

Committee: Planning and Development

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Application No: 05/00588/FP

Location: Great Ashby Development Great Ashby Way Stevenage Herts

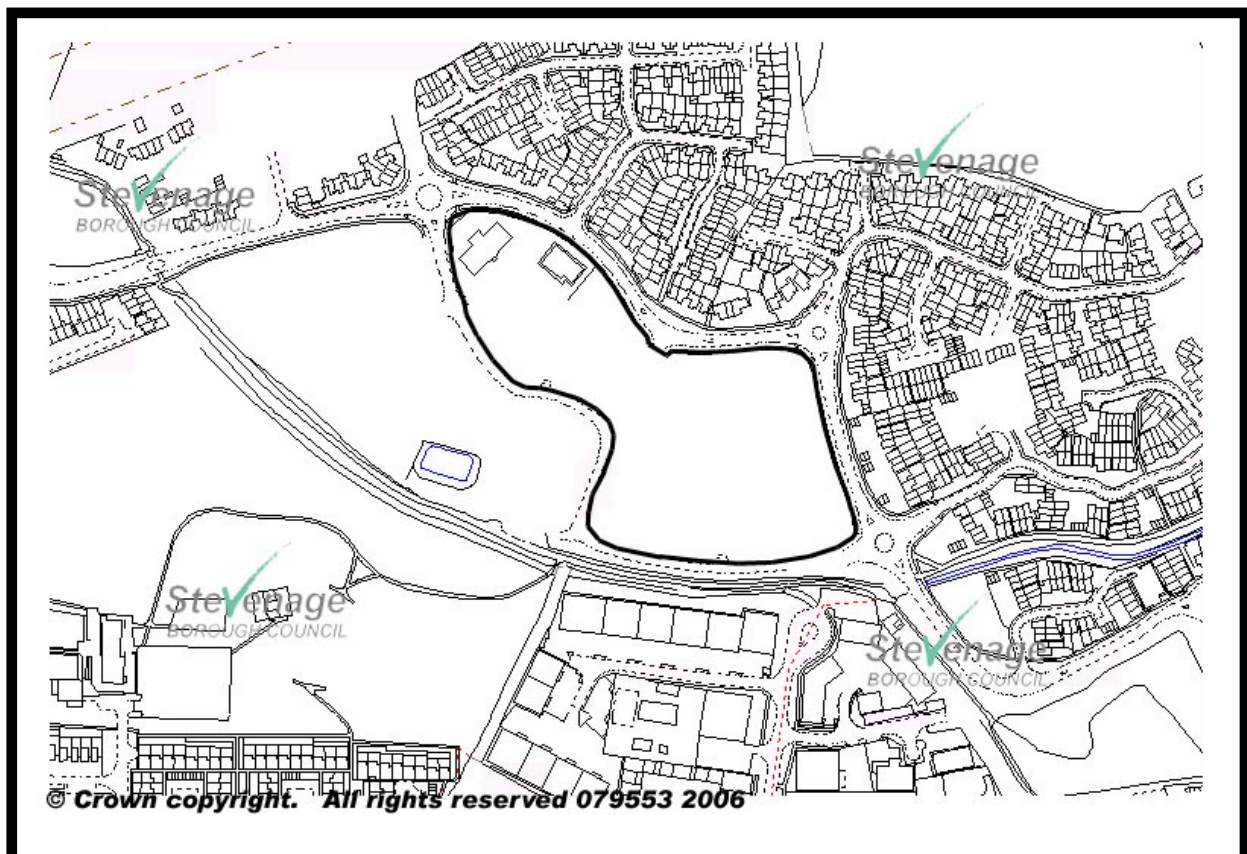
Proposal: Application under Section 106A of the Town and Country Planning Act to discharge obligation under clauses 5.3.2 and 5.4 of the Section 106 agreement dated 23 March 1993 to use reasonable endeavours to procure the development and use of a doctor's surgery within the neighbourhood centre at Great Ashby

Drawing Nos: Master Plan and Neighbourhood Centre Plan Received 10.11.2005

Applicant: Croudace Homes Limited

Date Valid: 22nd November 2005

Recommendation: **DISCHARGE PLANNING OBLIGATION**



1.0 BACKGROUND

- 1.1 The outline planning permission granted in August 1993 for the residential neighbourhood development at Great Ashby is subject to a Section 106 Agreement entered into between the Council, North Hertfordshire District Council (NHDC), Hertfordshire County Council, CCW (Stevenage) Limited (the developers) and other owners of the land in question. Amongst the provisions of the Agreement, the owners covenanted with the Council and NHDC under clause 5.3 to incorporate within the development a site for a neighbourhood centre to accommodate a public house, premises for a doctor's surgery and shopping facilities, and under clause 5.4 to use their reasonable endeavours to procure the development and use of these specified facilities.
- 1.2 As members will be aware, the Great Ashby development is now almost complete and, within it, a neighbourhood centre has been created to the north of St Nicholas Park in a part of the site that is within the administrative area of NHDC. At present, the centre contains a community hall, a day nursery and a range of retail outlets that include a supermarket. With regard to the originally intended public house, in response to evidence provided by the developers/owners in November 2004, the Borough Solicitor accepted on behalf of the Council that reasonable endeavours had been used to procure this facility within the centre but without success. Accordingly, by letter, it was confirmed that the planning obligation in question had been met. NHDC came to the same view, on the basis of which there is no longer any obligation on the part of the developers to attempt to secure a public house within the development.

2.0 PROPOSAL

- 2.1 With regard to the obligation in respect of a doctor's surgery, the developers have stated that, despite their attempts to secure the provision of such a facility within the neighbourhood centre since 2000, they have had no success. In support of their case, they have provided copies of correspondence from the North Hertfordshire and Stevenage Primary Care Trust (PCT) between 2000 and September 2005 wherein the PCT make clear that they do not wish to provide a GP Surgery within Great Ashby. Furthermore, they have supplied a copy of the minutes of the North Herts and Stevenage Joint Primary Care Trust Scrutiny Committee held on 24 October 2005 which confirms the PCT's decision not to pursue this opportunity.
- 2.2 On the basis of this evidence, the developers have submitted an application under Section 106A Agreement of the 1990 Planning Act to discharge the obligations contained within the 1993 legal agreement that relate to the provision of a doctor's surgery at Great Ashby. A similar application has been made to NHDC but has yet to be determined.

3.0 CONSIDERATIONS

- 3.1 As required by the relevant Regulations, this application has been publicised by means of press and site notices, the latter being displayed at the neighbourhood centre. There have not been any representations received from the public in response to this publicity.
- 3.2 The documents provided by the applicants provide compelling evidence that they have made genuine attempts to interest the PCT in the provision of a doctor's surgery at Great Ashby but, throughout the five year period during which these attempts have been made, the PCT has consistently stated that it does not wish to pursue such an option. Notwithstanding this, the PCT has been contacted directly since receipt of this application and, in response, they have confirmed that this remains their position.

3.3 In these circumstances, it is considered that it would be unreasonable to require the applicants to continue to pursue the provision of this facility within their development. Accordingly, it is recommended that the planning obligation in question be discharged.

4.0 RECOMMENDATION

4.1 That the Committee approve the discharge of the planning obligation contained in clauses 5.3.2 and 5.4 of the Section 106 Agreement dated 23 March 1993 relating to the provision of a doctor's surgery within the neighbourhood centre at Great Ashby.

5.0 BACKGROUND PAPERS

5.1 Application file, letters and accompanying documents having the reference number relating to this item.

5.2 Section 106 Agreement dated 23 March 1993 relating to development at Wellfield Park, Stevenage, Hertfordshire.

5.3 Letter dated 8 December 2005 from Dr T Kostick on behalf of North Herts and Stevenage NHS Primary Care Trust.