

Item No. 5.2

Planning and Environmental Protection Committee 25 July 2017

Application Ref:	15/01771/WCPP
Proposal:	Renewal of planning permission 91/00001/OUT - Housing, local facilities, open space and infrastructure
Site:	Paston Reserve Newborough Road Paston Peterborough
Applicant:	Church Commissioners For England
Agent:	Nolan Tucker, WYG Planning & Environment
Referred by:	Director of Growth & Regeneration
Reason:	Although there has been a resolution to grant planning permission since January 2016 and the Section 106 agreement is satisfactory to all parties, it remains unsigned.
Site visit:	3.11.2015
Case officer:	Ms Vicky Hurrell
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Recommendation:	The Director of Growth and Regeneration recommends that the application be REFUSED if the S106 Agreement has not been signed by 11 th August 2017 (unless an alternative later deadline date is agreed with the Chairman of the Planning & Environmental Protection Committee).

1.0 INTRODUCTION

Outline planning permission for a new urban extension at Paston Reserve was originally granted outline planning permission on 10 February 2006. The development comprises housing, local facilities, open space and infrastructure (application 91/00001/OUT refers). The overall housing number was capped at 1050 houses and the development was subject to a S106 Agreement which included the provision of a new primary school, community centre, play facilities, and affordable housing.

The first 87 houses have been built out on site (reserved matters approval 13/01518/REM refers). However, the overall development has not progressed as quickly as was anticipated due to the changing market conditions. The majority of it therefore remains undeveloped.

The period of time in which the applicant could submit detailed reserved matters applications effectively 'ran out' on 10 February 2016. In advance of this the Paston Rserve Consortium submitted an application to renew the outline permission thereby allowing the development to continue.

The application came before members of the Planning and Environmental Protection Committee on 26 January 2016. Members reserved to approve the application subject to the completion of a S106 Agreement. A copy of the report and associated update report tabled to members on 26 January 2016 is attached in Appendix 1 for information. It should be noted that the matters set out in the report are not for further consideration at this stage given the earlier Committee resolution.

The site is within the ownership of the Paston Reserve Consortium comprising the Church Commissioners, the Homes and Community Agency, Taylor Woodrow Developments Ltd. Befordia Developments Limited and Old Road Securities Plc.

2.0 REASON FOR RECONSIDERATION BY COMMITTEE

As stated above, Committee resolved to grant planning permission subject to a Section 106 agreement being entered into. Although the Section 106 agreement has been finalised and there are no parts of the agreement that the Council or the consortium are in dispute over, the consortium are unwilling to sign the document as they have not finalised the collaboration agreement between themselves (in very simple terms the sharing of costs and profit from the development).

The lack of progress in respect of agreeing terms between the landowners is delaying the delivery of much needed new homes for Peterborough and preventing a developer (Keepmoat Homes) from being granted a Reserve Matter consent and being able to commence development on the site.

At a meeting on 31 May 2017 between most of Consortium members and the Director of Growth & Regeneration, the importance of housing delivery was stressed to the group as well as the fact that the lack of progress on the site was frustrating the potential to deliver the growth elsewhere in the City. In this context, the consortium agreed to work to resolve the outstanding matters that there were between them with a view to being in a position to sign the Section 106 agreement by 1st July 2017. At the meeting it was stated and understood that should the deadline not be met, then a report would be brought before the Planning & Environmental Protection Committee for consideration.

At the time of writing (14 July), significant progress has been made by the Consortium, and officers were advised that the form of Licence Agreement and Deed of Variation to the landowner agreement have now been settled and that engrossments are being prepared. These matters are not themselves material planning considerations but have the result that the Section 106 agreement remains unsigned thus preventing planning permission from being issued.

In the light of the fact that the Section 106 agreement remains unsigned by the Consortium members, officers are of the view that consideration should be given to the refusal of planning permission on the grounds that the proposal is contrary to Policy CS13 of the Peterborough City Council Core Strategy DPD (2011). This is because without the legal agreement being in place the impacts of the development would not be satisfactorily mitigated.

It should be noted that the consortium will continue to resolve their outstanding matters and so it is likely that that a verbal update will be necessary at the Committee meeting itself.

3.0 RECOMMENDATION

The Director of Growth and Regeneration recommends that Outline Planning Permission is **REFUSED** for the reason stated below if the S106 Agreement has not been signed by 11 August 2017 (unless an alternative later deadline date is agreed with the Chairman of the Planning & Environmental Protection Committee) :-

R1 – The proposed development will give rise to the following infrastructure impacts that require mitigation in order for the development to be acceptable:

- Affordable housing provision
- Education place provision
- Cemetery contribution
- Primary care contribution
- Waste management contribution
- Public Transport contribution
- Community centre contribution
- Play facilities
- Adult social care contribution
- Rights of way

Whilst a draft Section 106 agreement has been prepared which provides the necessary mitigation and which the interested parties have no disagreement with, the document has not been signed. The proposal is therefore contrary to Policy CS13 of the Peterborough City Council Core Strategy DPD (2011).

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Ward Members: Cllrs Bond, Davidson & Fower

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