

LOCATION:	Princess Royal Barracks, Brunswick Road, Deepcut, Camberley, Surrey, GU16 6RN,
PROPOSAL:	Application to vary the section 106 agreement, as varied, in respect of hybrid permission 12/0546, as amended by 18/0619 and 18/1002 to amend the delivery or occupation or payment triggers for the completion of the Village Green and combined NEAP/LEAP, the provision of the Sports Hub, the Formal Park, the Allotments, the Basingstoke Canal Towpath contribution, shared pedestrian/cycle infrastructure, various highway works, bus infrastructure; to amend the clauses to Junction 3 M3 to allow for a payment of a contribution in lieu of works; to amend the highway layout at the junction of Frimley Green Road with Wharf Road and Guildford Road to provide a roundabout scheme, the phased provision of the Southern SANG, option to extend the management company for the SANGs to all non residential land areas, amend the Bellew Road Closure clause and consequential amendments to the definitions, clauses and plans.
TYPE:	Modification & Discharge of Obligation
APPLICANT:	Secretary Of State For Defence
OFFICER:	Mrs Sarita Bishop

This application is being brought to the Planning Applications committee as the proposal is to modify a section 106 legal agreement connected to the grant of planning permission by the Planning Applications committee

RECOMMENDATION: AGREE AMENDMENTS

1.0 SUMMARY

- 1.1 This application is submitted by the Secretary of State for Defence. The application seeks to modify the Section 106 legal agreement dated 17 April 2014 as follows:
- to amend, add and/or delete definitions;
 - amend triggers for the delivery of works or payment of contributions;
 - amend or delete plans;
 - amend/delete provisions

as set out in detail below and the Assessment Report which is attached as Annex A.

- 1.2 The applicant has submitted a Heads of Terms agreement which sets out, in principle, proposed amendments to the section 106 agreement. A briefing note has also been submitted which sets out the background to the application and the reasons why the proposed changes are being sought. This is attached as Annex B.

- 1.3 A detailed assessment of the application has been made which has resulted in various amendments to the proposal. This assessment sets out the proposed changes in the context of the relevant planning considerations and the reasons for the recommendations made to the Planning Applications Committee.

2.0 SITE DESCRIPTION

- 2.1 The Princess Royal Barracks site has an overall site area of some 114 hectares. This former military site has permission for a major residential development totalling 1,200 new dwellings, with associated public open space, community facilities, a primary school, retail and commercial uses and access and highway works.
- 2.2 The redevelopment is divided into 6 phases, three non-residential (1, 3 and 5) and three delivering housing (2, 4 and 6).
- 2.3 Phase 1 which includes the provision of the spine road (now Mindenhurst Road), the Village Green, pond and play areas, the Green Swathe, the Green Swale and the Central SANG are generally complete except for some outstanding remediation and landscaping works.
- 2.4 Phase 2 comprising Phases 2a and 2b and Phase 4a comprising 363 dwellings are currently under construction.
- 2.5 Phase 3a which comprises the primary school and nursery is complete and has been handed over to Surrey County Council. Phase 3c comprising the public house is under construction with a view to opening early Spring 2022.
- 2.6 The remainder of Phases 3 and 4 and all of Phases 5 and 6 have not yet been the subject of reserved matters applications.
- 2.7 This application also relates to land outside the application site in Deepcut, Frimley Green, Camberley and Lightwater specifically in relation to highway works. The majority of this land is already within the public highway. The main exception to this is a small piece of common land on The Green in Frimley Green.

3.0 RELEVANT HISTORY

- 3.1 12/0546 Hybrid planning application for a major residential led development totalling 1200 new dwellings with associated public open space, community facilities, a primary school, retail and commercial uses, access and highways works. Approved 6 April 2014. The Section 106 agreement for this application was signed on 17 April 2014.

As this was a hybrid application full planning permission was granted for the residential conversion of the Officers Mess building (now Phase 6e), the Sergeants Mess building (now Phase 4g) and the Headquarters of the Director or Logistics building (now Phase 4e) to provide a total of 81 flats. There is no requirement to provide affordable housing for these phases.

The outline element of the application included the approval of means of access and the following matters to be the subject of later reserved matter applications:

- 1,119 new build dwellings of which 35% would be affordable; (Officer note this would equate to an overall provision of 420 dwellings as it would also address the non provision on the converted buildings);

- A 2 form entry Primary School, together with a nursery facility;
- A foodstore;
- Local shops;
- Space for medical facilities to accommodate GPs/dentists;
- A library building with co-located police desk and village visitor centre;
- A public house
- Retention of the Garrison Church of St Barbara as a religious facility with a replacement church hall;
- Provision of 69.12 hectares of public open space comprising;
- 35 hectares of SANGs and 1.07 hectares of link between the Southern and Central SANGs;
- 19.85 hectares of semi natural open space (ANGST);
- A 2 hectare Village Green;
- 1.16 hectare Allotments;
- 2.54 hectares of formal Parkland;
- Areas of amenity green space within the residential areas;
- Dedicated play spaces within the residential areas
- A care home;
- Improved footpaths, cycleways, public transport linkages and highway improvements; and
- A Sustainable Urban Drainage system.

The development commenced on 11 August 2017.

- 3.2 On 8 March 2016 the original section 106 agreement was varied to bring forward the delivery of the Central SANG to include the SANG hut before the Southern SANG due to unforeseen delays in the Ministry of Defence vacating the site (the first variation).
- 3.3 On 12 May 2017 a second deed of variation to the original section 106 agreement as subsequently amended was signed to amend various definitions including in relation to the Central SANGs, the combined NEAP/LEAP, the Southern SANGs, the Sports Hub, the Travel Plan Monitoring Fee, the Travel Plan and the Village Green. Various provisions relating to education, open space, highways, sustainable travel, community facilities and the public house were also agreed.
- 3.4 12/0546/4/NMA Variation to conditions 35 (CSH), 48 (provision of the library) and 50 (provision of church hall attached to the hybrid permission to remove the need for final certificates to be submitted in respect of CSH, to provide an either or scenario for the provision of the library building to tie in with the section 106 agreement and to double the size of the church hall. Approved 13 August 2018 but it is noted that condition 50 was deemed to be a material change and remained as originally drafted.
- 3.5 18/0619 Section 73 application to vary condition 51 (public house) Phase 3c of the hybrid permission to allow for a larger public house with an increase in floor area from 220 square metres to 1000 square metre and in site area from 0.12 hectares to 0.4 hectares. Approved 19 July 2019. The section 106 legal agreement was amended to link this permission to the original obligations (the third variation). This permission is also linked to 19/0440 below.

- 3.6 18/1002 Section 73 application to vary condition 50 (church hall) Phase 3d of the hybrid permission to allow for a larger church hall with an increase in floor area from 125 square metres to 250 square metres. Approved 14 November 2019. The section 106 legal agreement was amended to link this permission to the original obligations (the fourth variation).
- 3.7 21/0004/DTC Submission of details to comply with condition 9 (affordable housing) attached to planning permission 12/0546 dated 4 April 2014 (as amended by 18/0619 dated 19 July 2019 and 18/1002 dated 14 November 2019 in respect of residential parcels comprising Phases 4b, 4c, 4d, 4f, 4h, 6a, 6b, 6c and 6d. This was considered at the Planning Applications committee held on 28 October 2021 where it was resolved to agree the details subject to a legal agreement to secure a minimum of 15% affordable housing and a mechanism to review the viability of the scheme. This agreement is currently being drafted.
- 3.8 21/0968/NMA. This proposal is associated with the current application. If the current proposal is agreed permission is sought to update conditions 10 (care home, Phase 4i), 17 (village green Phase 1), 18 (allotments Phase 5e) and 19 (formal parks/gardens Phases 5g and 5h). The NMA application is awaiting the outcome of the application under consideration.
- 3.9 21/1163/RRM Reserved Matters application pursuant to Condition 4 for the Formal Park (Phase 3b) with access, layout, scale, appearance and landscaping being considered and the partial submission of details pursuant to conditions 16 (Ecological Mitigation and Management), 21 (LAP's and LEAPs), 29 (Tree Retention and Protection), 32 (Hard and Soft Landscaping) and 33 (Landscape Management Plan) attached to 12/0546 as amended by 18/0619 and 18/1002 and Schedules 5 Part 10 (formal park) and 9 Part 9 (LEAPS and LAPS) of the Section 106 agreement dated 17 April 2014 as varied. This application has been recently received and is out to consultation.

4.0 THE PROPOSAL

4.1 The applicant has submitted this proposal to address the following matters:

- resolve conflicts between the planning permission, approved plans and the section 106 agreement;
- to amend, add and/or delete definitions;
- amend triggers for the delivery of works or payment of contributions;
- amend or delete plans;
- amend/delete provisions

For ease of reference these are set out in more detail on the Assessment Report.

The applicant has also provided a briefing note which explains the background to this application and why the proposed changes to the section 106 agreement have been submitted. .

4.2 The original submission included changes to the healthcare and library facilities and some of the highway provisions. However as these clauses have been complied with under the original agreement it is not necessary to amend them under the terms of this proposal. The applicant has also withdrawn the proposed amendment to Appendix 3 which sets out the details of the Proposed Management Entity (but see paragraph 7.6 below), the removal of

the Council's approval for the SANGS Information Pack and the surety proposed instead of the bond for the SANGS as the Council would not support these amendments. Where changes to the proposed wording have been negotiated by the Borough Council and/or the County Council these are set out in the assessment report.

5.0 CONSULTATION RESPONSES

5.1	County Highway Authority (CHA)	No objection. A copy of their consultation response is attached as Annex C.
5.2	Surrey County Council Infrastructure	No objection to the proposed changes in relation to the Primary School and Nursery. Whilst it has no objection in principle to the proposed changes in terms of library provision it has sought clarity on the Deepcut area and requested that the area is defined as Frimley Green, Camberley and Lightwater for the purposes of this provision. An extension to the period for the return of any contribution from 5 years to 10 years is also requested. <i>[Officer comment: this is no longer relevant in relation to the library facility as this amendment has been withdrawn from the proposal. In any event given that the library contribution is to serve Deepcut residents the definition of area is considered to be sufficiently clear and the potential delay in spending the contribution from 5 years to 10 years is not considered appropriate]</i>
5.3	Natural England	No objection subject to a circular walk being provided in the Southern SANGS. The applicant has confirmed that this will be provided see Schedule 5 Part 2 Provision of SANGS land paragraph 1.9 in the Assessment Report.
5.4	Greenspaces Team	No views received
5.5	Nicola Airey Frimley Clinical Commissioning Group	No views received <i>[Officer comment: no longer relevant as healthcare amendment withdrawn]</i>
5.6	Highways England	No objection to the original clause nor to the revised clauses relating to Junction 3 of the M3.
5.7	Windlesham Parish Council (WPC)	Objection to the original changes to the M3 provisions on the grounds that mitigation to address the impact of the development will be delayed. WPC have been notified of the revised clauses on Junction 3 M3. Any views received will be given to the meeting.
5.8	Basingstoke Canal Authority	No views received.
5.9	Surrey Police	Recommends that a condition be imposed relating to Secure by Design <i>[Officer comment: this would be relevant to applications for the reserved matters rather than the application under consideration]</i>
5.10	Common Land	No views received.
5.11	Housing Manager	No objection
5.12	Guildford Borough Council	No views received.

5.13 Woking Borough Council No views received.

6.0 REPRESENTATION

- 6.1 A total of 1161 individual letters were sent out to properties in Deepcut and Frimley Green including the Deepcut Neighbourhood Forum and the Deepcut, Frimley Green and Mytchett Society. Press notices were put in the Surrey Advertiser and the Camberley News. A total of 18 site notices were displayed in Deepcut (10), Frimley Green (7) and one at the M3 roundabout junction at Lightwater.
- 6.2 Three responses have been received, with a combined response from the Deepcut, Frimley Green and Mytchett Society and Deepcut Neighbourhood Forum, which raise the following matters which predominantly relate to highways:

Para 10.2 should make specific reference to the appropriate drawing which is Frimley Green Alternative Improved Mini Roundabout Option2A: Optimised Mini Roundabouts Drawing WIE-SA-03-011/2A-A03.; *[Officer comment This plan is based upon the Frimley Green Indicative Junction Improvement Plan which is proposed to be used for the purposes of this application. The CHA advises that the layout will evolve as part of the s278 detailed design process. The CHA wishes to reassure the Mytchett, Frimley Green & Deepcut Society & Deepcut Neighbourhood Forum that the wording of the S106 Agreement and the subsequent S278 Agreement are required to be robust to protect the Highway Authority interests in all regards. Such documents also allow reasonable flexibility so as not to delay implementation, whilst retaining a robust level of control. As custodians of the highway, it is in our vested interest to ensure developers deliver on their obligations and to ensure works are constructed to a safe and acceptable standard in line with the principles of the scheme that has been discussed and agreed with residents. The detail provided at this stage is perfectly adequate for the purposes of this DoV and it is not until the detailed design stage that the more detailed technical matters are considered].*

Para 10.4 is factually incorrect – the new design largely outperforms the old traffic lights design at peak times. No assessment was done on off peak impact.*[Officer comment: the CHA has confirmed that Off peak assessments are not necessary and rarely required in most circumstances]*

Object to inclusion of “unless agreed in writing” to avoid a further Deed of Variation *(Officer note; please refer to the commentary in the assessment report, to be clear any future changes will be referred to the Planning Applications committee for consideration);*

The proposed rewording of clause 2.12 refers to a drawing. The “General Arrangement” drawing provided shows the Common Land impact only. It does not show the agreed junction improvement design; *[Officer note: Reference is proposed to be made to the plan - Frimley Green Indicative Junction Improvement Scheme. The Society/Neighbourhood Forum have been advised of this action]*

The original planning application included the full junction design (the traffic light design) and the planning committee should sign off the revised design in full knowledge not just the common land impact *[Officer comment Reference is now proposed to be made to the plan - entitled Frimley Green Indicative Junction Improvement Scheme:]*

Dedication of “any required land” as highway should be “land as specified” in the drawing *[Officer comment: The CHA has advised that the wording has been changed to ensure that all land required is dedicated so provides greater strength. The suggestion by the Author would weaken their position];*

The people of the area have been subjected to continuing disruption, inconvenience, delays and all promised that thing would improve;

For developers to claim a vast reduction in improvements, benefits and to propose saving money (for them) is ridiculous; *[Officer comment: there is no reduction in the measures secured in the original section 106 agreement, the proposal relates to the timing of the provision of works/payment of contributions and updates to plans/definition]*

To renege on these contracts should involve an open and public debate with binding results to the benefit of all parties involved including residents *[Officer comment: the submitted application has been the subject of extensive public consultation and planning legislation allows for variations to legal agreements]*

The neighbour notification letter is unintelligible – we do not know what was being proposed for Bellew Road nor do we understand the amendment; *[Officer comment: It is recognised that the description of the proposal is detailed and efforts were made to simplify the wording of what is a complicated proposal relating to a legal agreement]*

Bellew Road is a private road and no-one has been in contact with them about the closure of their road; *[Officer comment: The CHA will consult residents/owners of the road as part of the road closure process in due course]*

The standard of information made available to the public is not acceptable as is the lack of communication. *[Officer comment: The proposals are detailed and where residents have made specific queries they have been responded to individually]*

7.0 PLANNING CONSIDERATION

7.1 The main determining issues to be considered are whether the proposed changes are acceptable in securing the delivery of the residential led development at the Princess Royal Barracks in a timely manner whilst ensuring the requisite works and facilities are provided.

7.2 Background

7.2.1 To date the applicant has provided a new primary school and nursery, new open space including the Village Green with a NEAP/LEAP and pond, the Central SANG including the SANG hut, the Green Swathe and the Green Swale and various highway works including a new Spine Road, a new roundabout at the junction of Deepcut Bridge Road, Newfoundland Road and Blackdown Road, a pedestrian/cycle route which runs between the new roundabout and Brunswick Road, improvements to access to the Basingstoke Canal and the cycleway across Frith Hill from Deepcut to Tomlinscote Way. It is noted that, amongst other matters, land contamination and the delay in the site being vacated by the Ministry of Defence have impacted finances and the delivery of the development.

7.2.2 The applicant has provided a briefing note in support of the application. In summary

- The S106 Deed of Variation is proposed to represent the final suite of changes to the agreement to facilitate the delivery of the remainder of the hybrid permission before it expiry in April 2024.
- The amendments propose updates to the agreement to reflect the reserved matters approvals granted on the site to date. These are essential changes to provide consistency between the approvals and the S106 agreement.
- The proposed amendments would support the site being eligible for the Help to Buy scheme, support the successful marketing of the site in accordance with the recently agreed Affordable Housing Strategy and ongoing viability.

The proposed amendments also seek to address issues where compliance is linked to occupation triggers which has been an issue raised by both developers and residents seeking to secure Help to Buy funding. The amendments would also support land sales by giving certainty to developers.

7.2.3 As previously advised as part of the application on the provision of affordable housing, the remaining land parcels will be marketed in batches by Spring 2022. The reason for this is that the planning permission expires in April 2024. This means that between Spring 2022 and April 2024 all land sales need to be completed and the developers need to design their schemes, progress pre-application consultation with the Council and Design Review Council and formally submit their Reserved Matters applications.

7.3 Policy Context

7.3.1 The planning policy considerations have not materially changed since the granting of the hybrid approval in 2013 and there has been no material change, as is relevant to the determination of this application, in the National Planning Policy Framework (NPPF) or the suite of documents forming the Council's Development Plan. In light of this the principal considerations in the determination of this application are whether they are acceptable within the terms of the hybrid permission, Policies CP4, CP5, CP6, CP8, CP9, CP11, CP12, CP13, CP14A & B, DM7, DM9, DM10, DM11, DM12, DM13, DM14, DM15, DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the Deepcut Supplementary Planning Document (SPD).

7.3.2 Policy CP4 of the above document is the overarching policy for the redevelopment of the Princess Royal Barracks. It sets out the criteria for the creation of a new community that is vibrant, sustainable, comprehensive and well designed. This will be achieved through the provision of:

- A safe and high quality environment; (also addressed by Policy DM9)
- Affordable housing; (also addressed by Policies CP5, CP6 and CP12)
- Local employment; (also addressed by Policies CP8 and DM13)
- Retail provision; (also addressed by Policies CP9 and DM12)
- An enhanced village centre; (also addressed by Policies CP9 and DM12)
- Community infrastructure; (also addressed by Policies CP12 and DM14)
- Physical infrastructure that is climate change resilient; (also addressed by Policy DM10)
- Development that achieves CO2 reduction and water efficiency in line with Code 6 of the Code for Sustainable Homes; (also addressed by Policy DM7)
- Commercial or industrial development achieving zero carbon and efficient use and recycling of other resources in line with national requirements;
- Measures to reduce the impact of traffic upon and arising from Deepcut to include reducing demand for travel, improved public transport provision, a safe and integrated footpath/cycle route linking to neighbouring settlements and key services and improvements to the surrounding highway network; (also addressed by Policies CP11, CP12 and DM11)
- Measures to avoid new development having an impact upon the European Sites; (also addressed by Policy CP14B)
- Measures to avoid new development having an impact on the features and sites of local importance to biodiversity; (also addressed by Policy CP14A)
- The maintenance of the countryside gap to adjoining settlements
- Open space to include formal public open space and informal open space including Suitable Alternative Natural Green Space (SANGS) (also addressed by Policies CP13, CP14A, 14B, DM15 and DM16)
- Enhancement of the setting of and improved linkages to the Basingstoke Canal; (also addressed by Policies CP14A and DM17) and

- Measures to avoid new development having an impact upon the features and sites of heritage importance including the Basingstoke Canal (also addressed by Policy DM17)

7.3.3 The Deepcut SPD provides detailed guidelines and standards on how the Deepcut vision will be realised including layout, open space, SANGS, transport, highways parking, retail and commercial facilities, community and cultural facilities, trees and landscaping and physical infrastructure.

7.4 The hybrid planning permission (12/0546) and section 106 agreement as varied

7.4.1 The report that was considered by Full Council sitting as the Planning Applications committee in July 2013. In resolving to grant permission the committee subject to the completion of a section 106 agreement to secure the various matters including:

- Affordable housing;
- Education;
- Sports and Open Space;
- SANGS;
- Highway Infrastructure and Sustainable Travel Initiatives;
- Community Facilities

7.5 The applicant's submission

7.5.1 The application is accompanied by proposed Heads of Terms document. This sets out the principles for the amendment of the agreement in detail with an assessment of the amendments in the context of the hybrid permission, the existing section 106 agreement as modified and the Deepcut SPD.

7.5.2 The application seeks to address inconsistencies between the original section 106 agreement and the hybrid permission, 12/0546 and to update the agreement to reflect the reserved matters approvals that have subsequently been granted. It also seeks to set realistic and achievable timescales for the delivery of works and payment of contributions based on the implementation of the development to date.

7.5.3 The application also seeks to support the marketing of the remaining land parcels in accordance with the recently approved Affordable Housing Strategy and to ensure that all the parcels can be sold before the expiry of the hybrid permission in April 2024. The original S106 agreement was drafted based on the typical scenario where the developer of the dwellings is also responsible for the provision of the associated infrastructure to support the dwellings. However this is not what has happened at Deepcut. The applicant is responsible for the delivery of the site infrastructure with the residential developers only responsible for the development of the residential plots.

7.5.4 The main issue raised by potential developers is that in order to proceed with the completion of land purchases they are requiring no obstacles outside their control that would block full occupation of their parcels by future residents. Given that all the residential parcels, with the exception of Phase 6d, are currently being marketed, the proposed amendments to the triggers are to address potential conflicts between occupation and delivery of works/payment of contributions which would undermine the land sales process.

7.5.4 The application also seeks to secure Help to Buy funding eligibility for future residents on the site. The residential development market is highly dependent on the Help to Buy scheme. Where a site is not eligible for the scheme it can prevent it from selling and can prevent first time buyers from purchasing property. Lack of eligibility can also make any dwellings already constructed, unaffordable to first time buyers. The S106 agreed in 2014 could not have anticipated the current Help to Buy requirements.

7.5.5 The eligibility requirements for the scheme have recently altered. Residential developments need to demonstrate compliance with pre-occupation conditions and S106 obligations in order for funds to be allocated to purchasers. As currently drafted the S106, current and future parcels at Deepcut may not be eligible for funding which is a major disadvantage to success of Mindenhurst. The proposed amendments would allow existing dwellings on the site to be eligible for the Help to Buy Scheme and support the eligibility of future parcels.

7.6 The Council's response

7.6.1 The redevelopment of the Princess Royal Barracks commenced in August 2017. The delay in commencing development, which was also adversely impacted by the delayed military decant from the site, and unforeseen issues which arose particularly concerning contaminated land, have meant that date triggers have been or will be missed. Whilst date triggers are proposed to be removed, occupation triggers, albeit amended to address potential issues associated with compliance issues with Help to Buy and land sales, are retained to ensure that mitigation is in place to address the impact of the development. Each change has been considered in detail in the Assessment report and are generally considered to be acceptable. Where they are not or require further clarification, the reason(s) are also set out in this report.

7.6.2 However in recommending particular clauses for approval, it has become clear that this has resulted in consequential changes to clauses not identified by the applicant. The most significant of these relate to the proposed Management Entity and the completion certificates and notices. There is no objection to a Management Entity being proposed for the potential future management of the non residential areas. In practice this relates to open space and allotments as set out Schedule 5 Part 5 ANGST, Part 6 Village Green and Combined NEAP/LEAP Part 7 Provision of Sports Hub, Part 8 Provision of Other Open Space, Part 9 Provision of LEAPS and LAPS outside the Sports Hub), Part 10 Provision of the Formal Park and Part 11 Provision of Allotments. It is necessary to have additional clauses which would deal with the steps/works/funding which would be required if these areas of land are to be transferred to a Management Entity. In this regard it is proposed to base these additional clauses on the paragraphs 10-12 in Part 2 Provision of SANGS Land.. The applicant has agreed to the inclusion of these paragraphs for the above areas with the method of funding to be agreed as part of the detailed drafting of the agreement. Consequential amendments are required to Appendix 3 to take into account the additional land which could be transferred to the Management Entity to which the applicant has agreed. The introduction of these paragraphs is considered to supersede the proposed amendment "as applicable" to be added to the completion certificates/notices but no objection is raised to this wording.

7.6.3 The original agreement had no reporting mechanism for commencement or occupation of dwellings. This has been discussed with the applicant and a reporting mechanism has been agreed with a progress report to be provided every three months. This will give the Council information it needs to ensure that works are undertaken/payments made.

7.6.4 The Council is aware of the compliance issues associated with Help to Buy and the current S106 which are preventing future residents being able to complete their house sales and developers concerns about purchasing residential parcels. The assessment report seeks to balance all the stakeholders interests to ensure that measures or contributions previously secured are retained whilst facilitating the ongoing delivery of the residential parcels in a timely manner.

8.0 POSITIVE/PROACTIVE WORKING

8.1 Under the Equalities Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this Duty.

8.2 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

9.1 The delivery of the Deepcut vision to provide a high quality residential led development which will also deliver valuable new community services is important to the village of Deepcut. The associated infrastructure and mitigation will ensure that the development is accommodated without significant impact on the environment or existing Deepcut residents. Whilst the delays in delivery are disappointing there is no reduction in the measures or contributions which were secured in the original agreement.

9.2 The Council may determine to refuse the application or seek different triggers. However the applicant has indicated that such action is likely to prejudice the overall deliverability of the development. Princess Royal Barracks is critical to the Council's Five Year Housing Land supply. If housing delivery does not continue on this site then it places the Council at serious risk of not being able to demonstrate a Five Year Housing Land supply which in turn makes the Borough vulnerable to development being allowed on appeal in less acceptable locations.

10.0 RECOMMENDATION

AGREE PROPOSED AMENDMENTS TO SECTION 106 AGREEMENT, AS PREVIOUSLY VARIED, TO BE DRAFTED IN DETAIL BROADLY IN ACCORDANCE WITH THIS REPORT AND THE ASSESSMENT REPORT

: