

**PLANNING COMMITTEE: 30 October 2012**

**DIRECTORATE: Regeneration, Enterprise and Planning**

**HEAD OF PLANNING: Susan Bridge**

**REPORT TITLE: Proposed variation to S106 Legal Agreement LA/2010/0007 associated with residential development at Former Pearce Leatherworks, Fishponds Road, Northampton**

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## **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 Lagan Homes is currently developing the site at the former Pearce Leatherworks for residential use. The development consists of 126 residential dwellings as well as works to secure refurbishment and occupation of the existing listed office building and Power House building.
- 2.2 This development was approved by WNDC on 14 October 2010 (10/0027/FULWNN) following completion of a section 106 agreement dated 13 October 2010.
- 2.3 Under the terms of the Section 106 Agreement, the landowner (Lagan Homes Limited) has a legal obligation not to occupy more than 50% of the dwellings (63 dwellings) until works to the listed building works have been practically completed. This is to ensure that the listed buildings are safeguarded and attempts are made to secure a use for these existing buildings.

## **3 CURRENT SITUATION**

- 3.1 The listed office building is currently being marketed for commercial use in accordance with the current planning and listed building consent, however due to the depressed commercial property market an end user has not yet been secured. Lagan Homes is due to progress works (details of which have been submitted as Phase A) to demolish the factory elements of the building and build a new end wall to secure the office section of the building in a wind and watertight condition in

order to safeguard against deterioration. Lagan Homes do not wish to carry out precise internal refurbishment works until an end user has been secured as any works carried out before this time could be abortive (i.e. the occupier may have different operational needs and therefore require a different fit out). In order that the delivery of the new dwellings on site is not delayed until an end user is found for the listed office building, Lagan Homes is requesting that the residential occupancy restriction in the S106 agreement is amended from 50% to 80%.

- 3.2 Furthermore, the current planning and listed building consents allow for the refurbishment of the Power House Building to provide 6 large apartments for private sale. As these are unviable in all but the strongest market conditions, an application has recently been submitted to convert the powerhouse to 15 units, 6 of which would be affordable. It is proposed to implement the refurbishment of the Power House as soon as consent is granted.
- 3.3 It is therefore now proposed to vary the timing and extent of the S106 obligation having regard to the existing situation. It is considered that the percentage of residential units should only be for the new-build units (i.e. exclude the units to be formed in the Powerhouse conversion, in light of the proposal to re-plan this part of the development as detailed above).

#### **4 PROPOSED VARIATION**

- 4.1 To submit a detailed scheme of works to the listed office building to be completed as part of Phase B (similar to that submitted for Phase A) prior to 50% of occupation (60 dwellings) and approved in writing by the Local Planning Authority prior to the commencement of the works.
- 4.2 Not to occupy or permit to be occupied more than 80% of the dwellings (96 dwellings) until the Listed Building and Powerhouse works (Phase B) have been practically completed.

#### **5 CONCLUSION**

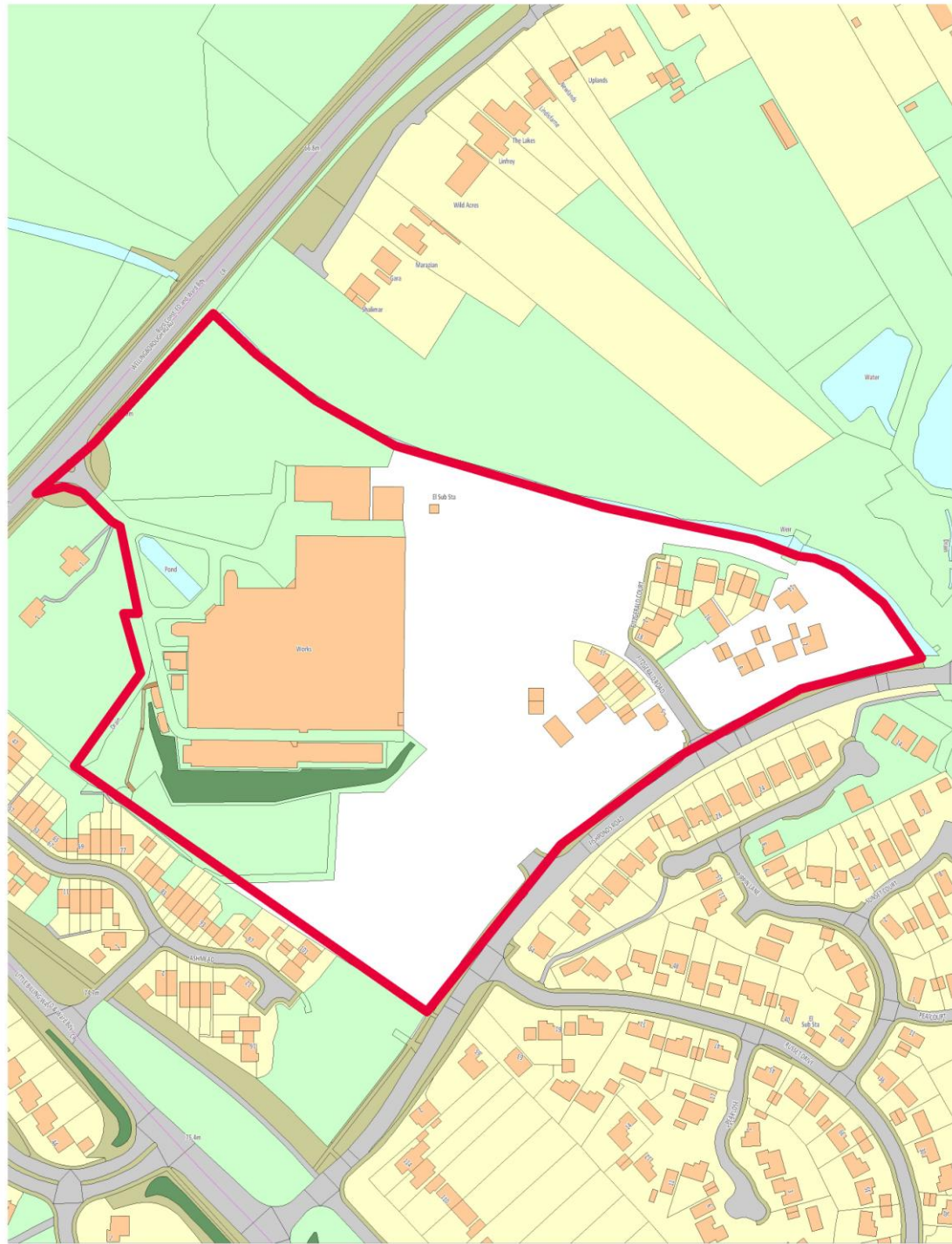
- 5.1 It is considered the current proposals would reasonably protect the listed buildings from deterioration and avert the delay in delivery of new housing on the site. As an aside, members may also wish to note that the proposed re-plan of the Powerhouse would also secure additional affordable housing on the site. Members are therefore requested to agree the variation of the s106 agreement.

#### **6 LEGAL IMPLICATIONS**

- 6.1 As set out in the report.

#### **7. SUMMARY AND LINKS TO CORPORATE PLAN**

- 7.1 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.



Name: **Becky Gittins**  
Date: **18th October 2012**  
Scale: **1:2000**  
Dept: **Planning**  
Project: **Location Plan**

Title  
**Former Pearce Leatherworks**

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