

Item 9

Application No. IP/14/00721/OUT

Ward: ST JOHNS

Proposal: Redevelopment of the majority of the land and buildings at St Clements Hospital, Foxhall Road, Ipswich (11.8 hectares) comprising:

- i) Area A - Demolition of ancillary 19th and 20th Century buildings and structures to facilitate the conversion (incorporating alteration and extension works) of the principal Victorian hospital buildings to form 48 residential units (12 town houses, 10 duplex apartments and 26 apartments) with associated garaging, cycle, motorcycle and car parking, bin storage, private and communal outdoor space, public open space, landscaping and other associated ancillary infrastructure and works, with access from Foxhall Road (details submitted on all matters except for landscaping);
- ii) Area B - Demolition of all other buildings and structures (excluding the social club building and bowls green) and erection of up to 179 dwellings (comprising 1, 2, 3, 4 & 5 bedroom units), retention of existing and provision of new sports and recreational facilities, areas of public open space (including a local park), wildlife habitat area, landscaping, vehicular and pedestrian access works and improvements from Foxhall Road, pedestrian/cycle/emergency access from Chilton Road and other associated ancillary infrastructure and works (all matters reserved except for access and scale).

Address: St Clements Hospital, Foxhall Road

Applicant: Mr Mark Kittle

Agent: Mr John Lawson



Recommendation:

That an amendment to a previous resolution by the Planning and Development Committee to grant permission for planning application reference IP/14/00721/OUT be permitted to allow the provision of new open space and sport and recreation facilities to be secured by planning condition rather than obligations within a Section 106 Agreement.

1. Background

At the 26th November 2014 meeting of the Planning and Development Committee, it was resolved to approve the redevelopment of the St Clement's Hospital site, Foxhall Road, to

comprise up to 227 dwellings and open space/sports facilities. The officer report and minutes for this item are included as Appendix 1 and 2 respectively.

As can be seen in Appendix 1, the officer recommendation sought authorisation from the Committee for the Head of Development and Public Protection to grant outline planning permission following the satisfactory completion of a Section 106 agreement relating to the following:-

1. Affordable housing.
2. Primary and Secondary Education.
3. Highways mitigation including car share, cycling infrastructure, public transport infrastructure, bus taster tickets and traffic regulation orders.
4. Open space, sport and recreation.
5. Phasing.

This recommendation, alongside supporting conditions, was agreed by the Planning and Development Committee.

2. Consultations

No consultations are relevant in relation to the matter being considered.

3. Comment

Since the meeting of the Planning and Development Committee, the applicant (Norfolk and Suffolk NHS Foundation Trust) wished to market the site and agree a sale in principle, prior to entering into discussions with your officers on the content of the Section 106 Agreement. This process has some benefit in allowing the future developers of the site to have an input into the drafting of the agreement to ensure that restrictive clauses and payment triggers would not hinder the site's development.

The prospective developers have now been found (one for the conversion element of the scheme and another for the new builds), and the Council's solicitor is now drafting a Section 106 Agreement in line with discussions between all of the parties.

However, your officers and the applicant now consider that the requirement to provide for open space, sport and recreation is better secured by a planning condition rather than an obligation within a Section 106 Agreement, by reason that no maintenance sums will be secured (all communal areas will be privately managed).

Furthermore, paragraph 203 of the National Planning Policy Framework states that: "planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition", which re-iterates previous guidance in government Circular 05/2005 (Planning Obligations) that where there is a choice between imposing conditions or obligations, the use of a condition is preferable. One stated reason for this in the Circular is that the enforcement of conditions is more straightforward, since it generally involves the use of the planning enforcement system, as opposed to private contractual action in the Courts.

For the avoidance of doubt, the provision of open space, sport and recreation for this development includes the following, as generally defined in the planning application:-

- Open Space Play Facilities
- Public Park
- Other Public Open Space
- Structural Landscaping
- Ecological Mitigation
- MUGA (multi-use games area)
- Replacement Football Pitch
- Refurbishment of Social Club
- Replacement Bowls Pavilion

Given that the Planning and Development Committee previously resolved to approve the planning application subject to securing open space, sport and recreation in a Section 106 Agreement, your officers now consider that authorisation to amend this resolution is needed in order to proceed with the intended course of action.

No further changes are proposed such that the proposed development and the decision to grant planning permission remains the same but for the amendment as outlined in this section of the report.

4. Conclusion

It is therefore recommended that the Planning and Development Committee agree to an amendment to the resolution to grant permission for application reference 14/00721/OUT to allow the provision of new open space and sport and recreation facilities to be secured by planning condition.