



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 10<sup>th</sup> May 2016

**DIRECTORATE:** Regeneration, Enterprise and Planning

**DIRECTOR:** Steven Boyes

**REPORT TITLE:** Variation of two Section 106 Agreements dated 15<sup>th</sup> March 2005 in respect of planning permission N/2004/930, Land west of Harvey Reeves Road, and N/2004/0496, Southern Development Link Road

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**1. RECOMMENDATION**

1.1 That the Committee **AGREE** to vary the two Section 106 Agreements dated 15<sup>th</sup> March 2005 to exclude an area of land known as Site 7C situated within the Northampton Waterside Enterprise Zone and identified on the attached plan from the planning obligations contained within the relevant S106 Agreements.

**2. BACKGROUND**

2.1 The relevant S106 agreements are both dated 15<sup>th</sup> March 2005 and relate to planning application N/2004/0930 for the development of an area of land, formerly a landfill site, for areas of parking, construction of a new service road and provision of foot/cycle ways and associated bridges and landscaping, and planning application N/2004/0496 for the development of the Southern Development Link Road (SDLR) linking Upton Way and Harvey Reeves Road and Ross Road spur link with associated landscaping and infrastructure.

2.2 Both schemes have since been implemented with the new road, the SDLR, forming Edgar Mobbs Way and the areas of car parking, foot/cycle ways and associated bridges provided.

2.3 The associated S106 Agreements required financial contributions towards CCTV, ecology and off-site mitigation all of which have been paid in full, and planning obligations in respect of drainage, remediation, landscape and flood risk management, and public art.

2.4 In December 2015, Planning Committee approved a variation of the S106 Agreement relating to N/2004/0930 to remove an obligation in relation to the provision of an easement strip no longer required for remediation purposes.

2.5 An outline application, N/2016/0015, has been submitted by Coltham Management Services Limited and a full application, N/2016/0178, by

Coltham Management Services and Hellermann Tyton Data Ltd for development of the Site 7C for employment use. The Applications have yet to be determined.

### **3. PROPOSED VARIATION**

- 3.1 Site 7C is situated within the Northampton Waterside Enterprise Zone and is actively being promoted for development.
- 3.2 Coltham Management Services Limited, who have exchanged contracts with the Homes and Communities Agency for the purchase of Site 7C, have requested the Borough Council voluntarily agree to vary both S106 Agreements to release Site 7C from the planning obligations contained therein as the obligations have either been met or are not specifically relevant to this part of the overall site.
- 3.3 The only ongoing requirements of the S106 Agreements are in relation to landscape management, the land to be maintained in a neat and tidy condition, and in relation to flood risk management.
- 3.4 In the event that the site becomes unacceptably untidy there are alternative measures of control under planning legislation to ensure the site is kept in a reasonable condition.
- 3.5 With regard to flood risk management, the mitigation measures contained within the approved Flood Risk Assessment associated with the S106 Agreements relate to land outside of Site 7C. Any alternative development of Site 7C would be subject to a separate planning application and the submission of a Flood Risk Assessment. Details of surface water drainage would be assessed and agreed in consultation with the relevant drainage bodies. It is therefore considered that suitable measures would remain in place to control flood risk and surface water drainage issues.

### **4. CONCLUSION**

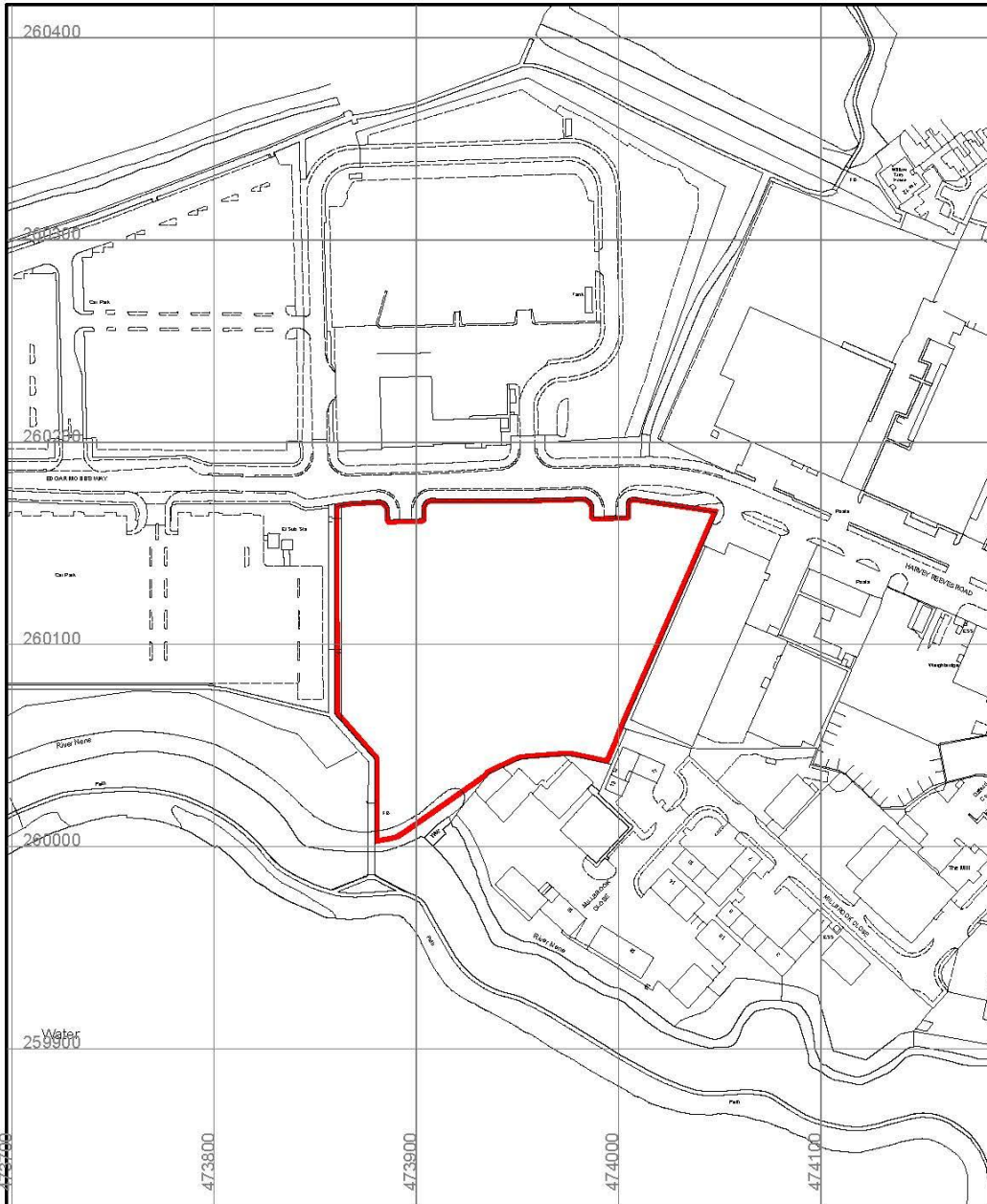
- 4.1 In view of the above and in the interests of bringing the site forward for development, it is considered that the removal of the area of the land as defined by the submitted plan, known as Site 7C, is acceptable in principle and would not adversely impact on the purpose of the planning obligations in either of the S106 Agreements.

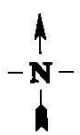

### **5. LEGAL IMPLICATIONS**

- 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.



TITLE <b>Disposal Plan</b> <b>Site 7C</b> <b>Northampton Waterside Enterprise Zone</b> <b>Northampton</b>		  Spatial and Market Intelligence Tel: 0300 1234500 Email: <a href="mailto:spatialintelligence@hca.gov.uk">spatialintelligence@hca.gov.uk</a> <a href="http://www.homesandcommunities.co.uk">www.homesandcommunities.co.uk</a>	
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