

Chichester District Council

PLANNING COMMITTEE

15 November 2017

**LAND WEST OF CENTURION WAY AND WEST OF OLD BROYLE ROAD,
CHICHESTER**

**PROGRESS OF THE S106 AGREEMENT AND COMMERCIAL
NEGOTIATIONS UPDATE**

1. Contacts

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2. Recommendation:

- 2.1 That the Committee notes the content of the report and makes any observations.

3. Background

- 3.1. This report provides an update on:
- the progress of the S106 Legal Agreement in relation to outline planning application 14/0401/OUT for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works (Phase 1), and
 - the progress of the commercial land negotiations in relation to the delivery of the southern access and the future submission of an outline planning application for the second phase of the development on the West of Chichester Strategic Development Location (SDL) (Phase 2).

4. Progress of the S106 Agreement

- 4.1 Planning application 14/04301/OUT has a Planning Performance Agreement (Phase 1 PPA), updated on 16 January 2017, which sets out the timetable for completion of the S106 Agreement and the issuing of the decision. The Phase 1 PPA states that detailed discussions on the S106 legal agreement were to have been completed by 17 April 2017.

- 4.2 In the previous update to the Planning Committee on 19 July 2017, officers reported that following a review of the latest draft S106 agreement, it was anticipated that the completion of the S106 Agreement would be towards the end of July 2017.
- 4.3 Since July 2017 discussions have taken place between District Council officers, WSCC officers responsible for education and the applicants to resolve the final issues regarding the education provision. The solicitors have subsequently drafted a revised S106 agreement which has now been issued for final comments. The applicant is in the process of providing final comments on this document. It is now likely that the completion of the S106 Agreement will be before the end of November 2017, after which the decision notice will be issued. Subject to this timescale being met, this would represent a departure from the original expected timeline of 7 months.
- 4.4 In the meantime the developers have been progressing work on the first reserved matters application. The proposed timetable for submission of the first reserved matters application is as follows:
- i) First reserved matters application, covering the primary infrastructure and SANGS is anticipated to be submitted in December 2017 with a likely determination date in March 2018.
 - ii) Subsequent reserved matters applications will follow from early 2018 indicatively in the following order:
 - sewage treatment works (if required);
 - first phase of residential (circa 200 dwellings);
 - sports / playing pitches (potentially may comprise a full application for the delivery of the sports / playing pitches for both Phase 1 and 2 rather than a reserved matters application for phase 1 only);
 - community, retail and employment;
 - education (if to be built by the developers rather than WSCC); and
 - remaining residential (circa 550 dwellings).
- 4.5 Assuming this timetable, it is now expected that the first dwellings for phase 1 are anticipated to be delivered in Quarter 3 (July-September) 2019. The anticipated build rate is between 120 - 150 dwellings per year.

5. Commercial Negotiations Update

- 5.1 The Development Delivery Timeline and PPA for the Phase 2 development included a target date for conclusion by the relevant parties of the commercial negotiations with the land owners regarding provision of land required to deliver the southern access by July 2017.
- 5.2 The first stage of the commercial negotiations is the receipt by the developers of confirmation from Bishop Luffa School Academy Trust, the Diocese and West Sussex County Council (WSCC) that the parties are content with the broad specification of the proposed southern access scheme and playing field relocation works to enable commercial discussions to be progressed in

relation to the acquisition of the land required by the developers to implement the new access road and the proposed diversion of Centurion Way.

- 5.3 The following issues have been the focus of discussion between parties:
- a number of design issues relating to the southern access, in particular
 - the relocation of the access into the Academy site from the west to the east of the MUGA currently on campus and the consequential rearrangement of the school campus, and
 - the design of the school bus drop off/pick up area to include a hard separation between the layby and the main road for pedestrians
 - exclusive use of the two playing fields east of the proposed line of diversion of Centurion way by Bishop Luffa Academy rather than for shared community use and the timing of their delivery to ensure the pitches are established for at least two full seasons prior to use by the School, and
 - the need to relocate the academy's existing running track.
- 5.4 It is apparent that negotiations are ongoing to resolve these outstanding issues and the parties met in July, August and September 2017 to discuss options. The current position is that a resolution has been found in relation to the relocation of the access into the Academy site and the design of the school bus drop off/pick up point. Further work has been undertaken regarding the layout of the sports pitches, to ensure sufficient sports provision to meet the needs of the housing development as well as providing exclusive use for the Academy of the two playing fields east of the proposed line of the diversion of Centurion Way. It is expected that the final form of the pitch layout and associated provision of car parking and changing facilities and the southern access alignment will be formally agreed by Bishop Luffa School Academy Trust, the Diocese and West Sussex County Council (WSCC) in December 2017. This will enable commercial discussions to progress in January 2018 and it is understood that these are anticipated to be concluded by September 2018. On this basis it now appears that the Southern Access road may be available for use by construction traffic by March 2021 and full residential traffic by December 2021. Applying the Council's Housing Trajectory this appears likely to coincide with occupation of some 250 dwellings built under phase 1, that is a similar number to that predicted in the Development Delivery Timeline presented to the Planning Committee at its meeting on 11 November 2016.

6. Background Papers

6.1 Development Delivery Timeline.