

Item 5.1

Planning and Environmental Protection Committee 25 July 2017

Application Ref: 09/01368/OUT

Proposal: Development of an urban extension comprising up to 5350 residential dwellings; a District Centre (with up to 9200 square metres (99031 sq.ft) retail floor space) and two Neighbourhood Centres (with up to 2300 square metres (24758 sq.ft) retail floor space) comprising district/neighbourhood retail (A1-A5); community and health (C2, D1); leisure(D2); residential (C3) and commercial (B1) uses. Provision for education facilities (sites for three primary and one secondary school); sports and recreational facilities; a range of strategic open spaces including new landscaping, woodland and allotments; and cemetery provision. Associated highway infrastructure (including pedestrian, bridleway and cycle routes), public transport infrastructure and car parking for all uses. Utilities and renewable energy infrastructure; foul and surface water drainage networks (including suds and lakes)

Site: At land to the north of Norman Cross, east of the A1(M) and west of London Road (A15) Peterborough

Applicant: O & H Properties Ltd, Marlborough Oasis Ltd, Barrett Strategic (The Great Haddon Consortium)

Referred by: Director of Growth and Regeneration

Reason: Major Strategic Application

Case Officers: Lee Collins and Vicky Hurrell

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Recommendation: The Director of Growth and Regeneration recommends that the application be refused on the 30th September if the S106 Legal Agreement has not been completed.

1.Update

The Great Haddon urban extension is allocated for development in the adopted Local Plan. The site is located to the west of the city adjacent to the A1 and north of the A15. An outline application was submitted in 2009 for up to 5350 homes with associated infrastructure. The application was submitted by the Great Haddon Consortium, which comprises the following parties:-

- O & H Properties
- Marlborough Oasis
- Barratt Homes

Members originally discussed the application in 2013.

The application was tabled to Members again in January 2015 following receipt of further information relating to the design detail of the Yaxley loop road (see section below for full details). Following debate members resolved to approve the application in accordance with the details provided subject to:-

(a) the conditions set out in the report;

(b) the satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 and;

(c) any changes to conditions relating to Orton Pit SSSI/SAC which may be requested by Natural England during S106 discussions.

All other technical issues were resolved including the provision of 16% affordable housing.

A copy of the report tabled to Members in January 2015 is attached at Appendix 1 for information.

Over two years have now passed since this Committee resolution and the S106 Agreement has still not been signed, through no fault of the Council.

Following the resolution to grant in 2015 work did commence on the S106 Agreement but it quickly became apparent that no collaboration agreement (the mechanism by which the costs between the parties are calculated and equalised out) was in place and that any such agreement was unlikely to be forthcoming.

In view of the fact that the consortium members have been unable to sign a collaboration agreement officers were asked to consider a 'partition' S106 whereby each landowner effectively signs a separate S106 Agreement for their part of the site before commencing development on it, instead of a single S106 Agreement covering the whole development area.

Whilst this is a lawful approach, partitioned S106s are only used in exceptional circumstances. Officers in considering this option needed to ensure that the Council's position was protected to make sure that it would not be left with a significant shortfall in the amount of funding available to fund the necessary infrastructure when this needed to be delivered on site. To this end Officers, with Counsel advice, set out that the Council would only support such an agreement if it could be demonstrated that sufficient funding would be available in the S106 'pot' at the key stages of the development and also that the two largest landowners, O & H and Marlborough, signed the S106 at the same time. A letter of comfort was also requested from the third applicant, Barratt Homes, to confirm that they agreed the approach. Alternatively Officers indicated they would agree a partition approach if O & H and Barratt Homes signed the agreement at the same time, with the Marlborough land partitioned, subject again to it being demonstrated that the infrastructure costs could be met.

O & H instructed an independent surveyor to calculate the costs per house on each of the consortium members' site areas, based upon net developable areas and the amount of infrastructure required on each part of the site. This exercise also disaggregated the infrastructure delivery triggers for the development, notably in relation to the construction of the Yaxley loop road. This information was then shared with Marlborough and Barratt.

It has now become apparent that the parties are not prepared to agree the costs or the proposed cap linked to the construction of the Yaxley loop road as proposed by O & H. Furthermore, relations between the parties now seem to have broken down.

The Director of Growth and Regeneration has met with parties (both together and separately) on several occasions and written to them to try and facilitate the completion of the S106 and therefore the delivery of this site, but without success.

Given the current position Officers recommend that Delegated authority be given to them to refuse the application on the 30 September 2017, unless a S106 Agreement has been signed, or such other date as agreed by the Director of Growth and Regeneration in

consultation with the Chair of the Planning Committee if significant progress towards a signed S106 has been made.

If the application is refused, both Marlborough and O & H have advised in writing that each of them would intend to submit their own standalone planning application for the part of the site which they own. In addition to asking Members to support the recommendation of refusal for the current application, Officers are also asking Members to clearly set out the parameters for considering any standalone applications and the approach they would expect these to follow. This is to ensure that the site can be delivered in a comprehensive way with the necessary infrastructure secured without financial risk to the Council.

Members are asked to require a :-

1. A comprehensive redevelopment of the site which would be achieved through planning policy and the preparation of a development area brief which would be prepared by the Council and agreed by the landowners prior to any application being submitted
2. Linked to the above it needs to be demonstrated that key on site infrastructure requirements will be met, notably in respect of school, highway and community facilities and especially secondary school provision, without financial risk to the Council;
3. Adequate drainage and open space provision needs to be made on each site;
4. Affordable housing should be provided in line with Local Plan policy CS8 requirements;
5. It will need to be demonstrated that the key off site infrastructure requirements can be met, notably in respect of highway works.

2 Conclusions

Members resolved to approve this application in 2013 and again in January 2015 following the receipt of further information in respect of the Yaxley loop road, subject to the completion of a S106 Agreement. Since this date no S106 Agreement has been signed. In the absence of a S106 Agreement the development will not be able to meet its infrastructure requirements notably in respect of the provision of schools, community facilities, affordable housing, ecology and transport. As such the proposal is considered to be contrary to policy CS13 of the adopted Local Plan.

3 Recommendation

The Director of Growth and Regeneration recommends that the application be refused on 30th September, if no significant progress has been made, unless the Director of Growth and Regeneration, in consultation with the Chair of the Planning Committee agrees an alternative date, for the following reason:-

The application gives rise to significant infrastructure requirements notably in respect of school provision, community facilities, transport including public transport provision, affordable housing, open space, ecology and archaeology. In the absence of a S106 Agreement these infrastructure requirements are not met. The development is therefore considered to be contrary to the provisions of policy CS13 of the adopted Core Strategy.

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