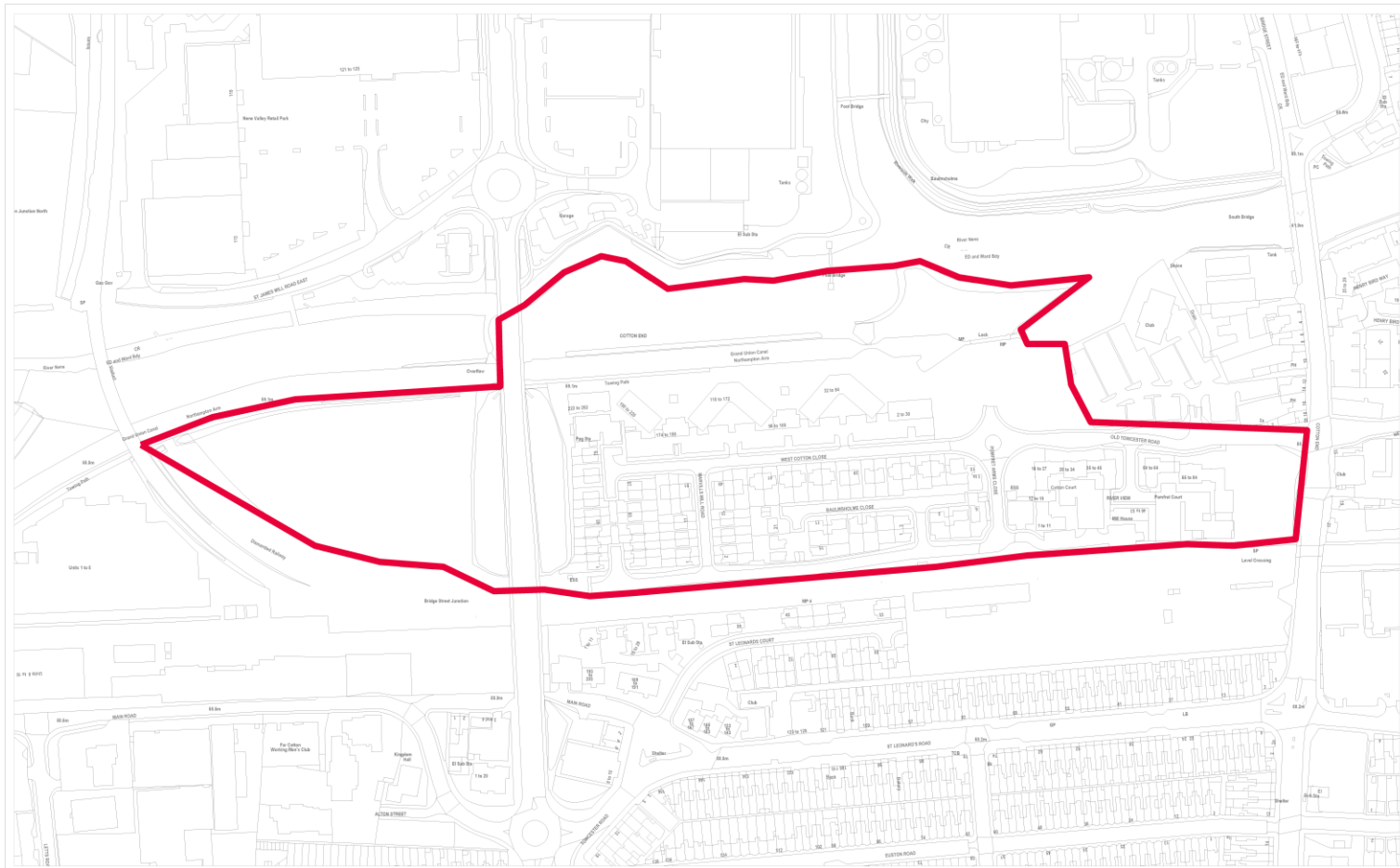
5. LEGAL IMPLICATIONS

5.1 As set out in the report.

6. SUMMARY AND LINKS TO CORPORATE PLAN

6.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	S Tindle	10/05/2011
Head of Planning Agreed:	G Jones	16/05/2011



Name: Planning
 Date: 18th May 2011
 Scale: 1:3000
 Dept: Planning
 Project: Southbridge West

Title
Southbridge West

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