

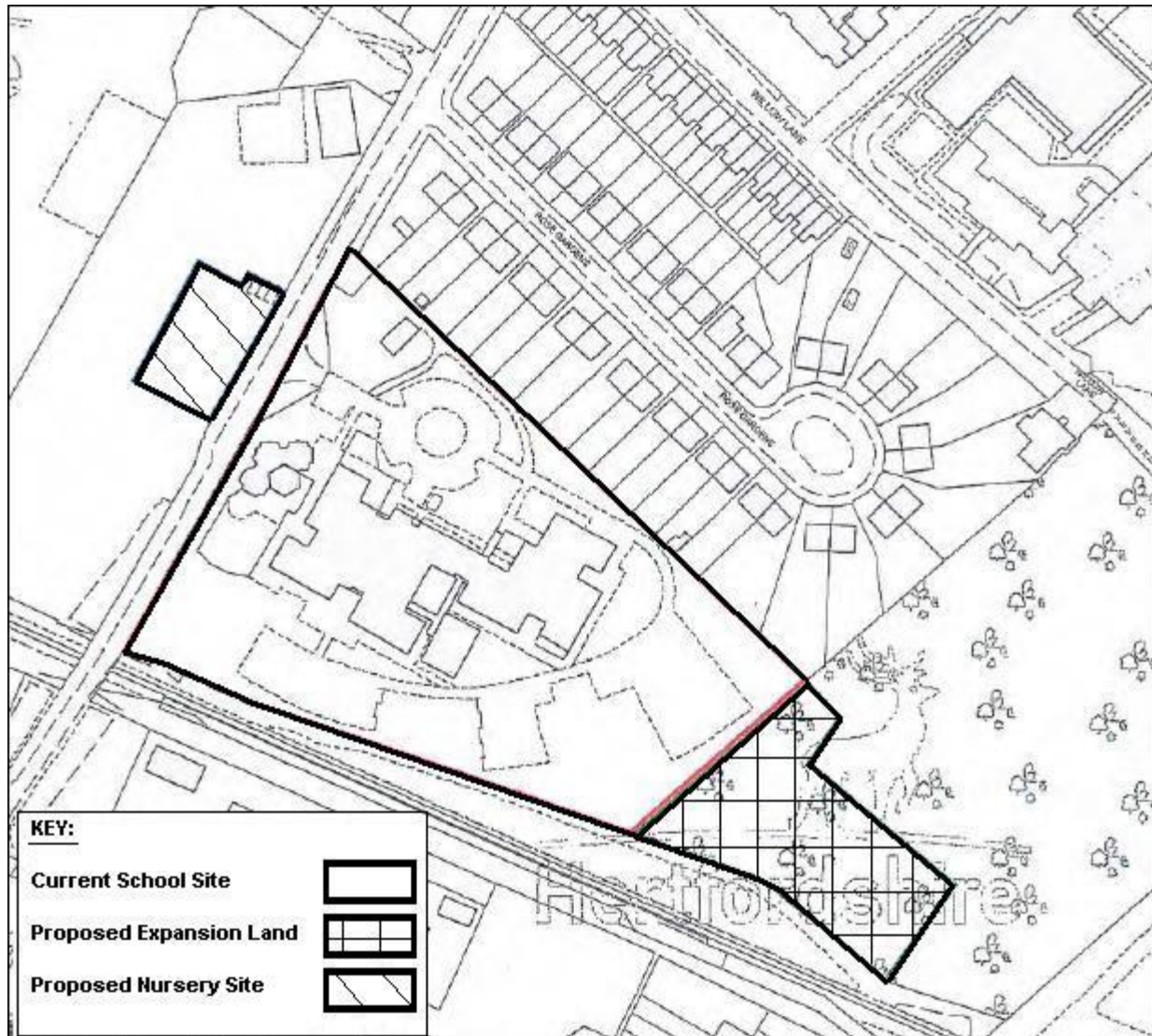
PART A	
Report of: DEVELOPMENT MANAGEMENT SECTION HEAD	
Date of Committee	10th March 2016
Site address:	Watford Health Campus
Reference Number :	14/00511/OUTM
Proposal:	Request for a Deed of Variation to the Section 106 agreement associated with planning permission 14/00511/OUTM to allow an extension of the time period in which the County Council are obliged to notify the Council and the Developer if previously identified land is required for the expansion of Laurance Haines School.
Request received by:	Hertfordshire County Council (Head of Development Services)
Request received:	23rd February 2016
Ward:	Vicarage

SUMMARY

Planning permission was granted in January 2015 for the development of a mixed-use health campus (known as the Watford Health Campus) comprising: the construction of new hospital/healthcare accommodation, together with business, retail, office, food and drink, hotel, and leisure uses, and up to 681 new dwellings, safeguarding of land for the expansion of Laurance Haines primary school, new public spaces, play space and landscaping, associated car parking, access roads, footways and cycleways (granted outline planning permission); the construction of three industrial business units together with associated vehicle and cycle parking, site landscaping and the creation of a new wildlife area (detailed element granted full planning permission). This application was subject to a Section 106 (s106) planning obligation which sought to secure, inter alia, land

to be utilised for an expansion of Laurance Haines School. The obligation was made on 6th January 2015 between the Council, the County Council, the West Hertfordshire Hospitals National Health Service Trust and the Watford Health Campus Partnership LLP (the 'Developer').

A Deed of Variation relating to Parts 7 and 8 of Schedule 2 of the s106 agreement associated with planning permission 14/00511/OUTM is now required to allow an extension to the time period in which Hertfordshire County Council (HCC) are obliged to advise the Council and the Developer if the previously identified land (see plan below) is required for the expansion of Laurance Haines School. The purpose of this report is therefore to amend the date set out within the relevant paragraphs of the s106 agreement to allow HCC, as the Education Authority, additional time to reach an informed decision as to whether the land identified on the plan below is required.



Plan indicating current Laurance Haines School site, proposed expansion land and proposed nursery site

BACKGROUND

At its meeting on the 18th September 2014, Development Control Committee resolved to grant planning permission for the Watford Health Campus hybrid masterplan development under application reference 14/00511/OUTM subject to the final terms of the planning obligation secured under s.106 of the Town and Country Planning Act 1990 and the final wording of the proposed conditions being referred back to the Committee for approval.

The final s106 planning obligation and proposed conditions were presented to the Committee at their meeting of the 16th December 2014. Members agreed with the content

of the planning obligation and resolved that the planning obligation be entered into based on the content presented to Members. This was done and the Agreement was signed by all parties and engrossed on 6th January 2015.

Following the submission of a revised planning application for the area of land known as Business Area South under application 15/01246/FULM, a Deed of Variation to the original s106 Agreement was required. This was to ensure that the obligations referred to within the original Agreement were linked to the revised planning application and all parties would continue to be bound by this. Given there were particular highway works within the s106 that were triggered by the construction of the units at Business Area South, it was essential that this revised planning application was covered by the Deed of Variation.

The purpose of this report is to amend the date set out within paragraphs 7.1, 7.4, 8.1 and 8.4 of the s106 agreement to allow HCC, as the Education Authority for Watford, additional time to reach an informed decision on the siting of a primary school associated with the Watford Health Campus.

As set out within the hybrid planning application, provision has been made for the expansion of Laurance Haines School by one form of entry. The Borough Council has agreed to set aside two areas of land for this, one within the Health Campus site on the former Willow Lane allotments ('School Land') and one at Harwoods Adventure Playground ('Additional School Land'), for use, if required, by the County Council in connection with the expansion of Laurance Haines school (see plan above).

In addition to this allocated provision, the Developer has also initiated discussions with the County Council in respect of the construction of a new 2 form entry school on that part of the Farm Terrace Allotment site not covered by the proposed hospital expansion. HCC has expressed a preference for the construction of a school on this site. At the time of writing this report, the Farm Terrace Allotment site remains allotment land as no decision has yet been made by the Secretary of State on the Borough Council's application for the

allotment status to be removed. There is therefore continued uncertainty over the availability of the Farm Terrace Allotment site and, consequently, the deliverability of a primary school on this site.

The current s.106 agreement was granted with the expectation that a final decision on the Farm Terrace Allotments would have been made significantly earlier than is currently anticipated. As a result, the date of 31/03/16 that is referred to within paragraphs 7.1, 7.4, 8.1 and 8.4 of the s.106 does not currently provide the County Council sufficient time to arrive at an informed decision on the most appropriate location for the school given the lack of certainty over the Farm Terrace Allotment land.

HCC has formally written to the Council as the Local Planning Authority requesting that that the date of the 31/03/16 for which the County Council were required to give notice to the Council for a decision in respect of both the School Land and the Additional School Land be varied to 31/03/17. Through allowing an additional year to come to a decision, it is anticipated that the final decision on the status of the Farm Terrace Allotment land would have been arrived at, allowing the County Council the ability to make an informed decision on the siting for the proposed school.

APPRAISAL

A deed of variation to the s106 agreement associated with planning permission 14/00511/OUTM is required to allow an extension of the time period in which the County Council are obliged to advise the Council and the Developer if the 'School Land' or 'Additional School Land' is required for the expansion of Laurance Haines School.

The 'School Land' and 'Additional School Land' are defined within the s106 document and equate to the areas cross-hatched and hatched, respectively, on the map provided earlier in this report.

The s106 planning obligation stipulates, in paragraphs 7.1 and 8.1 respectively, that the County Council must serve written notice on the Council and Developer no later than 31

March 2016 should they wish to secure the aforementioned land parcels. Paragraphs 7.4 and 8.4 would also need amending.

The variation relates to Parts 7 and 8 of Schedule 2 of the s.106 agreement only. In all other respects the agreement, and its terms, are to remain unchanged. It is acknowledged that the provision of additional school facilities is of importance. Given the lack of certainty over the status of the Farm Terrace allotment land and where these facilities will ultimately be delivered the proposed Deed of Variation is considered to be acceptable.

Conclusion

Without the proposed Deed of Variation being agreed, the land earmarked for the expansion of Laurance Haines School would no longer be allocated for such a use. The variation that is hereby applied for will allow HCC additional time to consider the options available for the provision of new school accommodation. It is therefore recommended that the Deed of Variation is granted to allow a fully informed decision to be made on the future provision of education facilities for the benefit of the Borough.

RECOMMENDATION

That a Deed of Variation to the Section 106 agreement associated with planning permission 14/00511/OUTM be granted to allow an extension of the time period from 31st March 2016 to 31st March 2017 in which the County Council are obliged to notify the Council and the Developer if previously identified land is required for the expansion of Laurance Haines School.

Case Officer: **Simon Hoskin**
Email: **simon.hoskin@watford.gov.uk**
Tel: **01923 278598**