

AGENDA ITEM NO. 23

PLANNING COMMITTEE

Date	19 SEPTEMBER 2012
Title	F/YR06/0464/O- Residential Development, Land between South Brink and Cromwell Road, Wisbech VARIATION OF SECTION 106 AGREEMENT

1. PURPOSE/SUMMARY

The purpose of this report is to consider the applicant's request for a deed of variation to the existing Section 106 Agreement attached to planning permission reference F/YR06/0464/O dated 22 May 2007

2. KEY ISSUES

Due to the current economic climate, NHS Cambridgeshire have confirmed that it is no longer possible to facilitate the delivery of the Health Centre within the development site.

The Developer has requested that the obligation to provide the Health Centre be removed and replaced with a contribution in lieu of provision of £260,000 for the Health and Wellbeing of Wisbech

RECOMMENDATION

It is recommended that the Deed of Variation be accepted namely:

- i. Remove the obligation in the original agreement and subsequent deed of variations requiring the owner to enter into the lease concerning the provision of the health centre
- ii. Remove the obligation in the original agreement and subsequent deed of variations requiring the owner to construct the health centre
- iii. Replace (i) and (ii) with- In lieu of providing the health centre within the development site, the owner shall pay a contribution of £260,000 as a contribution towards the Health and Wellbeing for the benefit of Wisbech. This contribution shall be paid to the Council prior to the occupation of 61 of the open market dwellings.

Wards Affected	Roman Bank
Forward Plan Reference No. (if applicable)	
Portfolio Holder(s)	
Report Originator	Graham Nourse, Head of Planning
Contact Officer(s)	Graham Nourse, Head of Planning
Background Paper(s)	Planning Files

This proposal is before the Planning Committee due to the Original Section 106 Agreement being agreed at Development Control Sub-Committee on 16 August 2006

This is a request for a Deed of Variation

1. DESCRIPTION

The developer has formally requested that a Deed of Variation be completed with regards to the following matters arising from the original Section 106 Agreement dated 22 May 2007 and subsequent Deed of Variations dated 28 April 2010 and June 2011.

- The Provision and lease of the Health Centre

2. HISTORY

Of relevance to this proposal is:

- | | |
|----------------|---|
| F/YR12/0455/F | - Erection of 26 x 2-storey dwellings: 3 x 3-bed and 8 x 2-bed with attached garages, 2 x 3-bed and 12 x 2-bed with detached garages and 1 x 2-bed with attached garages and carport-
Pending Consideration |
| F/YR10/0074/RM | - Erection of 85 dwellings comprising of 19 x 1-bed flats, 19 x 2-bed flats, 31 x 2-bed houses, 16 x 3 -bed houses with associated garages and parking (amendment to plots 1-20, 67-131 inc of planning permission F/YR08/0259/RM)- Approved- 06 July 2010 |
| F/YR08/0259/RM | - Erection of Health Centre (2-storey), bin and cycle stores and 131 dwellings (incorporating 46 affordable dwellings) comprising; 41 flats (12 x 2-bed with integral car port, 20 x 2-bed, 8 x 1-bed and 1 x 2-bed and 39 x 2-bed) with associated garages, parking and Public Open Space- Approved- 12 May 2008 |
| F/YR06/0464/O | - Residential Development and Health Centre (4.2ha) – Approved 16 August 2006 |
| F/YR00/1155/O | - Residential Development (6.9ha) Application
Withdrawn |

3. ASSESSMENT

Nature of Application

This site has commenced development; the Affordable Housing has been constructed, delivered and transferred to a Registered Social Landlord (Sanctuary Housing) in accordance with the Section 106 Agreement.

The Applicant has also complied with the obligation to provide a signalised junction on Cromwell Road.

Due to the current economic climate, certain constraints within the Section 106 Agreement do not make it possible for the construction and occupation of the Open Market dwellings to continue beyond 61 dwellings should the current obligations be enforced.

Health Centre

In its current form, following a Deed of Variation dated June 2011, the Section 106 Agreement requires that the Owner shall enter into a contract for lease in respect of the Health Centre element prior to the occupation of the sixty first market dwelling and that the Health Centre must be constructed and made available for occupation prior to the occupation of the sixty first market dwelling.

The inclusion of a Health Centre on the original scheme responded to an identified need for local health care provision and required input from key health care agencies. NHS – Cambridgeshire have recently confirmed that they are not intending to pursue this on-site option, either at this time or in the future; in addition the remaining local provider is not in a position to pursue the scheme without NHS – Cambridgeshire's support. As such, there is no end user for such a facility.

This has required the developer to revisit this element of the scheme and investigate alternative proposals. Officers and the developer have explored on-site alternative health and wellbeing options to comply with the originally expressed 'health' benefits; these discussions have not identified a suitable substitution.

It has been agreed between the officers and stakeholders that a contribution in lieu of on site provision is the appropriate resolution to this matter. The contribution of £260,000 is required by the Council for the Health and Wellbeing of Wisbech, and suitable projects will be identified to fulfil this aim with the key stakeholders.

Conclusion

The approval of the deed of variation will result in the following outcomes;

- The requirement for the Health Centre to be provided on site shall be removed
- In lieu of the provision of the Health Centre the owner shall pay the Health and Wellbeing Contribution

4. RECOMMENDATION

It is recommended that the Deed of Variation be accepted namely:

- i. Remove the obligation in the original agreement and subsequent deed of variations requiring the owner to enter into the lease concerning the provision of the health centre**
- ii. Remove the obligation in the original agreement and subsequent deed of variations requiring the owner to construct the health centre**
- iii. Replace (i) and (ii) with- In lieu of providing the health centre within the development site, the owner shall pay a contribution of £260,000 as a contribution towards the Health and Wellbeing for the benefit of Wisbech. This contribution shall be paid to the Council prior to the occupation of 61 of the open market dwellings.**



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Developments Service
Reference: F/YR06/0464/O

Scale: 1:2,500

