



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 24th March 2015

DIRECTORATE: Regeneration, Enterprise and Planning

DIRECTOR: Steven Boyes

REPORT TITLE: Section 106 Agreements

N/2013/1035: Outline Application for the Northampton South Sustainable Urban Extension to comprise up to 1000 dwellings, a mixed use local centre, a site for a primary school, green infrastructure including formal and informal open space, reconfiguration and extension of Collingtree Park Golf Course, demolition of all existing buildings and structures within the site, new vehicular accesses off Windingbrook Lane and Rowtree Road, car parking, sustainable drainage systems (including flood risk betterment) and infrastructure (including highway improvements) all matters reserved except access at land south of Rowtree Road and West of Windingbrook Lane

and

N/2013/1063: Full Application for 378 dwellings served by a new access from Windingbrook Lane, and the re-configuration of part of the Collingtree Park Golf Course including a new temporary hole 17 and the demolition of all existing buildings and structures within the site, green infrastructure including formal and informal open space, car parking, sustainable drainage systems (including flood risk betterment) and infrastructure (including highway improvements) at land south of Rowtree Road and West of Windingbrook Lane

1. RECOMMENDATION

- 1.1 That the Committee **AGREE** to delegate authority to the Borough Secretary to negotiate and agree terms for the Section 106 Agreements in connection with the forthcoming appeals for applications N/2013/1035 and N/2013/1063, in consultation with the Director of Regeneration, Enterprise and Planning.

2. BACKGROUND

- 2.1 Planning Committee resolved on 28th January 2015 to refuse Planning Applications N/2013/1035 and N/2013/1063 for reasons pertaining to the development being contrary to the Borough Council's objection to the allocation of the site in the West Northamptonshire Joint Core Strategy Policy N5, impact on the highway network, impact on residential amenity, concerns over noise and air quality mitigation and impact on the Collingtree Village Conservation Area.
- 2.2 As detailed within the 28th January Committee report, it was recommended by Officers that the applications be approved in principle subject to conditions and the prior completion of Section 106 agreements to secure the planning obligations detailed below.
- 2.3 The applicant has indicated that they intend to lodge an appeal with the Planning Inspectorate against the Council's decision to refuse the applications. The appeal would be likely to be dealt with by way of a Public Inquiry.
- 2.4 As part of the appeal process the Council and the appellant will be required to co-operate in agreeing terms for the Section 106 agreements which will only come into effect should the appeals be allowed.
- 2.5 Therefore, in light of the Committee's resolution to refuse the applications and not to take forward the Officer's associated recommendations with regard to Section 106 Agreements, it is hereby requested that the Borough Secretary in consultation with the Director of Regeneration, Enterprise and Planning be granted the necessary delegated authority to progress and agree the terms of Section 106 Agreements, in the event that the anticipated appeals are submitted.
- 2.6 At the time of writing this report the appeal has not been received, however due to the interval between Planning Committee meetings, it is necessary to report this matter to the Committee now. In the event that an appeal is not in fact made, no action would be taken in respect of the Section 106 agreements.

3. SECTION 106 HEADS OF TERMS

- 3.1 As specified within the 28th January Committee Report, the Section 106 agreements are anticipated to secure the following:
- 3.2 In respect of the Outline Application N/2013/1035:

- 15% affordable housing, tenure mix and timing to be agreed
- Open Space and Play Areas (provision, maintenance and management)
- Sustainable Urban Drainage System Management and Maintenance
- Community Facility and artificial playing pitch provision management and maintenance
- Healthcare
- Construction Training Scheme
- Primary School Provision
- Secondary School Transport
- Northampton Growth Management Scheme (NGMS) Contribution
- Sustainable Transport Contributions
- Highways Contribution including Bus Stop Provision and Maintenance
- Travel Plan
- Footpath Improvements
- Off Site Street Lighting Improvements
- Council's Monitoring Fee, subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

3.3 In respect of the Full Application N/2013/1063:

- 15% affordable housing, 70/30 split between affordable rent/shared ownership;
- Open Space and Play Areas (provision, maintenance and management)
- Sustainable Urban Drainage System Management and Maintenance
- Healthcare
- Construction Training Scheme
- Primary School Contribution
- Secondary School Transport
- Northampton Growth Management Scheme (NGMS) Contribution

- Sustainable Transport Contributions
- Highways Contribution including Bus Stop Provision and Maintenance
- Travel Plan
- Footpath Improvements
- Off Site Street Lighting Improvements
- Council's Monitoring Fee, subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

4. CONCLUSION

- 4.1 Delegating the authority to negotiate the terms of the Section 106 Agreements will enable the Council to comply with the appeal procedures outlined by the Planning Inspectorate, which require the Council to actively engage in progressing and finalising appropriate Section 106 Agreements.
- 4.2 Members should be aware, that in accordance with the guidance contained within the National Planning Practice Guidance, failure to work in co-operation with other parties would constitute unreasonable behaviour which could result in an award of costs against the Council.
- 4.3 Members are advised that negotiation of the terms of the S106 agreement will in no way prejudice the decision of the appeals.

5. LEGAL IMPLICATIONS

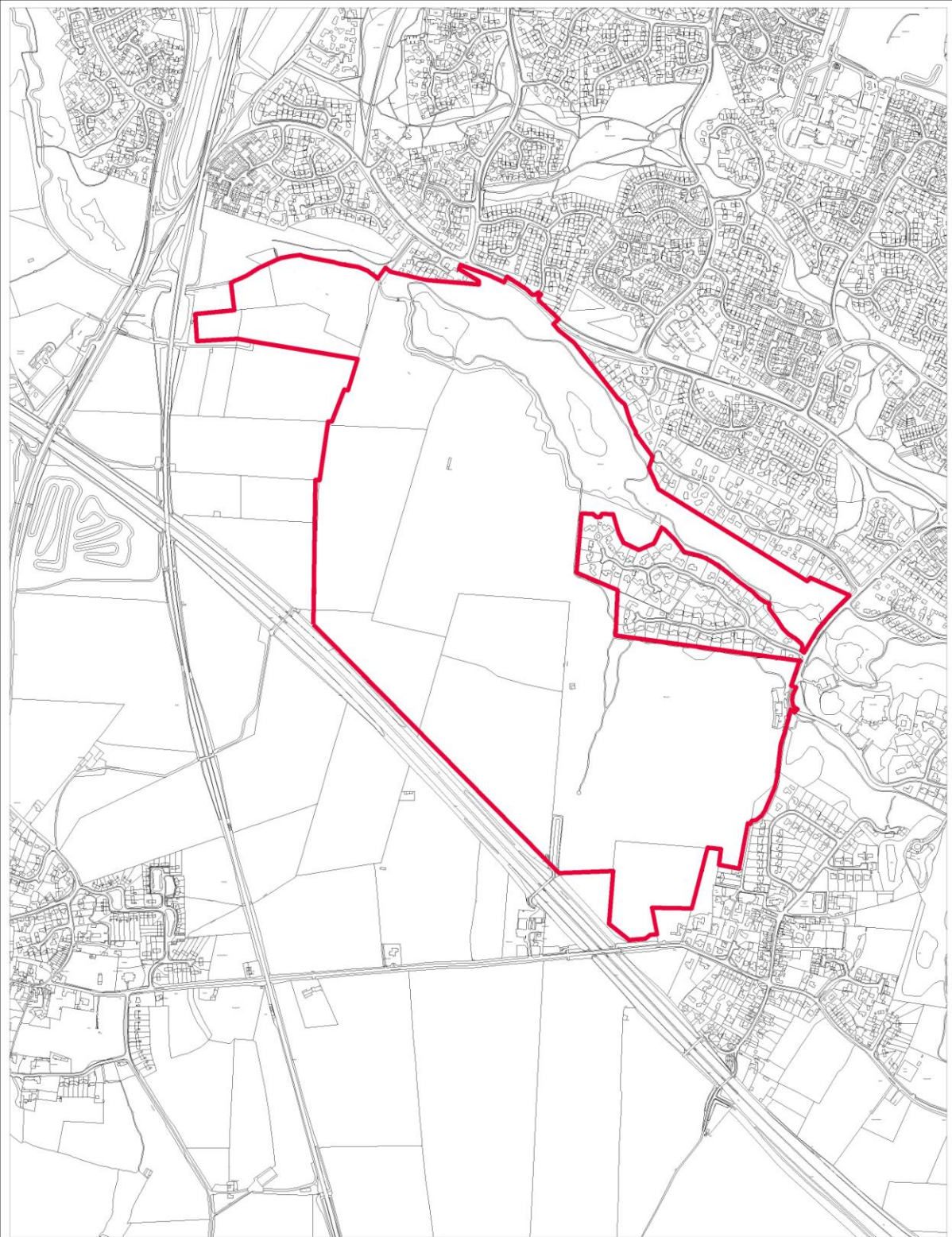
- 5.1 As set out in the report.

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.

7. BACKGROUND PAPERS

- 7.1 Report to Planning Committee 28th January 2015 – N/2013/1035 and N/2013/1063.



Name: **Location plan**
Date: **8th January 2015**
Scale: **1:10,000**
Dept: **Planning**
Project: **Planning Committee**

Title

Npton South SUE, Rowtree Rd & West of Windingbrook Ln

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