

S.106 Agreement – Draft Heads of Terms Inglewood Residential led Masterplan, Brixham Road

Key Contacts

Applicant	Main Contact	Andrew Maltby Deeley Freed	0117 923 9451	andrewmaltby@deeleyfreed.co.uk
	Lawyer	Anne Harrison DAC Beachcroft	0117 918 2731	aharrison@dacbeachcroft.com
	Planning Consultant	Mike Harris Stride Treglown	0117 915 7365	mikeharris@stridetreglown.com
Local Authority	Lead Officers	Helen Addison	01803 207 768	Helen.addison@torbay.gov.uk
		Carly Perkins	01803 207 831	Carly.perkins@torbay.gov.uk
	Lawyer	Ailsa Delaney	01803 207 150	Ailsa.delaney@torbay.gov.uk

Signatories

Abacus/Deeley Freed Estates	
Torbay Council	
[South Hams District Council]	

1. Application Overview

- 1.1. Abacus/Deeley Freed Estates are seeking planning permission for the development of land adjacent to Brixham Road for a residential-led development incorporating a 2 form entry primary school, public house and associated landscape/ecology mitigation planting together with the means of access and details of offsite highways improvement works.
- 1.2. The proposals have been developed over a number of months, prepared in the context of positive pre-application discussions with Torbay Council and other key stakeholders. The application has been subject to EIA and a range of standalone technical assessments.
- 1.3. Matters to be addressed within the s.106 agreement, drawn from the Council's Planning Contributions and Affordable Housing SPD (adopted February 2017), include:
 - Affordable Housing
 - Highways works
 - Provision of school site
 - Public Open Space provision and management

- SUDs/Drainage
- Ecology and Landscape Mitigation
- Employment contribution
- Healthcare
- Sustainable Transport/Travel Plan
- Lifelong Learning
- Waste Management
- Farming Management

1.4. The contributions to be secured in the final agreement must pass the tests set out in Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended), namely that they must be necessary, directly related and fair/reasonable in scale.

2. Draft Heads

Affordable Housing

Provision of 30% policy compliant affordable housing based on 1/3 split between social rent/affordable rent/intermediate.

Based on SPD calculation of 30% (25% plus 5% self-build) on greenfield sites over 30 units.

[It is understood that there is agreement within Torbay Council to step away from the need for 5% to be provided as self-build plots.]

[x no. properties to be adapted for those with specific needs, as set out in Council standards]

Highways and Access Works

To secure access to the site via a new four arm roundabout and a toucan crossing both on Brixham road in accordance with the details submitted with the outline planning application (drawing ref: [0734-057])

To provide a pedestrian/cycle linkage to the White Rock site to the north, providing an opportunity to link to the previously secured woodland walk route and cycle route through to areas to the north (secured through s.106 associated with planning permission P/2011/0197/MOA).

To enter into a s.278 agreement with Torbay Council, as Highways Authority, prior to Commencement of Development, to provide for the following works:

- widening works on Brixham Road to facilitate safety improvements, namely widening and lowering of the road surface in the vicinity of White Rock Cottages/White Rock Primary school [drawing ref: 0734-018A];
- Improvement works at Long Road/Brixham Road junction [drawing ref: 0734-040A];

- Improvement works at Windy Corner junction [drawing ref: 0734-053]

Provision of school site

Serviced site to boundary with outline planning permission (in accordance with indicative masterplan layout) together with the means of access from primary road infrastructure.

No underground or overground services to pass under/over the site.

Freehold to be offered for transfer to Torbay Council or nominee [timing TBC]. Torbay Council obliged to maintain the site to an acceptable standard from the date of transfer.

Clawback of site if not delivered within 5 years from date of transfer

Public Open Space provision and management

Provision of the following elements of POS infrastructure:

1 x NEAP at 1,000 sq m to be delivered in Phase A on occupation of the 100th dwelling,

2 x LEAP at 400 sq m each, 1 within Phase A, to be delivered on occupation of the 1st dwelling and 1 within Phase B, to be delivered on occupation of the 50th dwelling.

5,700 sq m of allotment space (as identified on the concept masterplan accompanying the application or as otherwise agreed with the Council) to be provided by 1st occupation and transferred to Management Company

Incidental green space of up to c. 25,000 sq m to include a community orchard to be delivered and transferred to Management Company by occupation of 200th unit.

Provision for and ongoing maintenance [Council or Management Company TBC] of permissive countryside access route within and on the site margins to facilitate wider countryside access. [timing?]

[Details of bond for protection if the Management Company fails]

SUDs/Drainage

To secure the delivery and ongoing maintenance of SUDs features, including:

On-plot soakaways (not adopted) – each to be provided prior to Occupation of relevant units

Attenuation tank to be adopted and a commuted sum provided prior to 1st Occupation.

STRIDE TREGLOWN

Pumping station to be adopted and a commuted sum provided prior to 1st Occupation.

Ecology and Landscape Mitigation

Ecology and Landscape Mitigation, as set out in the Framework Landscape and Ecological Management Plan

Employment contribution

[Subject to the identification of a Reg 122 compliant scheme, a financial contribution to support offsite employment provision in lieu of sufficient onsite provision.

SPD sets as £8,000 per FTE job lost.]

Healthcare

£1,300 per dwelling to be provided per phase and paid on occupation of each 50 units.

Sustainable Transport/Travel Plan

Contribution to be agreed as required, based on details set out in the SPD to be provided per phase and paid on occupation of each 50 units, based on number of bedrooms rather than floorspace (confirmed by Officers):

1 and 2 bed apartments 27 units at £690 per unit = £18,630

2 and 3 bed houses 276 units at £860 per unit = £237,360

4 bed houses 80 units at £1,110 per unit = £88,800

Lifelong Learning

Financial contribution based on number of bedrooms rather than floorspace (confirmed by Officers). To be provided per phase and on occupation of each 50 units.

1 bed apartment 9 units at £125 per unit = £1,125

2 bed (apartment 18 and houses 80) 98 units at £170 per unit = £16,660

3 bed houses 196 units at £232 = £45,472

4 bed houses 80 units at £267 = £21,360

Waste Management

STRIDE TREGLOWN

Up to £85 per dwelling, as set out in SPD. To be provided per phase and on occupation of each 50 units.

Monitoring and Management

Officer time at £72 pr hr [parameters/details to be agreed]

Farm Management Plan

To secure the delivery and maintenance, for so long as the development remains occupied and with suitable step in rights for the Council, or a nominated third party to deliver offsite ecological mitigation via the Farm Management Plan provided with the planning application.

[to be secured by bond/commuted sum]

3. Accompanying Plans

Application boundary plan – red/blue line

Indicative masterplan layout, including NEAP, LEAP and incidental open space together with allotments/community orchard along with indicative route of countryside access

Proposed Phasing Plan