



CG/LG/HP17026

10<sup>th</sup> July 2018

David Eaves  
The Planning Department  
Havant Borough Council  
Civic Offices  
Havant  
Hampshire  
PO9 2AX

Dear Mr Eaves

**Land at Hampshire Farm, Emsworth**

**Application 1 (APP/18/00120): Application Under S106A for variation to terms of existing S106 Agreement in order to discharge the obligation to deliver Community Facilities.**

**Application 2 (APP/18/00121): Application under S106A for variation to terms of existing S106 agreement in order to extend the time period for the delivery of a doctors' surgery and pharmacy by two years.**

**Application 3 (APP/18/00122): Application Under S106A for variation to terms of existing S106 Agreement in order to broaden the definition of Community Facilities and extend the time period for the delivery of the Community Facilities by two years**

I refer to the above applications on behalf of my clients, Bellway Homes and Bloor Homes.

As discussed during our recent telephone conversation, I am writing to urge you to reconsider the recommendation for Application 2 which seeks to secure an extended period of 2 years for the provision of a doctor's surgery on the Hampshire Farm site. The provision of a doctor's surgery on this site continues to be a clear priority for the applicants, Havant Borough Council and the Emsworth Surgery and the approval of an extension of time will enable this much-needed facility to be delivered in a timely manner, in accordance with the requirements of the S106 agreement.

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As you are aware, the original purpose of the S106 agreement was to provide a new doctors surgery and pharmacy on this site, enhancing provision within the Emsworth and Westbourne catchment. The justification for this was that the existing Emsworth Surgery was operating at capacity at the time that the original application was submitted.

This situation has not changed and the provision of a doctor's surgery and pharmacy remains a priority for the applicants, Havant Borough Council and the Emsworth Surgery.

The original agreement was drawn up on the premise, now obviously incorrect, that if the doctors wanted to move to the site, this would be resolved well within a five year period. The clause to transfer the land to Havant Borough Council at nil cost was on the basis that the doctors would have found some alternative site for relocation in the 5 years and, in that scenario, you were likely to want it for an alternative community building, scout hut etc. which had no commercial value and therefore there would be no land cost. My clients were willing to transfer it on that basis.

However, this is not the case and as explained in your committee report, the doctors have belatedly decided that they now do want to move to this site.

Therefore, the delay associated with the provision of a doctor's surgery and pharmacy is through no fault of our clients and is largely to do with the commissioning process and changed priorities. Previously, the preferred location for a new surgery was the Victoria Cottage Hospital site in Emsworth with initial efforts focussed on relocating here. This option was however, abandoned in 2017 due to constraints relating to future expansion and car parking provision. It was concluded that the Victoria Cottage Hospital site suffers from the same constraints as that of the existing surgery and it is only since this time that the Hampshire Farm site has emerged as the preferred option for relocation.

The applicants sought a 2 year extension of time last year but were led by an over optimistic assessment of the NHS delivery process to restrict that to a 6 months extension which has proven, with hindsight, to be insufficient. What is sought, now the doctors are committed to this site, is a realistic period to facilitate the new surgery and ensure funding is coordinated during that timeframe.

The quickest and easiest way of securing a doctor's surgery and pharmacy on this site is to approve Application 2 and to allow a further 2-year extension of time for negotiations with the Emsworth Surgery to be concluded. A purchase price has previously been agreed with the Emsworth Surgery and will provide a



solution for relocation, allowing the relevant requirements to be met in way that is economically viable for all. The applicants are also willing to exchange on the sale of the land to the doctors for a nominal sum with completion subject to contract and funding. This highlights that the transfer of this land for its intended purpose as a doctor's surgery, and hence the requirement of the S106 can practically be delivered.

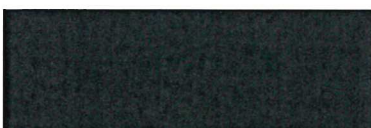
My clients are keen to continue their discussions with the Emsworth Surgery so that the funding process can be finalised as it is apparent in correspondence received from Primary Care Surveyors that the necessary steps are already being taken to secure funding for a new doctor's surgery. A refusal of Application 2 will undoubtedly delay the delivery of the surgery.

It is likely that the refusal of these applications would result in planning appeals being submitted to the Planning Inspectorate, something which will result in further delays to delivery of the required doctor's surgery. Similarly, seeking to enforce the current S106 will no doubt result in further drawn out and costly legal battles. It is our view that it would be unreasonable for the Council to insist on the land being handed to them for nil consideration when there is a very real prospect of a doctor's surgery being provided. A 2-year extension is considered to be a reasonable period of time to allow the requirements of the original S106 agreement to be delivered.

In light of our recent discussions as regards this latest position you have asked us to again withdraw Application 1 and 3. I am pleased to confirm that my clients have now agreed to withdraw Application 1 and 3 should Application 2 be approved by committee. Please take this letter as formal confirmation of that position would Application 2 be approved.

In light of the above and in particular as a result of the recent change of mind of the doctors to decide that this is their preferred site, I ask you to please reconsider your stance on Application 2. This is the course of action which is most likely to achieve our shared objective of the delivery of a doctor's surgery on the site.

Kind Regards



**Head of Planning – South**  
For and on behalf of WYG

