

SHEERWATER REGENERATION

Executive Summary

This report recommends that the Executive agrees to give effect to certain requirements of the local planning authority if it is minded to grant planning permission for the development of land partially owned by the Council at Sheerwater, Woking (application numbers PLAN/2018/0374 and PLAN/2018/0337).

The requirements would normally be contained in a Section 106 Agreement between the local planning authority and the landowner. This is not possible in this case as the Council is both landowner and local planning authority (so cannot enter into an Agreement with itself).

Dealing with the matter as recommended in this report will enable the local planning authority to be certain that the planning obligations are complied with if it decides to grant the planning permissions sought.

Recommendations

The Executive is requested to:

RESOLVE That

- (i) the Council shall give effect to the obligations in respect of planning applications PLAN/2018/0374 and PLAN/2018/0337 set out in Appendix 5 to the report, if (a) the local planning authority grants the planning permissions sought and (b) those planning permissions are implemented by, or on behalf of, the Council;
- (ii) the Council shall procure that any third-party to whom it grants an interest in the Council-owned land is bound by the obligations in respect of planning applications PLAN/2018/0374 and PLAN/2018/0337 set out in Appendix 5 to the report; and
- (iii) resolves (i) and (ii) above are “urgent” and will take immediate effect (so are not subject to “call-in”). This is because any delay likely to be caused by the call-in process would be seriously prejudicial to the Council’s interests (as it is necessary that the local planning authority is aware, when it considers planning applications PLAN/2018/0374 and PLAN/2018/0337 on 9 April 2019, whether the Council (as landowner) is prepared to give the obligations referred to).

Reasons for Decision

Reason: To enable the local planning authority to be certain that its requirements will be met if it is minded to grant the planning permission sought.

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| The Executive has the authority to determine the recommendation(s) set out above. |
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Sheerwater Regeneration

Background Papers: None.

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1.0 Introduction

- 1.1 On 27 July 2016, the local planning authority approved a hybrid planning application for the Sheerwater regeneration scheme (PLAN/2015/1260). A description of the development approved is appended as Appendix 1.
- 1.2 The planning application was submitted by New Vision Homes.
- 1.3 The planning permission was subject to an undertaking, given by the Executive at its meeting on 21 July 2016, that the Council would give effect to certain Section 106 planning obligations. The obligations are set out in Appendix 2. The undertaking was necessary as the majority of the application site was owned by the Council.
- 1.4 On 6 April 2017, the Council appointed Thameswey Developments Limited (“TDL”) to deliver the Sheerwater regeneration scheme. As the Council’s appointed developer, TDL has submitted two planning applications to the local planning authority.

2.0 Planning Applications

- 2.1 The two planning applications submitted by TDL are as follows:-

- (i) PLAN/2018/0374

This is a Section 73 application which proposes minor, but material, amendments to the existing hybrid planning permission by the removal or variation of conditions attached to that permission. A description of the application, as submitted, is appended as Appendix 3.

- (ii) PLAN/2018/0337

This is a hybrid application which seeks part outline planning permission and part full planning permission for the proposed Sheerwater regeneration scheme. A description of the application, as submitted, is appended as Appendix 4.

Compared to the previously approved scheme (PLAN/2015/1260), the proposed development under this application (PLAN/2018/0337) would:-

- Increase the amount of open space delivered under the masterplan;
- Increase the amount of car parking available for the proposed new homes;
- Introduce new surface car parks for the community centre hub, the existing Primary School, the existing Secondary School, as well as improving the layout of the new car park for the Leisure Centre and negating the need to demolish 4 existing dwellings;
- Relocate the community facilities at the centre of the development adjacent to the central park and opposite the community car park;
- Optimise the development potential of this urban site by increasing the number of homes to be provided. The housing mix would be aligned to meet the local housing need, whilst still providing a significant proportion of family sized homes (an additional 158 units above that approved under PLAN/2015/1260); and
- Improve the overall design approach of the masterplan, omitting unnecessary highway circulation space, to deliver a high quality walkable neighbourhood comprised of different character areas that connect to the wider estate.

- 2.2 The two planning applications are due to be considered by the Planning Committee on 9 April 2019.

3.0 Section 106 Obligations

- 3.1 Normally, if planning permission is granted by the local planning authority for a development of this nature, it would be subject to the prior completion of a Section 106 Agreement. This would impose obligations which are not capable of being the subject of conditions attached to a planning permission. The Council (as landowner) cannot enter into a Section 106 Agreement with itself (as local planning authority). It is, therefore, necessary for the Council (as landowner) to give effect to the requirements of the local planning authority in another way. This can be achieved by the Executive resolving as recommended in this report.
- 3.2 In the event that the Development Manager is minded to recommend that the Planning Committee approves the two applications referred to in paragraph 2.1(i) and (ii) above, it is anticipated that it will be on the basis that the planning obligations set out in Appendix 5 to this report are first secured. It is recommended that the Executive should agree to give effect to these obligations if (i) the local planning authority grants the planning permissions sought and (ii) those planning permissions are implemented by, or on behalf of, the Council. It is also recommended that the Executive should agree that it will procure that any third-party to whom it grants an interest in the Council-owned land is bound by the obligations.
- 3.3 For the avoidance of doubt, the Executive is not considering the planning merits of the proposed planning applications. These will be considered by the local planning authority.
- 3.4 When the Executive gave the undertaking in 2016, it also resolved that no development should be commenced on the Council-owned land at Sheerwater without the express consent of the Executive. This restriction is no longer necessary as the Council can control matters through its relationship with TDL.
- 3.5 The decisions required of the Executive are “urgent”, so not subject to call-in. This is because any delay likely to be caused by the call-in process would be seriously prejudicial to the Council’s interests (as it is necessary that the local planning authority is aware, when it considers the planning applications on 9 April 2019, whether the Council (as landowner) is prepared to give effect to the obligations referred to).

4.0 Implications

Financial

- 4.1 In agreeing the recommendations, the Executive will not incur any expense or financial commitment. The proposed decisions will just enable the local planning authority to consider the planning applications and be satisfied that, if it grants planning permission, the obligations it would normally imposes can be given effect to.

Human Resource/Training and Development

- 4.2 None.

Community Safety

- 4.3 None.

Risk Management

- 4.4 None.

Sustainability

- 4.5 None.

Equalities

4.6 None.

Safeguarding

4.7 None.

5.0 Consultations

5.1 The Leader of the Council has been consulted.

REPORT ENDS