

REPORT TITLE: KINGS BARTON FORUM – PROGRESS UPDATE

14 MARCH 2023

REPORT OF CABINET MEMBER: Cllr Jackie Porter – Cabinet Member for Place and 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 OUTCOME****1.1 Tackling the Climate Emergency and Creating a Greener District**

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. The forum enables existing and new community to come together to provide an open, transparent and inclusive council. Bringing stakeholders together to work for the benefit of the community.

2 FINANCIAL IMPLICATIONS

2.1 As part of the outline planning consent the developer entered into a S106 legal agreement with the Hampshire County Council and Winchester City Council. This legal agreement governs both on and off-site infrastructure.

2.2 Appendix 2 sets out the various clauses in the S106 legal agreement and the milestone by when the provision needs to be made. This includes financial contributions which are required to be paid to the applicable governing body.

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

3.2 There are no direct procurement implications as a result of this report.

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 in January 2020 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 was approved prior to this declaration and 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 is 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 2.

11.5 Update on Key Infrastructure and Planning

11.6 **Phase 1B** Approved 03.04.2014

223 homes are complete and fully occupied. Discussions with Hampshire County Council Highway Authority 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 Approved 03.04.2014

Under construction with approximately 200 dwellings completed, the majority



are either reserved or purchased.

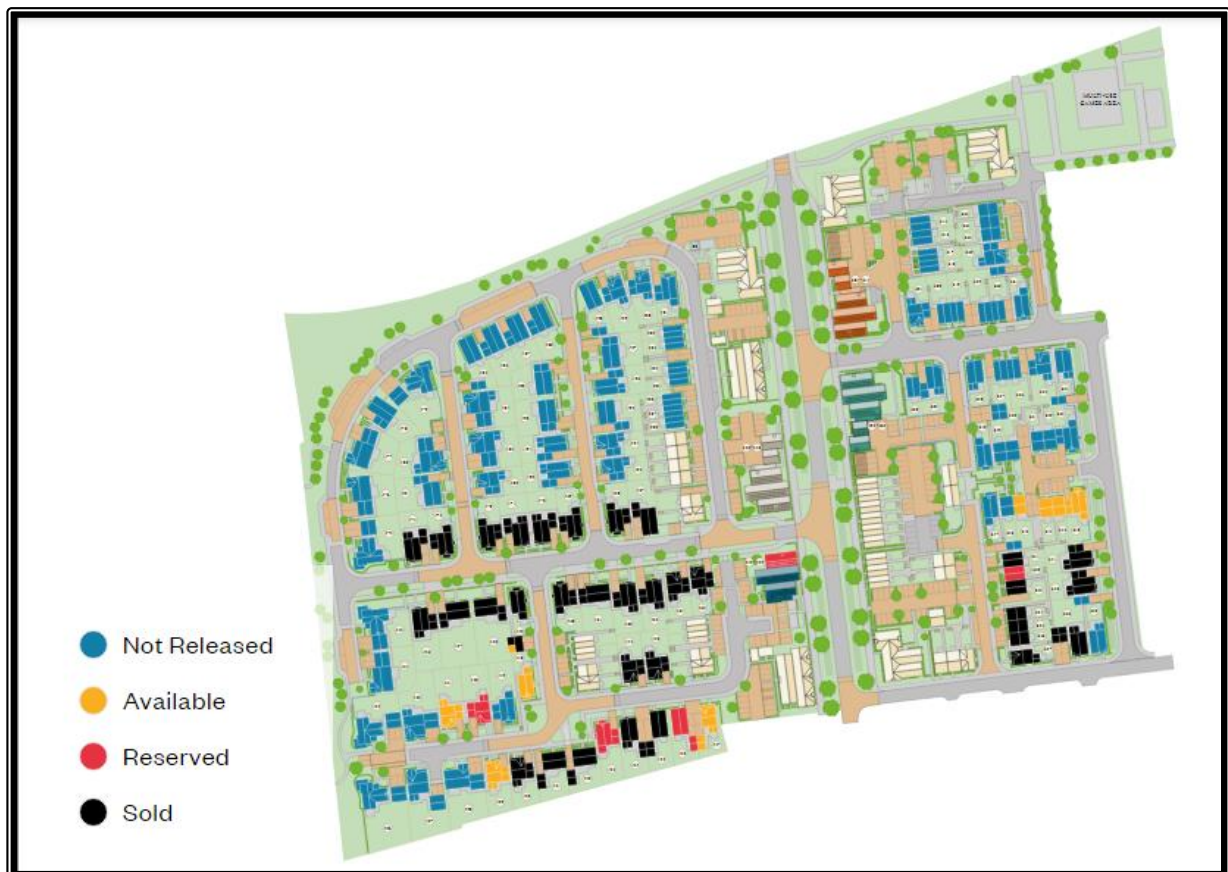
Discussions with Hampshire County Council Highways continue to allow the adoption of the roads.

- 11.8 CALA have confirmed that the equipment for the Phase 1A play area has been received and is being held in storage and the ground worker is being mobilised.

- 11.9 CALA are now working with the residents and stakeholders to agree an acceptable layout, equipment type, and landscaping to deliver a high quality play area for Phase 1A of Kings Barton.
- 11.10 In terms of timing, CALA will implement the scheme as soon as the agreed plans have been submitted and approved by the city council as local planning authority. As soon as the work is commenced, the play equipment will be installed thereafter, with the grass needing to be established before it is open to the public.
- 11.11 **Phase 2A** Approved 05.02.2021

Under construction - 264 dwellings.

34 dwellings have now been sold, a further 5 dwellings have been reserved, and another 8 dwellings currently being marketed as available for purchase.



Phase 2A

- 11.12 Phase 2A includes the provision of The Green (as named in the Design Code), a play area which includes a centralised NEAP (Neighbourhood Equipped Area of Play) and LEAP (Local Equipped Area of Play) in the north-eastern corner of this phase. The play area also includes a hard surfaced MUGA (Multi-Use Games Area) for a variety of ball games measuring 465 m², in addition to the 1400 m² of equipped play.

The design and concept of these spaces have been based on workshops held with Henry Beaufort School in 2013 and whilst the general landscape arrangement of the Play Area has been demonstrated, there will be an opportunity prior to the construction of the play area, for the community to engage with the specified play provider on the design of these spaces beyond that shown by the submitted Fabrik's Strategic Soft Landscapes designs.

At the application stage further information was required regarding technical details and specific layout of the play area.

In order to ensure the local community were involved in the design of the space, it was agreed with Cala that finalised details would be secured by a planning condition. This allows CALA to undertake relevant consultations with the community prior to a decision being made by the Planning Authority.

11.13 **Phase 3A (i & ii)** Approved 25.11.2022

11.14 Phase 3A of the Kings Barton development was consented on 25 November 2022. It contains 193 dwellings of which 72 are affordable dwellings which equates to 37% of the dwelling numbers for this phase. The following table shows the breakdown of housing types;

House Type/ Apartment Type		
	Number of Affordable Dwellings	Number of Open Market Dwellings
1 bedroom apartments	32	0
2 bedroom apartments	2	4
2 bedroom dwellings	14	28
3 bedroom dwellings	19	50
4 bedroom dwellings	5	39
	TOTAL: 72 Units	TOTAL: 121 Units

11.15 Phase 3A Concept Masterplan



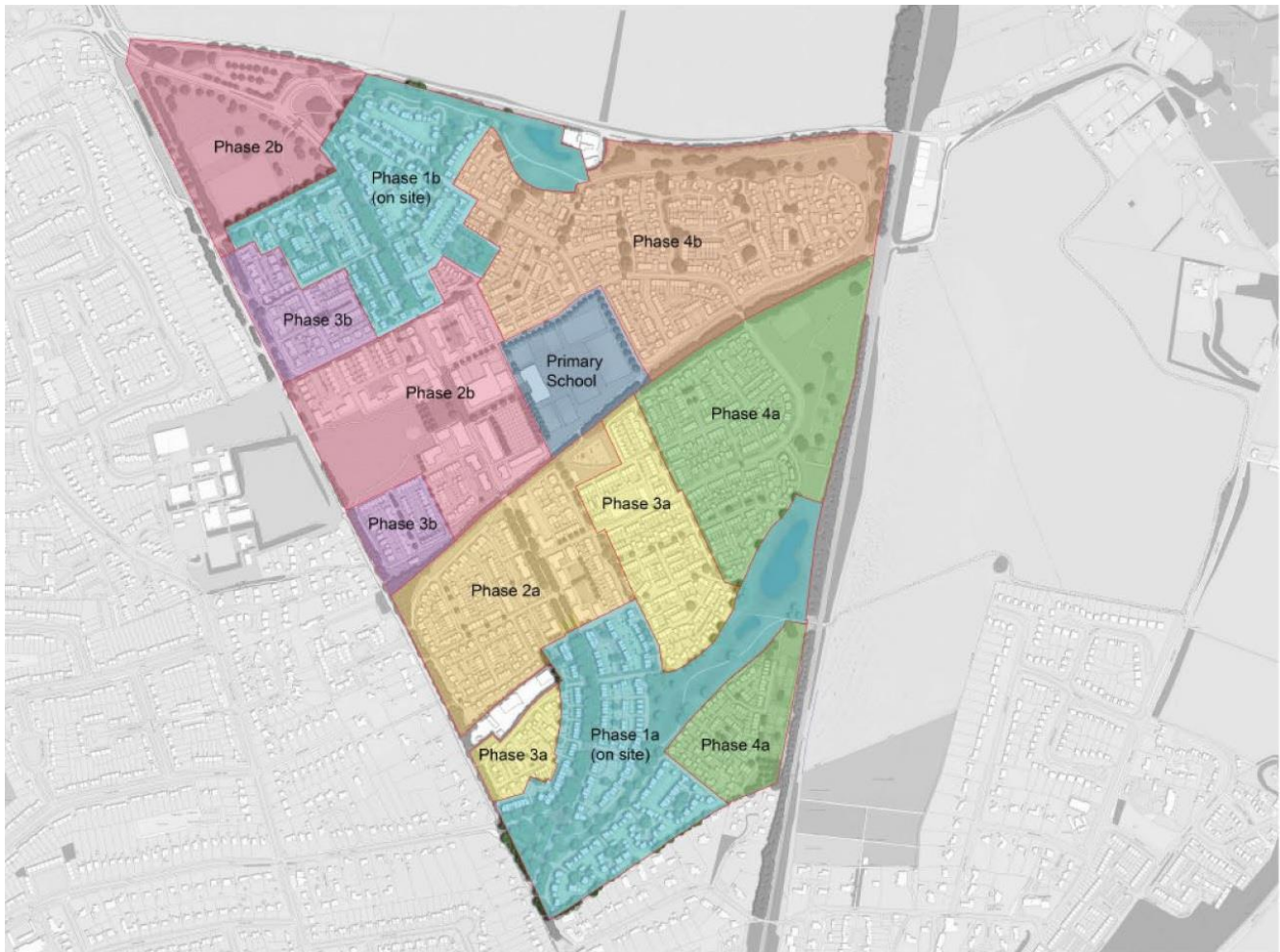
11.16 Planning application submissions

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

11.18 “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”

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

11.20 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 and this was agreed.



11.21 The following table provides 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 Targeted Determination 2024	2026
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 Variations to the original permission expected to be submitted 2023/24	
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 Variations to the original permission expected to be submitted 2023/24	
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 associated communal facilities for residents set within landscaped	19/02115/REM	Permitted 17/06/2022 Variations to the original permission expected to be submitted 2023/24	

	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 Variations to the original permission expected to be submitted 2023/24	
Phase 2B Plot 6	A single storey community building, associated car parking and landscaping	19/02119/REM	Permitted 17/06/2022 Variations to the original permission expected to be submitted 2023/24	
Phase 3A	193 residential dwellings including public open space	19/01983/REM	Permitted 25/11/2022	2025
Phase 3B	121 residential dwellings including public open space	19/01985/REM	Pending consideration Targeted determination 2025	2027
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

11.22 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.

- 11.23 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 (DRP) due to its combined size, significance and location. This provide an essential part of the planning process and comments from the panel should be given substantial weight in the decision making process.
- 11.24 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.
- 11.25 CALA undertook a public consultation on the neighbourhood centre, at high level and based on the last presentation to the DRP, focussing on design principles. CALA held this 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, and provided the opportunity for public feedback/comment on the proposals via a dedicated web site.
- 11.26 The proposals displayed at the public consultation (05/10/2022) are attached in Appendix A.
- 11.27 Phase 2B of the Kings Barton Development is the next stage in connecting the current phases together and bringing mixed uses and homes to the new neighbourhood. Following the successful public consultation in October 2022 which focussed on the Neighbourhood Centre uses, CALA followed this up with an additional public consultation which focussed on the residential homes and open spaces within the 2B parcel.

This includes a mix of houses and apartments appropriate to its location around the neighbourhood centre, public open spaces and car parking. This public engagement event was held on Wednesday 1st February 2023 at the Visitor Centre within Kings Barton. As with the previous event CALA encouraged public feedback and comment on the proposals.

11.28 **Occupation Figures**

11.29 On 25/01/2023, 451 units had a registered and active Royal Mail postcode.

11.30 As of 17/02/2023, 458 properties are listed on the Council Tax Valuation List. 10 of these are listed as unoccupied.

11.31 **Transfer of Open Space**

11.32 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

11.33 As published in the minutes of the Headbourne Worthy Parish Council - Kings Barton Working Group (18.07.2022), Headbourne Worthy Parish 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.

11.34 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, and 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.
- CALA and the council have agreed in principle that the standard rate can be applied to Phase 3a (i and ii), and to all subsequent phases including 2b subject to index-linked increases. This will be established through the reserved matters process.
- LEORL – CALA and the council have agreed in principle the sum spent to implement the works to the area and when did they occur in order to agree how best CALA recoups this cost.
- CALA have now worked on the commuted sums for Phase 1a and b and 2a and put a proposal to the council in relation to those areas. The Council will now undertake some further consultation with the relevant stakeholders to consider whether the proposed commuted sums are acceptable.

12 Kings Barton Street Naming

12.1 At the time of writing the following street names have been registered within the Kings Barton MDA.

PHASE 1A	
Road Name	Postcode
CANITZ WAY	SO22 6HD
CANITZ WAY	SO22 6HB
CENTINAL ROAD	SO22 6HA
FURSTENBURG ROAD	SO22 6GY
GRANADIERS ROAD	SO22 6GR
GRANADIERS ROAD	SO22 6GU
HYLDEBORNE ROAD	SO22 6GX
KHOSLA ROAD	SO22 6GT
MORSE ROAD	SO22 6GS
MORSE ROAD	SO22 6GQ
SHENTON GARDENS, STONEY LANE	SO22 6GP
SWYNEFORD WAY	SO22 6HP

WURTHY HOUSE, STONEY LANE

SO22 6GW

PHASE 1B

Road Name	Postcode
BINGHAM ROAD	SO22 6GB
BINSTEAD ROAD	SO22 6GD
BRIGHT ROAD	SO22 6GJ
CHISLANDS DRIVE	SO22 6FU
COBBE CLOSE	SO22 6GF
GARDINER ROAD	SO22 6FQ
GLAZIER ROAD	SO22 6HS
HAMBLIN GARDENS	SO22 6GE
LANSDELL ROAD	SO22 6FP
MANLEY ROAD	SO22 6FN
PINSENT ROAD	SO22 6FR
PYLE GARDENS	SO22 6FW
PYLE GARDENS	SO22 6FX
RANULPH ROAD	SO22 6GH
ROMAN DRIVE	SO22 6FZ
ROMAN DRIVE	SO22 6GA
VENTA DRIVE	SO22 6FT
VENTA DRIVE	SO22 6FS
WAKELIN GARDENS	SO22 6GG
WINCHESTER AVENUE	SO22 6FY

PHASE 2A

Road Name	Postcode
BURSTALL GARDENS	SO22 6SU
DAUBENEY WAY	SO22 6TF
FISHWICKE ROAD	SO22 6LE
FULLERS MILL WAY	SO22 6SS
HESSIAN ROAD	SO22 6TJ
MYLER CLOSE	SO22 6TG
MYLER CLOSE	SO22 6TH
WILDENS WAY	SO22 6ST

13 OTHER OPTIONS CONSIDERED AND REJECTED

13.1 None

BACKGROUND DOCUMENTS:-

Previous Forum Report:-

KBF 36 – 13th October 2022

Other Background Documents:-

APPENDICES:

Appendix 1 CALA Neighbourhood Centre Exhibition Boards

Appendix 2 S106 Obligations Tracker