

REPORT TITLE: KINGS BARTON FORUM – PROGRESS UPDATE

13 OCTOBER 2022

REPORT OF CABINET MEMBER: Cllr Jackie Porter – Cabinet Member for Place and the Local Plan

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WARD(S): THE WORTHYS WARD, ST BARNABAS, ST BARTHOLOMEW

PURPOSE

To provide the Forum with an update on progress at Kings Barton, the development process, and future works.

RECOMMENDATIONS:

1. That the content of the report be noted

IMPLICATIONS:1 COUNCIL PLAN OUTCOME1.1 **Tackling the Climate Emergency and Creating a Greener**

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.

1.2 **Homes for all**

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.

1.3 **Vibrant Local Economy**

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.

1.4 **Living well**

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

1.5 **Your services, your voice**

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

2 FINANCIAL IMPLICATIONS

2.1 None

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 Good communication and the provision of timely information to local residents and businesses is a joint responsibility of the various public bodies involved and the developers. The Forum itself plays an important role in this process.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 The City Council has declared a climate emergency and on 23 December 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 PUBLIC SECTOR EQUALITY DUTY

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 ASSESSMENT

9.1 None Required

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure	N/A	
Innovation	N/A	

Reputation	N/A	
Property	N/A	
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.	Regular Forum meetings to be held. Good communication by the developers with Implementation Officer. Close working liaison with parish councils and ward Members
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.	
Project capacity	N/A	
Legal	Implementation of the development in accordance with the planning permission and any planning obligation agreement.	The appointment of an Implementation Officer will reduce the scope for delays and hence communication as to compliance with the planning process.
Other		

11 **SUPPORTING INFORMATION:**

11.1 Background

- 11.2 Once complete, the development will comprise 2,000 new homes, 800 of which are affordable (40%), along with a range of amenities including 24 hectares of recreational and public open space, a new 32 hectare nature reserve, and other supporting infrastructure, including major highway works. The development site itself under the control of a single house builder – Cala Homes Ltd and one landowner. It is wholly contained in the Winchester City council area. The site was granted outline consent by the Secretary of State on 2nd October 2012 ref. 09/02412/OUT and was subject to a number of conditions and two S106 Legal Agreements (WCC and HCC). The outline consent also approved detailed access arrangements to serve the site. The outline consent has been subject to a Section 73 planning application to vary 3 conditions on the outline permission (ref 13/01694/FUL). A resolution to grant planning permission for the development was made by the City Council's Planning Committee on 12th October 2015 and has created a new

planning permission to which subsequent reserved matters applications relate.

11.3 S106 Obligations Discharged from Outline Consent

11.4 S106 obligations are monitored and a tracker is provided with this report – Appendix 1.

11.5 Update on Key Infrastructure and Planning

11.6 **Phase 1B**

223 homes are complete and fully occupied. Discussions with Hampshire County Council Highways continue to allow the adoptable roads to be put forward for their twelve month maintenance period.

The clauses of a Section 38 agreement of the Highways Act 1980, which establishes the adoption of a road by the County Council, outline the standards the County Council requires the new road to be built to. If the road is constructed to these standards and maintained satisfactorily for a period of at least 12 months after it is built, then the County Council will adopt the road.

11.7 **Phase 1A**

Under construction with approximately 150 dwellings complete/occupied



Phase 1A

11.8 Phase 2A Approved 05.02.202

Under construction - 264 dwellings



Phase 2A

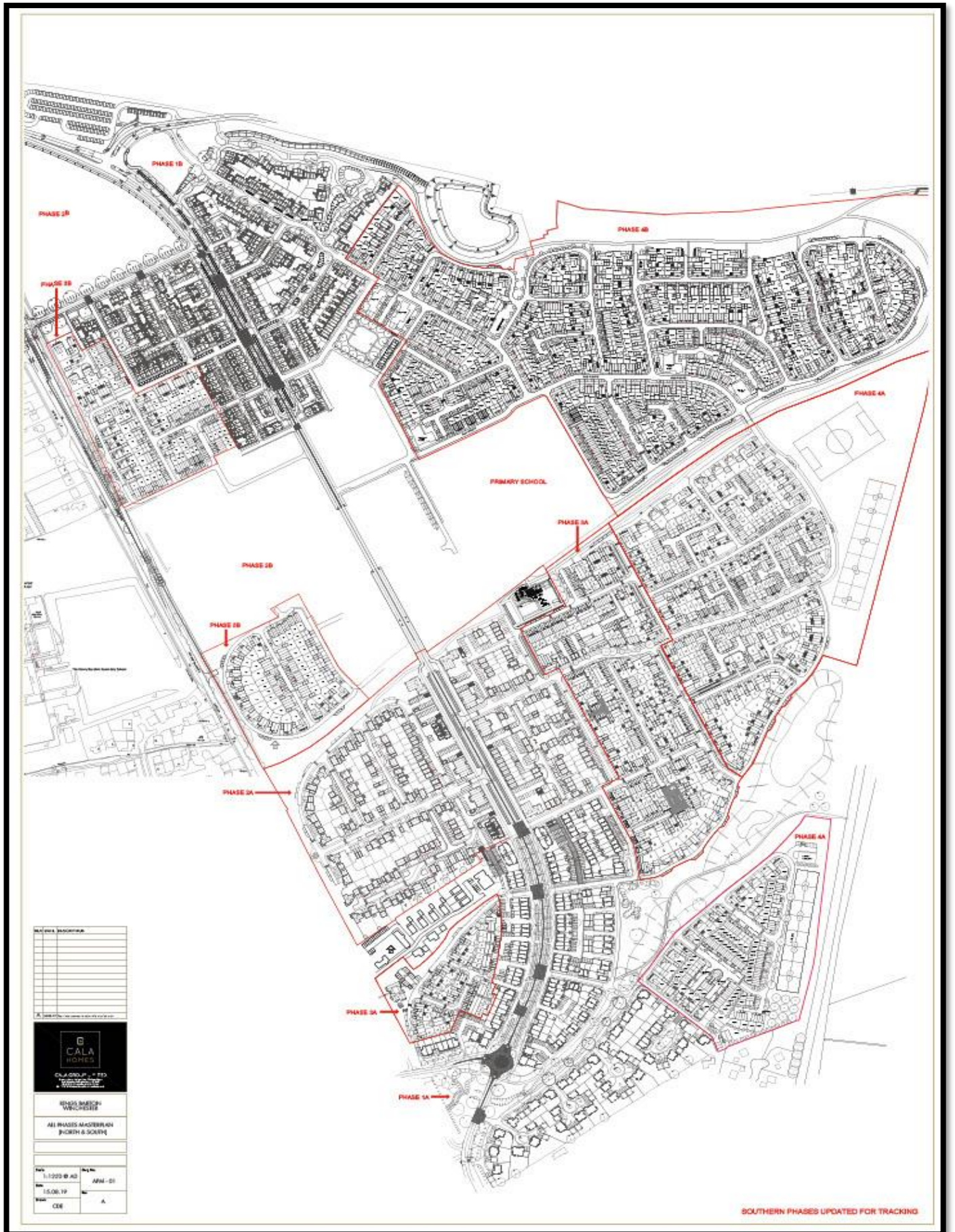
11.9 Planning application submissions

11.10 Condition 8 of the outline planning consent for Kings Barton states:

11.11 “Application for approval of the residential reserved matters and non-residential reserved matters in respect of each subsequent phase of development hereby permitted shall be made to the local planning authority before the expiration of 7 years from the date of this permission”

11.12 The submission of all outstanding reserved matters were submitted and validated before the 7 years deadline securing both the planning consent and S106 obligations.

11.13 In order to facilitate the submission of these reserved matters applications and in line with the requirements of the S106, CALA formally submitted a request to the City Council informing they wished to amend the Phasing Plan



11.14 These reserved matters applications are 'shelved' at the City Council until such a time that CALA are ready to bring them forward.

11.15 The following table provide an update on the reserved matters applications that are approved and pending consideration (estimated dates are conservative):

Phase	Development Description	Application Ref	Determined	Commenced on site or estimated
Phase 1A	200 residential dwellings & public open space (Winterbourne Meadows)	13/02257/REM	Permitted 27/03/2014	2018
Phase 1B	223 residential dwellings	13/02257/REM	Permitted 27/03/2014	2016
Phase 2A	264 residential dwellings & public open space (The Green)	19/01616/REM	Permitted 07/02/2021	2022
Phase 2B Plot 1	231 residential dwellings & public realm and access to the various mixed uses within the Neighbourhood Centre, Recreation Ground and Park & Ride Facility	19/02124/REM	Pending consideration	
Phase 2B Plot 2	Retail food store (Retail Use Class E), 5 smaller retail units (falling within Use Class E) with associated service yard, car parking and landscaping. This retail hub includes The Place which functions as an events space or car parking when not in use,	19/02118/REM	Permitted 17/06/2022	
Phase 2B Plot 3	Children's Day Nursery (Use Class D1 Non-Residential Institution) with associated outdoor play area, car parking and landscaping.	19/02122/REM	Permitted 17/06/2022	
Phase 2B Plot 4	A 2, 3 and 4 storey building housing an Extra Care Scheme. This includes 60 one and two-bedroom units with	19/02115/REM	Permitted 17/06/2022	

Phase	Development Description	Application Ref	Determined	Commenced on site or estimated
	associated communal facilities for residents set within landscaped grounds.			
Phase 2B Plot 5	Mixed use development comprising of E (g) Offices and D1 (Non-Residential) Training and Education Centre with associated parking, landscaping and related infrastructure	19/02116/REM	Permitted 17/06/2022	
Phase 2B Plot 6	A single storey community building, associated car parking and landscaping	19/02119/REM	Permitted 17/06/2022	
Phase 3A	193 residential dwellings including public open space	19/01983/REM	Pending consideration Currently in consultation, targeted determination 2023	2025
Phase 3B	121 residential dwellings including public open space	19/01985/REM	Pending consideration Targeted determination 2024	2026
Phase 4A	273 residential dwellings & public open space including an equipped play area (LEAP), U13/14 Football Pitch, allotments and related infrastructure	19/01984/REM	Pending consideration Targeted determination 2026	2028
Phase 4B	433 residential dwellings & public open space	19/02029/REM	Pending consideration Targeted determination 2028	2030

11.16 Phase 2B plots 1 – 6 represent separate parts of the Local Centre of the overall development and is located close to the centre of the wider Kings Barton development.

Other phases of the development sit on all sides and the existing Kings Barton Academy is located to the far east.

The Avenue, the main thoroughfare through Kings Barton, passes through the centre of the phase to the east of Phase 2B, the land is currently undeveloped with the exception of The Avenue where preparatory works have taken place.

Plots 2 to 6 which together form the Local Centre of the Kings Barton Development have had planning applications submitted, assessed and determined on their each individual merits. However a strategic overview is being made on this area and it is therefore expected that further revised applications will be submitted in the future.

- 11.17 A key challenge for the Local Planning Authority is to ensure that all the elements of Phase 2B articulate well with each other to create and contribute to a strong character and sense of place. Therefore it is seen as correct procedure that the Kings Barton Neighbourhood Centre development be referred for Design Review Panel due to its combined size, significance and location. The DRP provide an essential part of the planning process and comments from the panels should be given substantial weight in the decision making process.
- 11.18 CALA have subsequently presented the proposal for the future combined application for the major development area Neighbourhood centre to the DRP on 15th February 2022, and a further revised proposal presented to the DRP on 12th July 2022. Feedback has been provided by the DRP following both these presentations and now CALA are in a position to undertake public consultation on the neighbourhood centre. This will be high level and be based on the last presentation to the Design Review Panel, so will focus on design principles.
- 11.19 CALA have scheduled to hold their public engagement event on Wednesday 5th October 2022 at the Visitor Centre within Kings Barton, providing easy access for residents living both on the Kings Barton development and adjacent residents.

11.20 **Transfer of Open Space**

- 11.21 S016 agreement 5.2 states:

The long term ownership maintenance and management proposals shall provide for one of the following:

5.2.1 –the ownership maintenance and management of the features by a management company; or

5.2.2 - the ownership maintenance and management of the features by a trust that has sufficient capital resources to ensure its ability to manage features in the long term; or

5.2.3 - the transfer of the freehold of such features to the Council following the Council clarifying the completion of the Open Space and the maintenance thereof for a period of twelve months thereafter by the Owner to the reasonable satisfaction of the Head of Planning Management by an agreement in the form set out in Part I of Schedule 2 and a transfer in the form set out in Part II of Schedule 2 hereto and including the payment by the

Owner to the Council of a reasonable commuted sum in relation to their future maintenance; or

5.2.4 – a combination of any of the options referred to in Clauses 5.2.1, 5.2.2, and 5.2.3; or

5.2.5 – any other mechanism agreed between the Council and the Owner

11.22 As published in the minutes of the Headbourne Worthy Parish Council - Kings Barton Working Group (18.07.2022), Headbourne Worthy Council have conveyed an interest in taking the transfer of the open space, both Cala and the City Council consider this an acceptable proposal, and the S106 permits 'any other mechanism' to be agreed between Cala and the City Council. However as the Parish Council are not signatories to the S106 legal agreement, Cala are required to liaise with the City Council in terms of inspections and the signing off process.

11.23 An agreement to the commuted sum for the transfer of open space is yet to be agreed. Before an agreed sum for the completed Phase 1B play area, or any other future area of open space, it is needed to agree a rate /m² which can then be used consistently across the site.

It is acknowledged however that this sum, and others, will be affected by the agreement Cala and the City Council made in 2016, with respect to the 'Ecological Amenity Land' aka land to the east of the railway line (LEORL). In this agreement Cala and the council agreed that the initial 'first operations' or actual costs of establishing the LEORL (fencing, seeding and other works set out in JSL1980_873M) would be taken off the S106 open space maintenance sum. However, this would not apply to any costs for maintaining the LEORL while in Cala's ownership.

It was further agreed that a pro rata calculation would then be made whenever a commuted sum was to be paid and an appropriate deduction made from each such payment, until the full amount had been allowed for i.e. the sum would not be taken up front, but spread over the life of the development.

The following has so far been ascertained:

- There is a standard rate applied to all types of open space (allotment/ play area/informal green space/natural green space, pitches courts and sports grounds etc.) as a one-size-fits-all including NEAPs and LEAPs.
- The standard rate can be applied to all open space for Phase 3a (i and ii). Subsequent phases including 2b to work to current rates that will be calculated at the time. This will be established through the reserved matters process.
- Cala will work on the commuted sums spreadsheet for Phase 1a and b and 2a to understand what level of difference there is between Cala's calculations and those that WCC are expecting.

- LEORL – Cala to establish what the cost was to implement the works to the area and when did they occur in order discussions can be undertaken as to how best Cala recoups this cost.

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 None

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

KBF Tuesday, 12 July 2022

Other Background Documents:-

APPENDICES:

S106 Obligations Tracker