

REPORT TITLE: KINGS BARTON s106 TRIGGERS & DELIVERY

19 JANUARY 2021

REPORT OF CABINET MEMBER: Councillor Jackie Porter

Contact Officer: Chris Hughes Tel No: 07827 270 626 Email  
[chughes@winchester.gov.uk](mailto:chughes@winchester.gov.uk)

WARD(S): GENERAL

PURPOSE

To provide the Forum with an update on the s106 triggers for Kings Barton

RECOMMENDATIONS:

1. That the content of the report be noted.

## IMPLICATIONS:

### 1 COUNCIL PLAN OUTCOME

#### 1.1 **Tackling the Climate Emergency and Creating a Greener District**

1.2 Kings Barton is located close to existing services, employment and education facilities making it possible for residents to take more journeys by foot, cycle or bus.

#### 1.3 **Homes for all**

1.4 40% of the homes at the 2000 dwelling development at Kings Barton will be affordable, providing a wide range of opportunities to rent or buy in Winchester.

#### 1.5 **Vibrant Local Economy**

1.6 2000 dwellings will provide opportunities for more young people to live and work in the district. The local centre in the development will also provide a range of business and employment opportunities.

#### 1.7 **Living Well**

1.8 Homes that are located close to services provide greater opportunities to encourage active travel amongst the population.

#### 1.9 **Your Services, Your Voice**

1.10 The increase in the number of homes will increase the council tax revenue for the City Council.

### 2 FINANCIAL IMPLICATIONS

2.1 Funding for the Implementation/Community Development Post is being paid by CALA until October 2022.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

3.1 Provision of an update report as to the current implementation of the approved development at Kings Barton provides an important communication between the developer, City Council and local community. The report and appendices recognise the on-going nature of the planning process and importance for compliance with the planning permission and any resultant planning obligation agreements.

### 4 WORKFORCE IMPLICATIONS

4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

5.1 None

6 CONSULTATION AND COMMUNICATION

6.1 None

7 ENVIRONMENTAL CONSIDERATIONS

7.1 The City Council has declared a climate emergency and on December 23 2019 adopted a Carbon Neutrality Action Plan, committing it to reaching carbon neutrality by 2024 and aiming to make the entire district carbon neutral by 2030.

7.2 The planning consent for King's Barton cannot be amended but future phases of development can take account of emerging technologies and opportunities to reduce carbon emissions within the scope of the planning consent and Building Regulations

8 EQUALITY IMPACT ASSESSEMENT

8.1 The Council has a general equality duty under s149 of the Equalities Act 2010 to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

8.2 There are no protected characteristics affected by the decisions within this report.

9 DATA PROTECTION IMPACT ASSESS

9.1 None required

10 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<i>Property</i>	Regular Forum meetings to be held. Good communication by the developers with Implementation Officer. Close working liaison with parish councils and ward Members	
<i>Community Support If communication and information provision to local residents and businesses is poor there could be an impact on community activities, the development timetable and reputation for those involved.</i>	Regular Forum meetings to be held. Good communication by the developers with Implementation Officer. Close working liaison with parish councils and ward Members	
<i>Timescales If the development does not progress in a timely fashion the Council's ability to demonstrate a five year land supply will be comprised.</i>	The Council has limited control over the timetable for development which will be largely a commercial matter for the developer. The appointment of an Implementation Officer will help to reduce the scope for delays which might occur as a result of planning process and communication issues. Good dialogue between HCC, WCC and the developer will help ensure project milestones are coordinated and achieved	
<i>Project capacity</i>		
<i>Financial / VfM</i>		
<i>Legal Implementation of the development in accordance with the planning permission and any planning obligation agreement</i>	The appointment of an Implementation and Community Development Officer will reduce the scope for delays and hence communication as to compliance with the planning process.	
<i>Innovation</i>		
<i>Reputation</i>		
<i>Other</i>		

11 SUPPORTING INFORMATION:

- 11.1 The following table shows the various s106 obligations and triggers for Kings Barton. This table will be updated for every Forum meeting.

This page is intentionally left blank.

**WINCHESTER BARTON FARM S106 TRACKER****KEY**

ALL UNIT OCCUPATION IS 'PRIOR TO'

PC = PRE-COMMENCEMENT  
PO = PRE-OCCUPATION  
TN = TO NOTE

N/A = NOT APPLICABLE

TBS = TO BE SUBMITTED  
? = UNKNOWN  
AP = ALL PHASES

WIP = WORK PROGRESSING \*AND FOR DURATION OF DEVELOPMENT

PARAGRAPH	SUMMARY	WHEN	APPROVED	SUMMARY	WCC/HCC		Date submitted	Date approved
2.4	THE OWNER WILL NOT COMMENCE DEVELOPMENT UNTIL THE PHASING PROGRAMME HAS BEEN SUBMITTED TO AND APPROVED IN WRITING BY THE LPA	PC	YES	YK LETTER 14.11.14	WCC			
3.4	BETWEEN 35-45% AH IN EVERY PHASE	TN	N/A		WCC			
3.7	PRIOR TO THE COMMENCEMENT OF DEVELOPMENT THE OWNER SHALL SUBMIT A DRAFT AFFORDABLE HOUSING MASTERPLAN STRATEGY (ALSO REFER TO 3.12)	PC	YES	LETTER DATED 4 June 2015	WCC			
3.8	EACH RESERVED MATTERS APPLICATION SHALL BE ACCOMPANIED BY A DRAFT AFFORDABLE HOUSING RESERVED MATTERS STRATEGY (ALSO REFER TO 3.12)	PC	YES	LETTER DATED 4 June 2016	WCC			
3.11	NO MORE THAN GROUPS OF 15 AH HOUSES OR 25 AH FLATS	AP	N/A		WCC			
3.21	Prior to the commencement of development, the council shall provide the owner with a Local Lettings Plan for the development	PC	YES		WCC			
4.1	ALL LANDSCAPING, INCLUDING CHILDREN'S PLAY, TO BE COMPLETED WITHIN 12 MONTHS OF OCCUPATION OF FIRST HOUSING UNIT	TN	N/A		WCC			

	PRIOR TO OCCUPATION OF ANY PHASE SUBMIT TO COUNCIL PROPOSALS FOR LONG TERM OWNERSHIP MAINTENANCE AND MAGAMENT OF OPEN SPACE AND ANY OTHER LAND TO BE LANDSCAPED AS PER LOSS			Land will be transferred to WCC then onto Parish as and when formed. UPDATE - Headbourne Worth Parish will be taking on the 1B Play area				
5.1		PO	NO		WCC			
6.1	PAYMENT OF CULTURAL FACILITIES CONTRIBUTION	800TH UNIT	NO		WCC			
7.1	SPECIFICATION OF COMMUNITY CENTRE (INCLUDING CAR PARKING)	PC	YES	YK letter dated 14/11/15	WCC			
7.6.2	COMPLETION OF COMMUNITY CENTRE	800TH UNIT	NO		WCC			
7.8	TRANSFER OF COMMUNITY CENTRE TO DCOUNCIL	800TH UNIT	NO		WCC			
8.1	COMMUNITY DEVELOPMENT WORKER EMPLOYED (MAY BE AN EMPLOYEE OF THE OWNER)	200TH OCCUPATION*	Yes	CH to take on dual role with IO job	WCC			01/10/2020
8.3	COMMUNITY DEVELOPMENT WORKER ACCOMMODATION OF 2 ROOMS NOT LESS THAN 25 SQ METRES WITH ACCESS TO KITCHEN AND TOILET FACILITIES	200TH OCCUPATION*	YES	Room to available in CALA sales office and potentially school but not taken up because of COVID	WCC			
9.1	PRIOR TO COMMENCEMENT OF EACH PHASE, SUBMISSION FOR COUNCIL'S APPROVAL OF A PLAN OF THE PHASE SHOWING PUBLIC RIGHTS OF WAY THROUGH THE PHASE	PC	YES	YK LETTER CONFIRMING 1A & 1B	WCC			
10.1	DETAILED ROUTE FOR THE PUBLIC FOOTPATH FROM ANDOVER ROAD THROUGH THE SITE AND THE ECOLOGICAL AMENITY LAND TO WORTHY ROAD, SURFACING AND OTHER CONSTRUCTION DETAILS FOR PFS AND PROPOSALS FOR LONG TERMS MAINTENANCE AND MANAGEMENT OF THE ECOLOGICAL AMENITY LAND	PC	YES	Agreed that 10.1.1 satisfied 10.1.2 to be satisfied through the submission of information against RM conditions. 10.1.3 will be satisfied with the discharge of condition 15 of outline.	WCC	Proposal being implemented as of 1/12/20 to include temp route until 2022		
<b>HCC</b>								
4.1	Notice of Commencement at least 10 day before commencement	PC	YES	TBC	HCC			
4.5.1	Copies of surveys and overall design of infrastructure relating to Primary School land	PC	Yes		HCC			
4.5.2	Owner to supply to HCC the Primary School framework details including temporary access route, permanent access, any adjoining roads, cycleways and footways, drainage and utilities supplies	WITHIN 3 MTHS OF COMMENCEMENT AND BEFORE OCCUPATION 1ST UNIT	Yes		HCC			
4.6	PRIMARY SCHOOL LAND FREE OF CONSTRAINTS	PC	YES	TBC	HCC			
4.7	SUBMISSION OF DRAFT PRIMARY SCHOOL TRANSFER PLAN	PC	Yes		HCC			11/06/2015
4.8	PRIMARY SCHOOL LAND (NOT LESS THAN 1.8 HA) TRANSFERRED TO HCC & FIRST EDUCATION PAYMENT MADE (E3400000) INDEX LINKED	POST-150TH OCCUPTION	Yes		HCC			
4.9	ALL SERVICES TO PRIMARY SCHOOL TO BE IN PLACE TO ENABLE COMMISSIONING	150TH OCCUPATION	Yes		HCC			
4.10	PERMANENT SCHOOL ACCESS COMPLETED AND SECOND PRIMARY EDUCATION PAYMENT MADE (E3400000)	250th occupation	NO	Invoice to be raised by HCC in Jan 2022. Full access to be completed through development of Phase 2A	HCC			

4.11	OWNER TO RE-CALCULATE PRIMARY PUPIL PRODUCT (PPP) HAVING REGARD TO PRIMARY MONITORING INFORMATION AND SHALL SUBMIT TO COUNTY	NO LATER THAN 1 MTH AFTER RECEIPT OF PRIMARY MONITORING INFORMATION FOLLOWING OCCUPATION OF 1200TH UNIT	NO							HCC
4.12	IF PRIMARY PUPIL YIELD EXCEEDS 420 THEN NOT TO OCCUPY MORE THAN A FURTHER 100 UNITS FOLLOWING SUCH AGREEMENT UNTIL ADDITIONAL PRIMARY SCHOOL LAND HAS BEEN TRANSFERRED TO THE COUNTY COUNCIL FOR £1 AND THE ADDITIONAL PRIMARY EDUCATION CONTRIBUTION HAS BEEN PAID TO THE COUNTY COUNCIL	IF PPP EXCEEDS 420, OWNER CAN ONLY ALLOW OCCUPATION OF A FURTHER 100 HOUSES UNTIL THE EXTRA PRIMARY SCHOOL LAND (1 HA) HAS BEEN TRANSFERRED TO HCC	NO							HCC
4.15	Secondary Education Contribution (£3,000,000 index linked) to be paid to HCC	750th OCCUPATION	NO							HCC
4.16	Owner to calculate the Secondary Pupil Product (SPP) and submit to HCC with regard to the SMR (Secondary Pupil Monitoring Report see clause 5.11)	One month after owner receives the SMR following occupation of 1,200 houses	NO							HCC
4.17	First City Access (£100,000), First Eastern Access (£100,000) First Western Access (£120,000) and First Non Motorised User (£170,500) Contributions must be paid by the owner to HCC	PO	Yes							HCC
4.18	Second City Access (£100,000), Second Eastern Access (£100,000) Second Western Access (£120,000) and Second Non Motorised User (£170,500) Contributions must be paid by the owner to HCC	PRE-650TH OCCUPATION OR FOUR YEARS AFTER THE FIRST HOUSE IS OCCUPIED, WHICHEVER THE SOONER	NO			First payments yet to be spend.. 650 to remain trigger				HCC
4.20	NOT TO CARRY OUT HIGHWAY WORKS AND/OR OCCUPY THE DEVELOPMENT OTHERWISE THAN IN ACCORDANCE WITH SCHEDULE 2	TN	N/A							HCC
4.21.1	BUS SUBSIDY £82,018 INDEX LINKED	PO	NO							HCC
4.21.2	BUS SUBSIDY £300,000 INDEX LINKED	150TH OCCUPATION	Yes							HCC
4.21.3	BUS SUBSIDY £301,689 INDEX LINKED	350TH OCCUPATION	NO							HCC
4.21.4	BUS SUBSIDY £213,856 INDEX LINKED	650TH OCCUPATION	NO							HCC
4.21.5	BUS SUBSIDY £171,019 INDEX LINKED	950TH UNIT	NO							HCC
4.21.6	BUS SUBSIDY £202,706 INDEX LINKED	1250TH UNIT	NO							HCC
4.23	PAYMENT OF TRAVEL PLAN FEE £1500.00	PO	Yes			TBS				HCC
4.24	SUBMISSION AND APPROVAL OF SCHOOL, RESIDENTIAL AND RETAIL TRAVEL PLANS PRIOR TO THE COMMENCEMENT OF EACH PHASE	PC	YES			RESIDENTIAL TRAVEL PLANS SUBMITTED AND HCC CONFIRM OBLIGATION HAS BEEN MET				HCC
4.25	TRAVEL PLAN MONITORING FEE £15000.00	PC	NO			TBS				HCC
4.26.1	APPROVAL OF RETAIL TRAVEL PLAN	PO RETAIL	NO							HCC
4.26.2	APPROVAL OF RESIDENTIAL DEVELOPMENT	PO RESIDENTIAL	NO							HCC
4.29	APPOINT A TRAVEL PLAN CO-ORDINATOR	3 MTHS OF FIRST OCCUPATION (APPOINTMENT FOR 10 YRS)	NO			Work underway as of Nov 2020				HCC



4.30.1	TRAVEL VOUCHER TO BE PROVIDED TO FIRST OCCUPIERS TO TOTAL LIMIT OF £300,000.	UPON APPLICATION	N/A	Work underway as of Nov 2020	HCC			
4.31	PAYMENT OF TRAVEL PLAN BOND	PC	NO	Work underway as of Nov 2020	HCC			
4.32	OWNER TO ESTABLISH AT ITS OWN COST AND MAINTAIN A COMMUNITY TRAVEL WEBSITE	PO	NO	Work underway as of Nov 2020	HCC			
4.33	OWNER TO ESTABLISH TRAVEL BOARDS THROUGHOUT DEVELOPMENT	FIRST OCCUPATION	NO	Work underway as of Nov 2020	HCC			
4.35.1	OWNER TO ESTABLISH A CAR CLUB AND PROVIDE ONE CAR AT ALL TIMES	POST-150TH OCCUPATION	NO	Work underway as of Nov 2020 but delayed because of concerns re COVID	HCC			
4.35.2	NOT LESS THAN TWO CARS AT ALL TIMES	POST-650TH OCCUPATION	NO		HCC			
4.36	SCHEME FOR CYCLE PARKING	PC	YES	HCC CONFIRM PHASE 1 SATISFIED	HCC			
4.37	COMPLETION CYCLE PARKING	PO	NO	Phase 1 not yet complete	HCC			
4.38	DRAFT CONSTRUCTION ROUTE MANAGEMENT PLAN SUBMISSION	PC	YES	Approved but under review twith CALA	HCC			
4.39	DRAFT CONSTRUCTION ROUTE MANAGEMENT PLAN APPROVAL	PO	YES	Approved but under review twith CALA	HCC			
SCHEDULE 2 Part 1	SUBMISSION OF DETAILS OF HIGHWAY ACCESS WORKS AT ANDOVER ROAD/TEMPORARY SITE ACCESS JUNCTION	PC	YES	HCC AGREE THAT PRINCIPLE OF WORKS NOW AGREED	HCC			
SCHEDULE 2 PART 2	HIGHWAY ACCESS WORKS COMPLETION	PC	Yes	1B and 1A junctions complete	HCC			
SCHEDULE 2 PART 3	HIGHWAY AGREEMENT TO SECURE COMPLETION OF ANDOVER RD/BEREWEEKE ROAD JUNCTION IMPROVEMENT WORKS	PO			HCC			
SCHEDULE 2 PART 4	COMPLETION OF ANDOVER RD/BEREWEEKE ROAD JUNCTION IMPROVEMENT WORKS	100TH OCCUPATION	WIP	Financial contribution to be paid in lieu of works	HCC			
SCHEDULE 2 PART 5	HIGHWAY AGREEMENTS TO SECURE:	NO MORE THAN 200TH OCCUPATION	WIP		HCC	YELLOW SHADED SCHEDULE 2 TRIGGERS UNDER REVIEW AS PART OF DOV PROCESS TO BETTER REFLECT CONSTRUCTION SCHEDULE		
	A) NEW ANDOVER ROAD WORKS	NO MORE THAN 200TH OCCUPATION	WIP		HCC			
	B) ANDOVER ROAD/HARESTOCK ROAD JUNCTION IMPROVEMENT WORKS	NO MORE THAN 200TH OCCUPATION	WIP		HCC			
	C) ANDOVER ROAD/STONE LANE JUNCTION IMPROVEMENT WORKS	NO MORE THAN 200TH OCCUPATION	WIP		HCC			
	D) WELL HOUSE LANE RAIL ARCH IMPROVEMENT WORKS	NO MORE THAN 200TH OCCUPATION	WIP	Proposals with HCC for technical approval	HCC			
	E) ANDOVER ROAD/WELL HOUSE LANE JUNCTION IMPROVEMENT WORKS	NO MORE THAN 200TH OCCUPATION	WIP		HCC			
	F) BARTON FARM TO WORTHY ROAD FOOTWAY/CYCLE LINKS	NO MORE THAN 200TH OCCUPATION	WIP	Work underway	HCC			
SCHEDULE 2 PART 6	COMPLETE WELL HOUSE LANE RAIL ARCH IMPROVEMENT WORKS AND BARTON FARM TO WORTHY ROAD FOOTWAY/CYCLEWAY WORKS	PRIOR TO PRIMARY SCHOOL OPENING	N/A		HCC			

SCHEDULE 2 PART 7	NEW ANDOVER ROAD WORKS, ANDOVER ROAD/HARESTOCK ROAD JUNCTION IMPROVEMENT WORKS, ANDOVER ROAD/STONE LANE JUNCTION IMPROVEMENT WORKS AND ANDOVER ROAD/WELL HOUSE LANE JUNCTION IMPROVEMENT WORKS	NOT MORE THAN 650TH OCCUPATION	N/A		HCC	TRIGGER NOT UNDER REVIEW		
SCHEDULE 2 PART 8	SECTION 247 ACT STOPPING UP PARTS OF ANDOVER ROAD THAT WILL CEASE TO BE PUBLIC HIGHWAY	PO	WIP	Andover Road to be closed under TRD not Stopping Up order	HCC			
SCHEDULE 2 PART 9	COUNTY AND CITY COUNCILS GAIN RECEIPT OF APPLICATION UNDER S247	PO	NO		HCC			
SCHEDULE 2 PART 10	TO IMPLEMENT STOPPING UP	N/A	N/A		HCC			
SCHEDULE 2 PART 11	IF NO ORDER GAINED, OWNER TO PROMOTE A ROAD TRAFFIC ORDER RESTRICTING THE USE OF THAT PART OF ANDOVER ROAD TO PEDS/CYCLISTS	650TH OCCUPATION	N/A		HCC			
SCHEDULE 2 PART 12	OWNER AT OWN EXPENSE TO PROMOTE RTOs AS NECESSARY TO FACILITATE IMPLEMENTATION OF DOWNGRADING OF ANDOVER ROAD WORKS	N/A	N/A		HCC			
SCHEDULE 2 PART 13	IF PART 12 OBTAINED, OWNER TO IMPLEMENT IN ACCORDANCE WITH A PROGRAMME PREVIOUSLY AGREED WITH COUNCIL	N/A	N/A		HCC			
SCHEDULE 12 PART 14	IF RTO OBTAINED PROHIBITING use of that part of andover road, the owner shall get county approval of landscaping with programme of implementation and subject to grant of necessary licences and carry out to satisfaction of county council	PO 950TH UNIT	N/A		HCC			

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 None

BACKGROUND DOCUMENTS:-

Other Background Documents:-

None

APPENDICES:

None