

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM 9</b>
<b>29 JANUARY 2019</b>	<b>PUBLIC REPORT</b>

Cabinet Member responsible:	Councillor Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
Contact Officer::	Nick Harding, Head of Planning	Tel. 01733 454441

## **APPEAL - 17/02274/OUT**

<b>RECOMMENDATIONS</b>	
<b>FROM :</b> Director of Growth and Regeneration	<b>Deadline date :</b> n/a
<b>RECOMMENDATION:</b>	
<p>That the Planning and Environmental Protection Committee agree That authority be given to the Corporate Director Growth &amp; Regeneration to complete a Section 106 agreement to accommodate the shortcomings identified in Reason for Refusal 3 of delegated decision reference 17/02274/OUT, such agreement ( save for necessary legal &amp; administrative provisions) to take effect only in the event that planning permission is granted by the Inspector following determination of the Appeal.</p>	

### **1. PURPOSE AND REASON FOR REPORT**

- 1.1 The Committee is requested to delegate authority to compete a S106 agreement to ensure timely delivery of appropriate infrastructure, affordable housing and other benefits in the event that application reference 17/02274/OUT is allowed on appeal.

### **2. TIMESCALE.**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>n/a</b>
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### **3. BACKGROUND**

- 3.1 Members may be aware that an appeal has been lodged by Larkfleet Homes against refusal of an application ( reference 17/02274/OUT) for up to 78 dwellings, together with sporting facilities, access, open space, allotments and associated infrastructure at Lincoln Road, Glington, Peterborough.
- 3.2 The application was refused on grounds of conflict with Policy CS1 and CS8, ( reason for refusal 1) and failure to secure an adequate sustainable drainage system.( reason for refusal 2)

- 3.3 Reason for refusal 3 was the failure of the applicant "to secure provision of additional infrastructure and community facilities in terms of affordable housing, and open space provision which are necessary as a direct consequence of the development".
- 3.4 The appeal is due to be heard at a Public Inquiry commencing on 5th February 2019. The appellants have prepared a draft Section 106 agreement to cater for provision of affordable housing, open space and community facilities, in order to overcome Reason for Refusal 3, and have asked that the Council enter into such agreement , which would only take effect in the event that the Inspector approves the Appeal. This arrangement is normal within the context of an Appeal, and the Inspector who is conducting the Inquiry will expect both sides to enter into such agreement where possible.
- 3.5 It has become apparent to officers however that the current Scheme of Delegation does not permit officers to complete the Section 106 agreement in these circumstances, and authority is therefore sought to delegate to the Corporate Director Growth & Regeneration ( in consultation with the Director of Legal and Governance Services ) the power to complete a Section 106 agreement to accommodate the shortcomings identified in reason for refusal 3 of delegated decision reference 17/02274/OUT, such agreement ( save for necessary legal & administrative provisions) to take effect only in the event that planning permission is granted by the Inspector following determination of the appeal.

#### **4. IMPLICATIONS**

- 4.1 **Legal Implications** – There are none
- 4.2 **Financial Implications** – This report itself does not have any financial implications
- 4.3 **Human Rights Act** – This report itself has no human rights implications but the enforcement process has due regard to human rights issues.
- 4.4 **Equality & Diversity** – This report itself has no Equality and Diversity Implications, although the enforcement process has due regard to such considerations.