

Planning Obligations

July 2011



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Seabrook Orchards

A INTRODUCTION

This summary note explains the key elements that will be included in the S106 agreement between Dart Properties and the planning authority in relation to the outline planning application for Seabrook Orchards.

The application is for:

The development of up to 700 dwellings and supporting infrastructure including; a one form entry primary school on a 1.3 hectare site (with scope to upgrade to a 2 form entry); a community building for multiple purpose use; doctors surgery and primary healthcare facilities; local store; care home(s); two new access junctions onto Topsham Road; roads, parking, and associated works; sports fields and pavilion; informal open space, paths and cycle routes; landscaped spaces, play areas, orchards and allotments; a 3.0m high landform and 3.0m high acoustic fence at the boundaries with the M5 motorway; surface water attenuation measures (SuDs); realignment of the Seabrook and re-profiling of the channel.

The note summarises each relevant issue, explains the stage reached in addressing the provision of necessary infrastructure and facilities or financial contribution towards off-site provision, and clarifies how this matter will be taken forward in negotiation with the planning authority.

B A BALANCE OF DEVELOPMENT QUALITY, INFRASTRUCTURE, FACILITIES AND COST

The current economic climate is posing very significant challenges to the viable delivery of development projects. For Seabrook Orchards the list of aspirations by the local authority and other consultees is long and ambitious, especially when considered in the current climate.

Meeting policy and other aspirations in all areas may not be achievable, whilst at the same time delivering a high quality, sustainable, inclusive and community focussed development. Seabrook Orchards seeks to deliver a wide range of facilities on site, including a new school, doctors surgery and community hall, together with a variety of usable open spaces that are of wider benefit to the Newcourt Masterplan area and this part of the city.

The Vision for Seabrook Orchards as explained in the Planning, Design and Access Statement and sets high standards in all these areas. As a consequence it is a costly package to deliver. The S106 negotiations will need to fully consider the on-site development costs and to carefully balance the benefits delivered on site against the costs of other ingredients that might be expected through the S106 agreement.

It is essential to achieve a solution that is financially deliverable if necessary housing delivery is to be facilitated.

As we approach the S106 package for our scheme, we are also aware of the process that is underway with other developers within the Newcourt Masterplan area who, we understand, seeking to renegotiate their previously agreed S106 provisions. A balanced approach is needed by the City Council in this situation. Where the provision of facilities has changed through the evolution of the Development Plan (as in the case of education for instance) or where the transport emphasis has changed (towards rail and away from road, for example) it will be appropriate for the Council to ensure that appropriate provisions are diverted in any S106 renegotiations into the facilities that are now required.

This is particularly relevant to Persimmon Homes, whose school site is now no longer preferred, but whose education contributions (including any gained land value) should instead be directed towards jointly funding the school on our site and / or other relevant education requirements.

In addition to the facilities provided within the Seabrook Orchards site, a further factor which needs to be understood by the Council and taken into account is the costs associated with the undergrounding of one of the high voltage cable lines that cross the site. Diversion of one of the high voltage cables underground will facilitate more housing delivery and additional facilities (both welcomed by the Council). It also improves amenity, but it comes at a significant cost. This needs to be considered as part of the critically important balance between on-site development costs and the ability of the scheme to finance S106 provisions.

C KEY ISSUES

Relevant planning obligation issues which we envisage forming part of the S106 agreement, include the following:

1 Transport

Transport issues have been addressed through a Transport Assessment and outline Travel Plan, the content of both documents having been the subject of extensive discussion with Devon County Council and Exeter City Council.

Two new accesses will be built onto Topsham Road, and a number of improvements to Topsham Road are proposed. These include a new crossing adjacent to the main site entrance for cyclists and pedestrians and improved bus lane facilities in the direction of Countess Wear roundabout. Excellent bus services are already in place along the Topsham Road quality bus corridor.

The development provides excellent cycling and walking facilities within the site, linked to Exeter's existing high quality network, reducing car dependence and contributing towards a sustainable transport solution. It is proposed to make a financial contribution towards the proposed Newcourt Rail Halt, further bolstering sustainable

transport measures, and to assist with the delivery of a community bus and car share scheme for the development, both potentially linked into the wider area.

The transport package is under discussion with the relevant authorities and will be agreed during the processing of the planning application. It will be included in the S106 agreement.

2 Education

There is a shortage of primary school capacity in this part of Exeter but adequate secondary education at present. There has been extensive discussion with Devon County Council and Exeter City Council regarding primary school provision and a new school site is proposed as part of the scheme.

Dialogue has taken place regarding the primary education needs of our development. The costs of this provision needs to be balanced against the fact that the Seabrook Orchards development is proposing to provide a school site in line with the County Council's revised requirements. Early delivery of the school site (as requested by the County Council) is also a factor that should be taken into account when agreeing the overall education requirement.

The education package is at an advanced stage of discussion. This will be concluded during the processing of the application and appropriate measures included in the S106 agreement.

3 Affordable housing

The delivery of affordable housing has been made very uncertain by recent Government changes to legislation and funding, as well as a revised definition of affordable housing. Government grant is no longer available other than in special cases, through the HCA. Registered Providers are still getting to grips with the incentive to raise finance themselves through charging a proportion of market rent, instead of receiving Government grant, and have recently and tentatively been making their bids under the new procedure.

In these circumstances it has not been possible to progress affordable housing negotiations as far as might normally have been expected. Notwithstanding the uncertainties and changes, the City Council has been in dialogue with their preferred group of partner RPs for the development of the Exeter urban extensions. We have held Meetings and discussions with the City Council's Housing Delivery team, and a number of options have been examined as a result of those discussions.

These options include the delivery of housing jointly with ECC as part of their programme, either on-site or off-site (or a combination of the two). The options also include delivery of affordable housing in partnership with one or more of the Registered Providers. We are keen to focus our efforts on delivering affordable housing to local people as an integral part of the scheme but equally respectful of the Council's wish to achieve delivery on their own sites, including the option of a particular Council owned site nearby.

Discussions are ongoing and will continue during the planning application process. We are aware of the percentage aspiration in current policy and the ambition set out in proposed policy. Affordable housing has to be considered as part of the overall balance with the wider Seabrook Orchards delivery package. Discussions will continue and affordable housing will be included in the S106 agreement.

4 Open space

The proposal seeks to go a long way towards meeting planning policy in relation to open space provision whilst taking into account site constraints. Open space provision is also generated by Dart Properties' aspiration to achieve a development which provides useable and effective facilities for new residents and the existing community as an integral part of the development concept and approach.

As a consequence of extensive discussion with the relevant departments of the City Council, and listening to their findings from surveys of existing facilities, we have included community allotments and orchards, a multiple use games area, playing fields and changing rooms, as well as children's play areas and informal open space areas.

In terms of delivery and future management and maintenance, we are in dialogue with local clubs regarding the pitches, and we wish to ensure that the MUGA is shared between the school and the public. We wish to ensure that the operation and management of the community allotments and orchards is effectively put into place at a relatively early stage of the development.

Some facilities will be managed by the school, others by local clubs, some by a management company for the site, others by the local authority. This has been discussed in principle and needs to be refined and agreed through the S106 process.

5 Seabrook corridor and flood alleviation strategy

A scheme has been agreed with the Council and the Environment Agency for the Seabrook and for surface water drainage across the site.

The surface water balancing facilities will be managed appropriately and the Seabrook corridor will combine drainage management with recreation and footpath / cycleway provision and nature conservation management.

As with the open space areas referred to above, these areas will combine management by the on site management company with local authority adoption. Further discussion will resolve the detail of this and it will be embodied within the S106.

6 Site management company

The establishment and future operation of the site management company referred to in 4 and 5 above will be clarified and embodied within the S106 agreement.

D MATTERS COVERED OUTSIDE OF THE S 106 AGREEMENT

There are number of matters which we believe can be adequately dealt with by planning conditions rather than needing to be incorporated within the S106 agreement. These include the following:

(i) Design standards and quality

The scheme has been designed to accord with the Council's policy and guidance, including the LDF Core Strategy, Newcourt Masterplan and the adopted Residential Design Guidance.

A Design and Access Statement sets out the approach, and the implementation of this through reserved matters applications can be appropriately covered by suitably worded conditions.

(ii) Energy strategy

An Energy Strategy report accompanies the application. We believe that the energy solutions required to achievement the Council's energy efficiency and carbon reduction objectives can be adequately covered by planning condition, and do not need to be embodied within the S1906 agreement.

(iii) Construction access and routing

This can be adequately incorporated within suitably worded planning conditions.

(iv) Compliance with mitigation measures contained within the ES

These can generally be dealt with by suitably worded conditions.

E OTHER LEGISLATION

There are a number of matter which will need to be dealt with using legislation other than the Planning Act, as follows:

Highways Act

There may need to be agreements under the appropriate Sections of the Highways Act (principally Sections 36 and 78) in order to facilitate the undertaking of access and other road works on land within the public highway.

