

PLANNING COMMITTEE: 1st September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0898

LOCATION: Open Space Wootton Fields, Wooldale Road

DESCRIPTION: Application for a variation to the S106 agreement to amend agreement to allow the open space to be transferred into the ownership of Wootton Parish Council

WARD: Nene Valley

APPLICANT: David Wilson Homes
AGENT: DFA Law

REFERRED BY: Director of Planning and Sustainability
REASON: S106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

- 1.1 That the Committee **AGREE** to vary the Section 106 Agreement dated 6th March 1992, to allow the amendment to Clause 9 and relevant definitions in the Agreement as set out in the report, to allow the land to be transferred to Wootton Parish Council on a freehold basis.
- 1.2 That the Borough Secretary and Monitoring Officer in consultation with the Director of Planning and Sustainability be given delegated authority to agree the amended wording of the said clause and relevant definitions and any consequential amendments as are considered necessary.

2 THE PROPOSAL

- 2.1 Application for a variation to the S106 agreement to amend agreement to allow the open space to be transferred into the ownership of Wootton Parish Council on a freehold basis.

3 SITE DESCRIPTION

- 3.1 The development that is referred to as Wootton Fields is bounded by Wooldale Road, Newport Pagnell Road, Water Lane and development off Curtlee Hill in Wootton.

- 3.2 The land that this application relates to specifically lies adjacent to Wooldale Road towards the southern part of Wootton Fields. It is an area of grassed open space and has been the subject of fly grazing over a number of years.
- 3.3 It is intended that land is to be transferred to Wootton Parish Council through the obligations in the S106 agreement and once in their control, the Parish Council will be in a better position to manage access arrangements and maintenance of the land.

4 PLANNING HISTORY

- 4.1 There are there legal agreements associated with the development in Wootton Fields:
- 6 March 1992 which is the original agreement for the Wootton Fields development and include offsite highway works (relating to the Quinton Link road), balancing lagoons, open space maintenance contributions and the pocket parkland (adjacent to the Perimeter Road/Wooldale Road);
 - 25 February 1998 which agreed to the relocation of the school site; and
 - 5 April 2006 which related to financial contributions from the developer to Wootton Parish Council in respect of open space (towards the cricket square, MUGA, recreation ground and pocket park off Curtlee Hill).

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

6 National Policies

- 6.1 **National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Section 5 - Housing Supply

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well designed places

Section 15 - Conserving and enhancing the natural environment

6.2 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S1 - The Distribution of Development

Policy S3 - Scale and Distribution of Housing Development

Policy S10 - Sustainable Development Principles

Policy H1 - Housing Density and Mix and Type of Dwellings
Policy H2 - Affordable housing
Policy RC2 - Community Needs
Policy BN2 - Biodiversity
Policy BN9 - Planning for Pollution Control
Policy INF2 - Contributions to infrastructure requirements

6.3 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

Policy E20 – New development

7 CONSULTATIONS/ REPRESENTATIONS

7.1 Prior to the application being submitted, correspondence had taken place with the Clerk for Wootton Parish Council, who has confirmed that the Parish Council agree to the variation of the S106 agreement.

8 APPRAISAL

8.1 The original S106 agreement for the Wootton Fields development was completed on 6 March 1992. Clause 9 of the agreement related to land, known as Pocket Parkland, which was intended to be tidied up and seeded during the first available planting season, within 6 months of the completion of the dwellings on Wootton Fields. Following this, the owners of the land, now David Wilson Homes, were to transfer the land to Wootton Parish Council in the form of a 50-year lease.

8.2 Discussions have been taking place between David Wilson Homes and Wootton Parish Council since 2004 and the land transfer was nearing completion. The S106 agreement requires the land to be transferred on the basis of a 50-year lease between the Parish Council and David Wilson Homes. More recently, discussions have been taking place between the two parties for the land to be transferred on a freehold basis.

8.3 The S106 agreement does not indicate the future status of the land past 50 years, but it is clear that the land was not intended to be transferred to the Local Authority.

8.4 Both parties are agreeable to the land being transferred as freehold, but a Deed of Variation to the S106 agreement will be required to allow this to happen and to give comfort to both parties that the Council will not take enforcement action against any breach of the S106 agreement, in respect of this clause.

8.5 There is a financial contribution from the developer to the Parish Council, associated with the maintenance of the land. The Borough Council is not required to be involved in those discussions; however, it is noted that those dialogue has been taking place and both parties have appointed legal advice in which to progress this.

9 CONCLUSION

9.1 Given that both parties are in a position to progress the land transfer, it is considered that this is a reasonable request to allow the long-term management of the land, for the benefit of the residents of Wootton. It is recommended that this is a reasonable request which should not be withheld.

10 BACKGROUND PAPERS

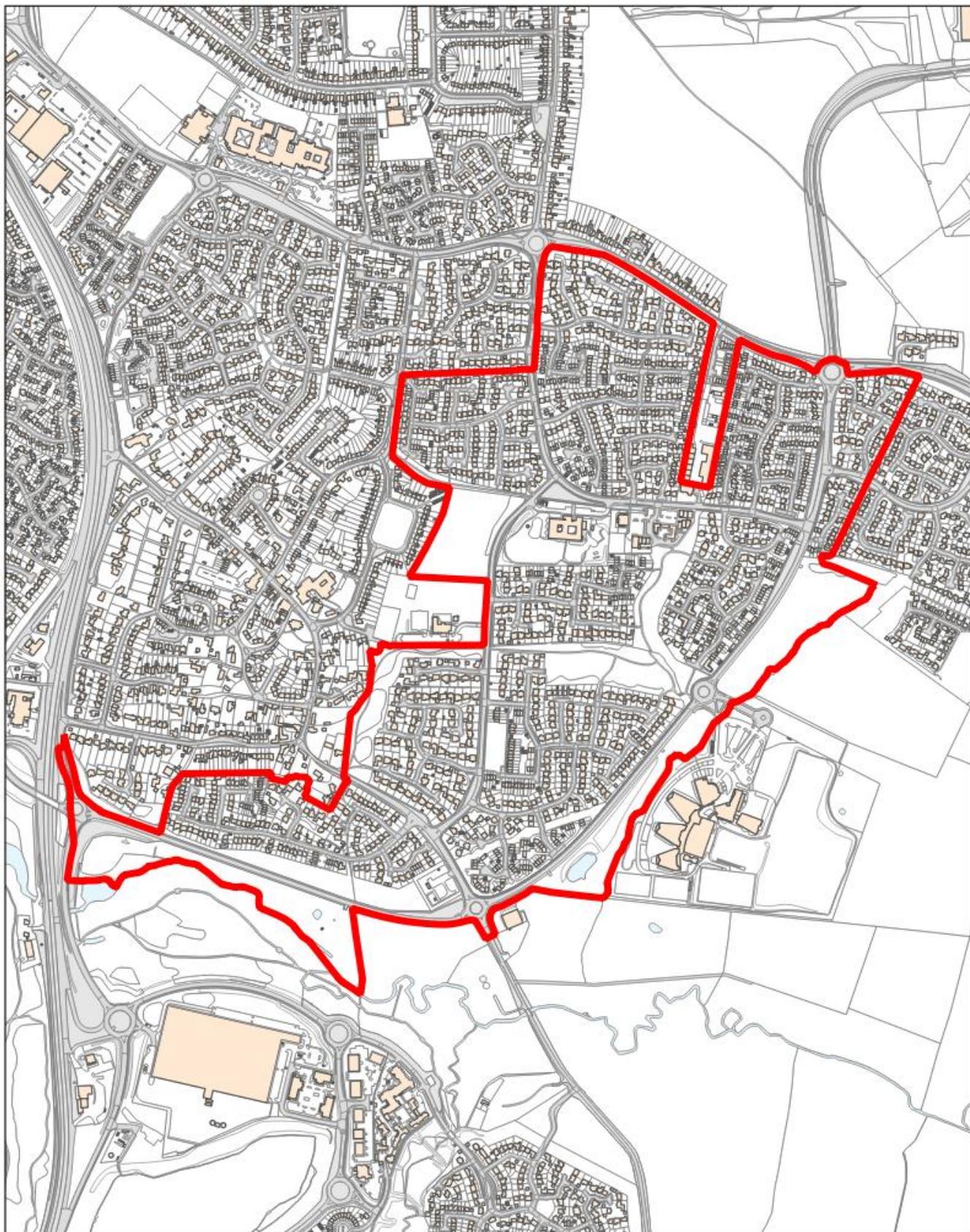
10.1 N/2020/0898.

11 LEGAL IMPLICATIONS

11.1 There are no financial or legal implications for Northampton Borough Council arising from this proposal.

12 SUMMARY AND LINKS TO CORPORATE PLAN

12.1 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: **Wootton Fields**

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Date: 17-08-2020

Scale: 1:9,000

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