



PLANNING COMMITTEE: 26 June 2012

DIRECTORATE: Regeneration, Enterprise and Planning

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 any dwelling units the developer (Bellway Homes Ltd.) has a legal obligation to enter into an agreement under Section 278 of the Highways Act 1980 to secure improvements to the highway on the Old Towcester Road, Northampton.
- 2.2 The Section 278 Agreement for the works was completed on 7 June 2005 between the Borough Council, acting on behalf of Northamptonshire County Council as highway authority, and the developer.
- 2.3 The highways scheme was designed to mitigate the increased traffic which would be generated by this development whilst taking into account the implications of those improvements upon other developments that were proposed in the vicinity at that time.
- 2.4 The start date for this scheme was postponed, due to highways works on other access routes into Northampton, to provide an alternative unimpeded route for the duration of those works.
- 2.5 In the intervening time, further development is anticipated in the area which will feed into the nearby Ransome Road / London Road junction. It is envisaged that greater capacity will be required at this junction.

- 2.6 The impact of the Bellway proposed new Ransome Road junction has been considered and its integration with the proposed Cotton End junction evaluated in light of other proposed developments in the area. It is apparent that the approved Bellway scheme at Cotton End will restrict the traffic flow and the capacity of this area of the network when completed. Therefore the approved Bellway junction improvement scheme will no longer deliver the benefits and mitigation originally anticipated.
- 2.7 NCC has determined that an alternative layout for the Cotton End scheme is required.
- 2.8 In order to vary the s278 agreement it is also necessary to vary the s106 agreement. As Northampton Borough Council is signatory to the original s106 agreement, the agreement of the Borough Council is required.

3. PROPOSED VARIATION

- 3.1 Northamptonshire County Council as local highway authority proposes to vary the s106 agreement to facilitate the revised s278 agreement in order to revise the highways scheme. The amended scheme will, it is anticipated, achieve the same level of mitigation as the original scheme, albeit with a different design.

4. CONCLUSION

- 4.1 As the revised scheme proposes to achieve the same level of mitigation, Members are requested to agree the variation of the s106 agreement to facilitate the variation of the s278 agreement.

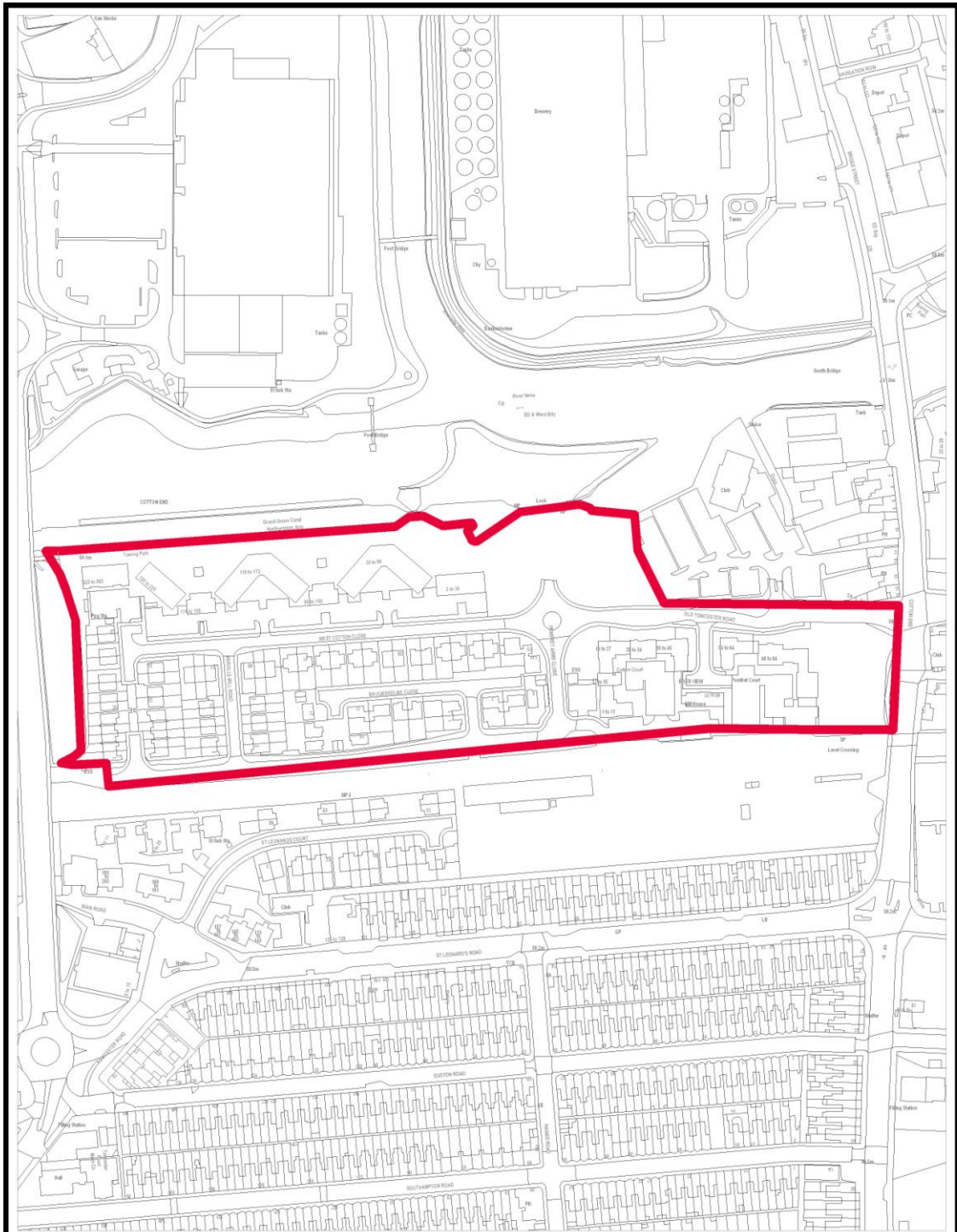
5. LEGAL IMPLICATIONS

- 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	01/06/2012
Head of Planning Agreed:	G Jones	07/06/2012



Name: SW
 Date: 14th June 2012
 Scale: 1:2500
 Dept: Planning
 Project: Site Location Plan

Title
S106

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