

PRB Deepcut

Portfolio	Regulatory
Ward(s) Affected:	Deepcut & Borough wide

Purpose

Addendum to Agenda Item 6 page 73 of the Planning Applications Committee to be held on 9 March 2017.

To seek Member agreement to the proposed deed of variation to the existing s106 agreement pursuant to planning permission 12/0546 for the comprehensive redevelopment of the PRB Site in Deepcut.

Background

- 1 As detailed on page 73 of the committee agenda.

Current Position

- 2 Since adding item 6 to the agenda for consideration on 9 March 2017 detailed discussions have been ongoing with the applicant team and Surrey County Council. These discussions have culminated in the applicant team withdrawing the request to amend triggers in respect of on and off site highway works.
- 3 This is because officers, in consultation with Surrey County Council, as the Highway authority, consider the individual elements of the highway mitigation secured in the existing s106 to form a package of mitigation and each element, along with its trigger for delivery, to be interrelated. With this in mind it is not possible to amend individual triggers without understanding how this would impact on the wider mitigation package or, in the worst case whether this would have unacceptable impacts on the free flow of traffic or highway safety. Accordingly the proposed amendments to the highway triggers detailed on page 71 of the committee papers for this item have now been deleted in their entirety and the revised table overleaf / below reflects this.

Provision	Existing trigger	Proposed trigger
Education		
Schedule 4 Part 1 para 7 & 8	Primary school 1 form entry (1FE) prior to 1 st occupation of 200 dwellings 2 form entry (2FE) prior to 1 st occupation of 750 dwellings	1FE 350 prior to 1 st occupation of 350 dwellings 2FE within 24 months of occupation of 350 th dwelling

Part 2 Para 1 & 2	Nursery – prior to 1 st occupation of 200 dwellings	prior to occupation of 350 dwellings
Sport England Contribution Schedule 5 Part 1 paras 1 & 2	Prior to 1 st occupation of 750 dwellings or full occupation of 2 nd phase whichever is earliest	Contribution to be paid prior to occupation of 750 th Dwelling Officer note: ref to 2 nd phase to be deleted as under the approved phasing plan the 2 nd phase will deliver a maximum of 390 dwellings
Sports Hub Schedule 5 Part 7 para 1.3 & 1.4	Prior to 1 st occupation of 450 dwellings or full occupation of 1 st phase whichever is earliest	Delivery prior to first occupation of 450 th dwelling Officer note: ref to 1 st phase to be deleted as under the approved phasing plan the 1 st phase does not deliver any dwellings
Formal Park Schedule 5 Part 10 para 1.3 & 1.4	Prior to 1 st occupation of 450 dwellings or full occupation of 1 st phase whichever is earliest	Delivery prior to first occupation of 450 th dwelling Officer note: ref to 1 st phase to be deleted as under the approved phasing plan the 1 st phase does not deliver any dwellings
Allotments Schedule 5 Part 11 para 1.3 & 1.4	Prior to 1 st occupation of 450 dwellings or full occupation of 1 st phase whichever is earliest	Delivery prior to first occupation of 450 th dwelling Officer note: ref to 1 st phase to be deleted as under the approved phasing plan the 1 st phase does not deliver any dwellings

- 4 As detailed on page 75 of the committee papers Surrey County Council as the Education Authority does not object to the change to the triggers for education provision.

- 5 The current draft of the deed of variation is attached for Member consideration. It is noted that the deed as drafted contains amendments to the provisions for SANGS delivery. These changes reflect the reserved matters approval (permission ref: 15/1062) for the delivery of the central SANGS before the southern SANGS and have been agreed with Natural England.
- 6 The current deed of variation also proposes changes to triggers for ANGST, other open space, LEAPS/LAPS, public art and A3 /A4 land. These changes are minor in nature and relate to the phased nature of the wider site delivery. For instance, in many cases the proposed amendment simply seeks to insert the word 'relevant' into the text and tie the delivery of that piece of infrastructure to the phase in which the item will come forward.
- 7 The deed of variation as now drafted also proposes an amendment to para 2.2 of Part 1 of Schedule 6. This relates to the delivery of the approved northern access roundabout.
- 8 Within the existing s106 agreement the roundabout is required to be substantially complete before any other development commences on site. This requirement follows the assumption the roundabout would be the main point of access into the wider site for the duration of all development. However, this is not entirely reasonable as the spine road linking the roundabout to the approved southern access at the junction of Deepcut Bridge Road and Brunswick Road does not, within the s106, have to be substantially complete until occupation of 230 dwellings; the opening of the school; the nursery or the supermarket; or, within 24 months of the commencement of development.
- 9 The deed seeks to amend this such that other works of development can be undertaken in conjunction with the works to deliver the roundabout. In the worst case scenario these works could include the implementation of reserved matters applications for phase 2 (the first residential phase). Although it should be noted the developers would be required to agree a construction management plan under condition 61 of the hybrid permission 12/0546 in any event.
- 10 The revised wording for para 2.2 has been subject to extensive negotiation between Council officers, SCC Highways officers and the applicant team and agreement has been reached on the following wording:

The Owner shall Substantially Complete these works to the satisfaction of the County Council (including any necessary land dedications) within 9 months from the commencement of any works forming part of the Development Site, or prior to the First Occupation of any Dwelling on the Site whichever is the sooner. Once commenced these works shall be Substantially Complete within 9 months of their commencement.
- 11 The applicant team have provided a briefing note to explain the rationale for the various changes proposed by the deed of variation and this is attached for Member consideration.
- 12 Officers, in consultation with SCC as both the Highways and Education authority, do not object to the deed as now drafted. This document is to be

subject to review by the Council's legal advisors and subject to any comments from this review being accepted by the applicant team it is recommended the Council agree to enter into the deed.

Options

- 13 To either agree the proposed deed of variation or to refuse it.

Resource Implications

- 14 None – the applicant team are bearing the cost of the Council's legal fees.

Recommendation

- 15 Subject to review by the Council's legal advisors, the Planning Applications Committee resolve to delegate completion of the deed to officers.

Annexes:

Appendix 1 - Copy of draft of deed of variation (submitted to the Council 6/3 @ 1618hrs)
Appendix 2 - Copy of Briefing Note prepared by GL Hearn (submitted to the Council 7/3)
Appendix 3 - Copy site plan

Background Papers:

None

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