

## **S106 Update Report – Pool Park Complex, Ruthin**

**APPLICATION NUMBER:** 13/2011/1276/PF

**PROPOSAL:** Redevelopment to provide care village comprising 38-bedroom nursing home within the main house, refurbishment of existing buildings to provide 6 No. dwellings, demolition of former boiler house and chapel. Provision of 62 No. apartments and dwellings within the grounds as enabling development, together with provision of new services and facilities and restoration of the grounds

**LOCATION:** Pool Park Complex Pool Park Ruthin

**APPLICANT:** Roberts Homes Ltd.

### **1. PURPOSE OF REPORT**

- 1.1. To update Members in relation to progress of the Section 106 Agreement for the Pool Park Complex, Ruthin.
- 1.2. Members may recall the Committee resolved to grant planning permission for the development in September 2013.

### **2. BACKGROUND AND WHY A SECTION 106 AGREEMENT IS REQUIRED**

- 2.1. The application relates to a number of developments involving an existing group of Listed Buildings along with new build development within the grounds. The new build element is presented as Enabling Development.
- 2.2. Enabling Development is a form of development which would normally be unacceptable in planning terms but for the fact that it may bring public benefits sufficient to justify it being carried out, therefore being a positive factor to weigh against other considerations.
- 2.3. Typically the benefits are, as in this case, the generation of funds that will be used to pay for works to be done to the Listed Building and the restoration of the grounds, which are a historic park.
- 2.4. In terms of the Section 106 Agreement the recommendation was as follows:-

*Officers entering into detailed negotiation with the applicants over the precise terms of a Section 106 obligation in accordance with the basic heads of terms set out below and the completion of the Obligation within 6 months of the date of the resolution of Planning Committee.*

*Basic heads of terms*

*In order to ensure that the enabling development provides the funding for the restoration works to meet the primary objectives in planning and conservation terms, the following terms are suggested:*

1. *The occupancy of the new units shall be restricted to at least one person in the household being either over 60 years of age and/or in need of care. Details of how the site will be managed to be agreed.*
  2. *Phase 1: Comprising Pool Park, The Vegetable Store, The Stables, Units 1-5 and Block A.  
None of the dwellings shall be occupied until the initial restoration of Pool Park House has been completed and the use of the Nursing Home established. Details of the specified works to Pool Park House to be set out within the definition/appendices of the Section 106 agreement.*
  3. *Phase 2: Comprising Units 6-21  
No more than 5 of the dwellings shall be occupied until the specified works for the conversion and restoration of The Bothy have been completed.*
  4. *Phase 3: Comprising The Bothy, Units 22-33, and Block B  
No more than 15 units shall be occupied unless works for the restoration and laying out of the Walled Garden have been completed. Details of the specified works to the walled garden would be set out within the definitions/appendices of the Section 106 agreement.*
  5. *The preparation of a more detailed Conservation Management Plan seeking out the works proposed to the grounds, a programme of works and specifications is linked to the phasing and timings set out in the other Heads of Terms.*
- 2.5. In terms of restoring the heritage assets the requirements of the draft Section 106 agreement in circulation follows the most effective mechanism, used in these situations, for permissible progress upon or use of the commercial scheme to be related to the carrying out of works to the heritage asset. (Listed Buildings) It allows for the commercial or use of it to be prohibited until the agreed benefits have materialised including securing occupancy restrictions required.
- 2.6. The Listed Buildings are to be restored in accordance with a Listed Building Consent granted for the development, and a conservation management plan is to be put in place for the Historic Park.

### **3. PROGRESS TO DATE**

- 3.1. Negotiations regarding the terms of the proposed Section 106 Agreement began properly only once the applicant had appointed Solicitors to act on their behalf. Precise terms were discussed in April 2014. The involvement of Solicitors by the applicant led to the submission of a draft Section 106 Agreement to the applicant for their consideration. The draft has subsequently been the subject of direct discussion between the applicant and planning Officers initially, and following an internal meeting involving planning, legal Officers including Phil Ebbrell (Conservation Architect), a revised draft is now with the applicant for

consideration and it is hoped that the agreement can be finalised in the near future.

#### **4. RECOMMENDATION**

That Members note the contents of this report.