

**Application Ref:** 17/00011/R4FUL & 17/00013/RFUL

**Proposal:** The construction of 87 dwellings 17/00011/R4FUL  
The construction of 116 dwellings 17/00013/RFUL

**Site:** Former John Mansfield School and remote playing field, Western Avenue, Dogsthorpe, Peterborough

**Applicant:** Mr Nick Wright  
Cross Keys Homes Limited

**Agent:** Mr Tony Welland, The Design Partnership (Ely) Ltd

**Site visit:** 23.01.2017

**Case officer:** Miss V Hurrell / Nick Harding

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**Recommendation:** That subject to the agreement of the parties for the delivery of 81 affordable units being enforceable through the contract of sale and or restrictive covenant, the **Section 106 LEGAL AGREEMENT** cover only the provision of 61 affordable units in accordance with Local Plan Policy. Otherwise the agreement shall refer to 81 units as previously decided by the Planning Committee

### **1. Background**

Committee considered the two applications in at its 25th April meeting in 2017. At that time a total of 81 affordable housing units were to be delivered by the two sites combined and that this was to be delivered by way of a legal agreement. 81 units represents more affordable units that is required to be provided by adopted Local Plan Policy (61 units). Whilst the planning permission has been issued, the Section 106 agreement has not yet been signed and Cross Keys have not yet completed the purchase of the site from the City Council.

Cross Keys have been successful in obtaining funding from the Homes England for those units over and above policy compliance but will not be able to access the funding if the units form part of the Section 106 requirement.

### **2. Proposed Solution**

It is proposed that the S106 refers only to the number of affordable units required by Local Plan Policy while ensuring that the remainder of the units are provided by way of a condition in the contract of sale between the City Council and Cross Keys which will state that 81 affordable units have to be provided.

### **3. Recommendation**

That Committee agree that:

Provided the 81 affordable units are secured as a condition of the sale of the land by the City Council and / or by way of a restrictive covenant, the S106 agreement be such that in regard to affordable housing, it only refers to the provision of policy compliant levels of provision (61 units). Otherwise, the agreement shall refer to 81 affordable units in accordance with the Committee's original decision on the applications.

**Copy to Cllrs Ash, Saltmarsh and Sharp**