

PLANNING DEVELOPMENT CONTROL COMMITTEE

28th July 2005

AUTHORITY TO ENTER INTO A REVISED S106 LEGAL AGREEMENT FOR LAND AT
SOLENT 2, WHITELEY

REPORT OF THE DIRECTOR OF DEVELOPMENT

Contact Officer: Emma Norgate Tel No: 01962 848261

RECENT REFERENCES:

W12503 - Construction of a Business Park (B1 use) including development plots, distribution road, infrastructure, landscape and greenway in accordance with the approved Whiteley Area 12 Development Brief (Outline) - Land At Solent 2 Business Park Rookery Avenue Whiteley Hampshire - Application Permitted - 26/07/1993

W12503/01 - (AMENDED DESCRIPTION) Variation of condition no. 02 of outline planning permission W12503 (time limit for submission of reserved matters) - Land At Solent 2 Business Park Rookery Avenue Whiteley Hampshire - Application Permitted - 29/07/1996

W12503/02 - (AMENDED DESCRIPTION) Variation of condition 02 of Outline Planning Permission W12503 (Period of time to submit "Reserved Matters") - Land At Solent 2 Business Park Rookery Avenue Whiteley Hampshire - Application Permitted - 15/10/1998

W12503/03 - (AMENDED DESCRIPTION) Variation of condition 02 of OUTLINE planning permission W12503 (Period of time to submit Reserved Matters) - Land At Solent 2 Business Park Rookery Avenue Whiteley Hampshire - Application Permitted - 27/09/2001

W12503/05 - Erection of 6 no. office buildings for B1 use with associated access works, parking and landscaping (Details in compliance with Outline Planning Permission W12503/03) - Land At Solent 2 Business Park Rookery Avenue Whiteley Hampshire - Application Permitted - 28/02/2003

EXECUTIVE SUMMARY:

An outline application (W12503) was granted in 1993 for the construction of a business park (B1 use), which included development plots, distribution road, infrastructure and greenway. The period for the submission of reserved matters has been extended on three occasions and a reserved matters application has been granted permission under W12503/05.

The outline application had a Section106 legal agreement attached to it, and there is a supplemental agreement in 1999 which deals with the position of the greenway.

A new legal agreement is required as the position of the greenway and easement for an electricity cable has been revised from that in the 1999 supplemental agreement. This will require the 1999 agreement to be revoked.

The City Council are required to be party to the new legal agreement as the greenway crossed land owned by the Council, and the new route of the cable now passes through City Council land. The Chief Estates Officer has been consulted and is satisfied that the proposals do not adversely affect the Council's interests.

RECOMMENDATIONS:

1. That authority be given to enter into a revised Section 106 agreement in respect of the greenway and electricity cable at Solent 2, Whiteley, on terms to be agreed by the City Secretary and Solicitor (including the revocation of the existing supplemental agreement).

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DETAIL:

1 Introduction

- 1.1 An outline application (W12503) was granted consent in 1993, subject to a Section 106 legal agreement, for the construction of a business park (B1 use), which included development plots, distribution road, infrastructure and greenway. The period for the submission of reserved matters has been extended on three occasions and a reserved matters application has been granted permission under W12503/05.
- 1.2 The Section 106 legal agreement required for the applicants to contribute a sum of money to Hampshire County Council for highway works, and there was a supplemental agreement completed in 1999 which deals with the position and details of the greenway.

2 Current Position

- 2.1 A new legal agreement is required as the position of the greenway and easement for an electricity cable has been revised from that in the 1999 supplemental agreement. This will require a new agreement and the revocation of the supplemental agreement.
- 2.2 Winchester City Council is required to be party to the agreement, as the easement (i.e. a right to lay services through another's land) crosses a small section of land owned by the Council.
- 2.3 Officers have consulted the Chief Estates Officer, who has no objection.
- 2.4 The supplemental agreement also included the requirement of submission of details for the greenway. These details have not been carried forward into the revised agreement as under planning permission W12503/05, which is to be implemented insofar as the infrastructure is concerned; these details are required to be submitted by virtue of one of the conditions prior to the commencement of development.
- 2.5 Entering into the legal agreement will mean that the money for the highway works will be released and allow this employment site to be developed.

OTHER CONSIDERATIONS:

3 CORPORATE STRATEGY (RELEVANCE TO):

- 3.1 Looking after the natural and built environment is a core objective.

4 RESOURCE IMPLICATIONS

- 4.1 The Chief Estates Officer is satisfied that there are no adverse financial implications for the City Council as landowner. The Council's legal costs are to be met by the developer.

BACKGROUND DOCUMENTS:

Application form, drawings, correspondence, notes of site visits and discussions, representations, and any amended plans and drawings included in the appropriate application file.

APPENDICES:

None