

Parish:
Chichester

Ward:
Chichester North

1. CC/14/01018/OUT

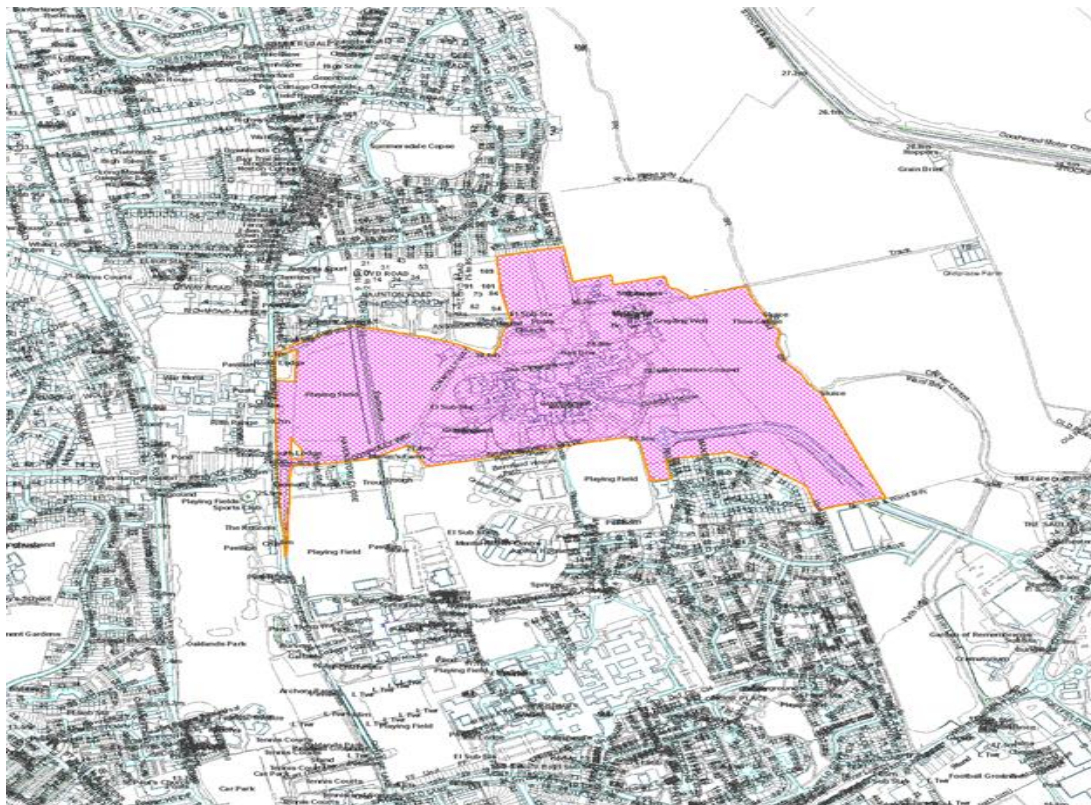
Proposal Outline application for Graylingwell Park including Kingsmead Avenue incorporating revised masterplan layout for up to 218 dwellings. Proposals include increased overall parking provision, revised architectural styling, CCDT community buildings, revised employment floor space, a C2 care home, works to Havenstoke Park to include re-location of children's play area, and a gated car parking area for temporary event parking.

Site Graylingwell Hospital College Lane Chichester West Sussex PO19 6PQ

Map Ref (E) 486789 (N) 106346

Applicant Mr Robin Pearmain

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

City Council Objection - Officer recommends Permit

This application was deferred for negotiations/further information at the Planning Committee meeting on 12th November 2014. At the Planning Committee meeting on 10 December 2014 members resolved to agree the officer recommendation to permit the development subject to completion of the associated section 106 agreement (s106).

During the intervening period, detailed discussions and negotiations have been taking place with the developer to try to resolve issues relating to the required s106 obligations in order to complete the agreement and allow the decision notice on the application to be issued. Certain obligations and triggers from the original 2009 agreement more particularly relating to transport matters with WSCC had not been met by the developer and protracted negotiations ensued to try to rectify this. During discussions with the developer, the Council was advised that the development was facing serious viability issues which meant that several of the previously agreed triggers in the 2009 s.106 agreement would not be met and would need to be re-visited. The developer requested that triggers for the delivery of infrastructure were pushed back further towards the end of the construction programme. The developer submitted a viability report in 2015 which concluded that the development was making a loss. The District Valuer (DV) assessed this report on behalf of the Council in late November 2015 and agreed that the development was effectively making a loss on a year-by-year basis. This was partly due to the required 40% affordable housing provision and the particular issues relating to this scheme. The recommendations of the DV to the Council were that consideration was given to either a reduction in the level of s.106 contributions sought or a removal of index-linking.

In February 2016 the Council adopted the Community Infrastructure Levy (CIL). This introduced an additional level of complexity in terms of the drafting of the revised s.106 agreement requiring those matters which were now covered by CIL to be extracted from the s.106. Drafting of the s.106 encompassing the amendments necessary for CIL continued throughout 2016 and into this year with the developer focussing on meeting their outstanding s.106 payments from the 2009 agreement.

Through the continued significant work of officers from both CDC and WSCC and the associated legal representation, as well as the new impetus at Graylingwell Park created by a new developer management team, work on completing the revised legal agreement has now significantly advanced to the point where at the time of writing the document is ready to be engrossed and it is anticipated completion will take place early in the new year, whereupon the revised outline planning permission can be issued.

Following the December 2014 Committee resolution the developer continued to build out the remaining reserved matters approval for 245 dwellings in the inner and outer core of the site. Beyond that for commercial reasons there was a need to maintain a presence on site to keep the momentum of construction and housing

delivery going. To enable that end, separate full applications were submitted during 2016 for the 10 additional dwellings at the Wooded Hamlet and the 3 no. additional apartments in converted building I which were formally part of this application. An additional reserved matters application for phase 4 of the site for 160 dwellings pursuant to the 2009 outline permission was also submitted and approved in January 2016.

In the 3 years following the 2014 Committee resolution therefore, 173 additional dwellings have been permitted and are either under construction or have been completed. The current outline application as amended is therefore for the re-adjusted balance of dwellings remaining to be built i.e. 218 (391 – 173) at Graylingwell Park including the site at Kingsmead Avenue. For the avoidance of doubt the description of the development attached to the head of this report has been amended to reflect the development now being recommended for approval.

For completeness and comparison the original 2014 application description with strikethrough amendments reads:

~~Hybrid eOutline application for Graylingwell Park including Kingsmead Avenue incorporating revised masterplan layout for up to 391 218 dwellings. Detailed permission is sought for 10 of these dwellings in the Wooded Hamlet extension and 3 new apartments in converted Outer Core Block I plus parking, landscaping of the Airing Courts and engineering and landscaping works on the Eastern Fringe.~~ Proposals include increased overall parking provision, revised architectural styling, CCDT community buildings, revised employment floor space, a C2 care home, works to Havenstoke Park to include re-location of children's play area, and a gated car parking area for temporary event parking.

In terms of the content of the s.106 agreement, the summary table attached to this report sets out the obligations and the revised triggers which have been agreed between officers at CDC, WSCC and with the developer. The triggers set out in the table are in the context of approximately 384 completed dwellings at Graylingwell Park.

The remainder of this report is the report from December 2014 which has been amended where necessary in respect of updates to the site history and certain conditions which needed amendment.

On the basis of the above, the recommendation before the Committee remains unchanged. Officers have negotiated a revised s.106 agreement the terms of which are considered to address the infrastructure requirements of the development, to continue to reflect the original ethos behind Graylingwell Park of providing a mixed use, low carbon development and to deliver the facilities which the new residents rightly expect to be delivered.

The Committee is asked to re-endorse the 2014 resolution with the amended s.106 heads of terms to allow the remaining housing and supporting components in this key strategic site for the Council to be delivered.

2.0 The Site and Surroundings

- 2.1 The application site comprises the grounds and retained buildings of the former Graylingwell mental asylum now being re-developed and renamed as Graylingwell Park in north east Chichester. A key characteristic of Graylingwell Park is the parkland setting of the buildings, interspersed with significant areas of green open space, mature trees and shrubbery.

This results in the site having a spacious campus-like feel which is most apparent at Havenstoke Park, a large open greenspace enclosed by tree planting. The application site is currently being re-developed following the hybrid outline/full planning permission granted in August 2009 for a mixed use housing-led development of 750 dwellings. The site includes the triangular parcel of land at Kingsmead Avenue which was subject to a separate grant of outline planning permission for 43 dwellings in 2010. The applicant has sub-divided Graylingwell into 14 character areas with the development proposed to be carried out in 9 phases. Phase 1 of the development at the 'Linear Mews' character area for 110 dwellings is now complete and occupied. The second phase of the development for 248 dwellings in the 'Inner and Outer Core' of the converted former hospital buildings is progressing and is partly occupied. A third built phase comprising 35 dwellings in the 'Wooded Hamlet' is currently under construction to the south-west of the outer core buildings.

3.0 The Proposal

- 3.1 The application site relates to the remaining balance of land at Graylingwell Park which has not already been developed out either as a result of the original 2009 permission or which is not already subject to a reserved matters approval. It comprises an area of 27.71 hectares. A total of 394 dwellings fall into the already built or already benefitting from detailed permission category and are not subject to the proposals in this current application. These are the dwellings at the Linear Mews, the Wooded Hamlet and in the Inner and Outer Core character areas (with the exception of the refurbishment of the Airing Courts and Block I in the Outer Core).
- 3.2 The revised cumulative total number of dwellings now proposed for the 'Graylingwell' development as a whole is 785. This is 8 fewer than the combined total of 793 for the original 2009 planning permission and the development at Kingsmead Avenue. This relatively small reduction in overall numbers is as a result of the amendments that have been carried out to the mix of dwellings. The revised mix now provides for fewer apartments and more houses which require a correspondingly greater land take.
- 3.3 As with the original application, the proposals are submitted as a hybrid application - partly in outline and partly in full. In terms of the outline aspect of the proposal, the only matter for consideration in addition to the principle of the development, the mix of dwellings and the range of different uses, is the 'access' to the site. Although the application is accompanied by an 'illustrative' masterplan as well as a detailed Design and Access Statement and supporting reports and plans, the final layout of the development, the scale, appearance and relationship of buildings to each other on the site are reserved matters which are not for determination at this time and will form part of a subsequent application.

However, given that the proposals have been worked up to a significant degree in order to establish that the component parts can all be accommodated on the site within normally expected development parameters, it is considered likely that the final layout will not depart in any significant respect from the illustrative masterplan.

3.4 The key components of the outline and full proposals are as follows:

Outline proposals

- A proposed 391 dwellings. This is the remaining balance out of the revised total of 785. (The 391 includes details submitted in full for 10 of these dwellings in the Wooded Hamlet and 3 new apartments in the converted Outer Core Block I.)
- A change to the overall size and mix of dwellings to accord with the Strategic Housing Market Assessment (SHMA) and the Council's objectively assessed housing needs
- The 391 dwellings include:
 - an extension of the 'Mews with Views' character area further to the east to provide 20 new dwellings
 - 2 additional dwellings added to the 'Arrival Avenue' character area
 - 10-12 apartments in a 2 storey building on the west side of 'Chapel Green'
- The childrens Adventure Play Area moved from the south to the north side of Havenstoke Park closer to the existing Pavilion
- A gated area on the north side of Havenstoke Park providing informal temporary community event parking for up to 59 vehicles
- Use of the Chapel for a range of community facilities in addition to its use as a place of worship
- The Pavilion on Havenstoke Park to be used for community facility purposes and as sports changing rooms
- An increase in the overall number of car parking spaces. Across the whole development the provision would be approximately 1.72 spaces per dwelling. For the remaining 391 dwellings the ratio would be 1.9. By comparison the original permission (not including the Kingsmead Avenue site) resulted in approximately 1.5 spaces per dwelling.
- Revisions to the non-residential elements so that the development now provides:
 - A convenience store of approx. 372sqm adjacent to Graylingwell Farmhouse
 - Graylingwell Farmhouse to be used as pub/restaurant 561.4sqm
 - B1 offices and artist studio space totalling 1010sqm at the converted Marchwell buildings (955sqm) and in the Water Tower (55sqm)
 - Residential care home of 3500sqm
 - The Chapel to be used as community space 396.5sqm (net)
 - The Havenstoke Pavilion to be used as community space/café 144.8sqm and sports changing rooms 113.7sqm

Full proposals

- 10 new dwellings as an eastern extension to the Wooded Hamlet
- 3 new apartments within the converted roofspace of the retained former hospital building Block I in the Outer Core
- Landscaping of the Airing Courts at the Outer Core
- Landscaping of the Eastern Fringe - Fields, Meadows and Allotments character area

4.0 History

91/00546/CC	ALLOW	Change of Use and conversion of Core buildings to B1 Business use, multi-purpose hall primary school open space, landscaping, car parking, access and roads.
98/01390/OUT	PER106	Erection of 154 dwellings.
99/01467/FUL	PER106	The change of use & conversion of existing hospital buildings to Class B1 use; provision of open space; landscaping, car parking and alterations to the junctions of internal roads with Summersdale Road (renewal of unimplemented permission).
6/02011/OUT	PER106	Erection of 154 dwellings. Renewal of unimplemented permission CC/98/01390/OUT.
08/03533/OUT	PER106	A hybrid outline application for the comprehensive phased residential and mixed use regeneration and change of use for 750 market and affordable dwellings, care home, commercial accommodation within use classes B1, A1, A2, A3, A4, A5, D1, community facilities including use classes D1 and D2. A combined heat and power energy centre, car parking, public open space, sports pitches, art and culture strategy, landscaping, vehicular access and earthworks. Phase 1 fully detailed application for 110 new dwellings, a temporary sales centre/sports changing room to be converted to

		changing rooms and cafe later, 251sq m energy centre, associated SUDS and landscaping relating to the heart space.
08/03534/CAC	PER	Proposed demolition of a number of buildings and structures within the former Graylingwell Hospital Site, College Lane, Chichester and regeneration for residential and mixed use development.
09/06376/FUL	PER	A district heating and energy centre providing heat and power to the surrounding development as application number 08/03533/OUT. Providing larger accommodation than stated in the previous application, owing to further detailed design of the plant required to meet the requirements of the outline development.
10/02926/REM	PER	Provision of 245 residential dwellings including 102 affordable units, allocated residential car parking, open space, landscaping and 24 visitor parking spaces around Havenstoke Park (phases 2, 3 and 6A).
11/01283/FUL	PER	Proposed building for sports pitch temporary changing accommodation.
11/03775/NMA	PER	Non Material Amendment to CC/10/02926/REM - Amendments to the external elevations of units within the western inner core of new build housing to the above application.
12/00884/FUL	WDN	Re-location of Havenstoke Park play area within the former Graylingwell Hospital site.
12/04307/REM	PER106	Approval of 18 no. car parking spaces as an alternative to the layout of the car parking spaces approved under CC/10/02926/REM.

13/00837/REM	PER	Application for Phase 5 of Graylingwell for 35 residential dwellings, 67 car parking spaces including 6 visitor spaces, open space and landscaping.
13/00907/REM	PER106	Approval of 8 dwellings in the northern half of Block G and 4 no. car parking spaces as an alternative in part to approval CC/10/02926/REM.
14/01514/FUL	PER	Erection of a temporary timber frame building for a period of up to 5 years for community facilities for the benefit of residents at Graylingwell Park and the wider community.

5.0 Constraints

Listed Building	YES
Conservation Area	YES (part)
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	YES
South Downs National Park	NO
- Flood Zone 2	YES (part)
- Flood Zone 3	YES (part)
Historic Parks and Gardens	YES

6.0 Representations and Consultations

6.1 City Council

Objection [CDC Planning Officer comment: whilst this is described as an objection there are elements of 'no objection' and 'support' as detailed below]

1. Minor amendments to parking areas around northern edge of park to allow enhanced landscape treatment
2. Size of temporary visitors parking area reduced and landscape treatment simplified
3. Parking area redesigned to allow retention of more trees

Recommendation: No objection to 1,2,&3.

4. Proposed north-western extension to Wooded Hamlet (Site A) 6 homes removed to allow retention of trees.

Recommendation: (Site A) Support reduction in extent of development in north west, but concerned that garden enlargements to south should leave a sufficient buffer for a viable landscape belt.

5. South-eastern extension to Wooded Hamlet - Redesigned with two additional homes.

Recommendation: (Site B) Reiterate previous objection to northernmost of two blocks in principle and to the addition of two homes and maintain that the southern block should be no more than two storeys in height with a greater separation distance to afford views of the central core.

6. Flat block on the western side of Chapel Green moved further away (south and west) from the Chapel and reduced by a storey in height to two storey with set-back upper floor with more traditional materials.

Recommendation: Support the principle however, it is considered that the design is inappropriate and needs to recognise the setting and proximity of the listed Chapel.

7. Larger homes (2.5 - 3 storey) along northern boundary swapped with smaller, shorter homes (2.0 - 2.5 storey) from western boundary

Recommendation: Support

8. A number of additional homes provided through redesign of terraces

9. Minor amendment to parking area to improve adjacent garden sizes

10. Two additional homes provided through redesign of the area to the north of the playing fields

Recommendation: No objection to 8, 9 and 10.

11. Further amendments to allotments and orchard planting as part of detailed landscape and drainage design

Recommendation: Support

12. Proposed development in eastern airing court removed

Recommendation: Support

13. Redesign of street pattern provides two additional homes in Arrival Avenue character area.

Recommendation: No objection

14. Two houses in Summersdale Road: It is considered that this is an unnecessary and damaging intrusion into the landscape belt which currently extends along the east side of Summersdale Road and will adversely affect the character and appearance of the area and the setting of the existing Lodge.

Recommendation: Objection.

6.2 CCAAC

Object to the proposed houses on Summersdale Road. Will harm setting of South Lodge and the Conservation Area.

6.3 Chichester Harbour Conservancy

The Conservancy's initial concern 23.10.2008 related to wastewater treatment capacity and the quality of treated foul sewage entering the harbour. Since that time UV screening has been introduced at Apuldram WWTW. It is noted that SUDS are to be incorporated within the development to attenuate surface water run-off. It is noted that several mitigating payments have been made for potential recreational disturbance at the harbourside, agreed as an overall package to make the environmental effects acceptable. There has been a modest decrease in the number of dwellings proposed. The Conservancy raises no objections to the application.

6.4 Environment Agency

No objections. Require re-imposition of relevant conditions.

6.5 Southern Water Services

An existing agreement is in place between Southern Water and Scottish and Southern Electric for the disposal of foul water from this development. The connection point to the public sewerage system and the agreed flow rate must be complied with.

6.6 Natural England

Recreational disturbance: no objection. Not likely to have a significant effect on Chichester and Langstone Harbour SPA, SSSI, Ramsar site subject to the mitigation measures and obligations previously secured being complied with.

6.7 Sussex Police

Have been working closely with the applicants in securing Secured by Design (SBD) Full Award for the development and its phased construction. Confident that any amendments will be suitable in keeping with SBD principles and requirements.

6.8 Sport England

Has considered this as a non-statutory consultation as the site is not considered to form part of or constitute a 'playing field' and it therefore has no comments to make.

6.9 WSCC - Infrastructure

In accordance with the Infrastructure SPG the following contributions are sought:

Libraries - £109,588;

Fire and Rescue Service Provision - £12,084

Education, including Early Years - tbc

Fire Hydrants - tbc

Highways - bus service - £1,130,601; Real Time Information - £117,783;

Westhampnett Road/Spitalfields Lane/St.Pancras contribution - £90,949;

Highways bond (for all contributions) - £284,500; Parking Study - £284,500;

TOTAL: £1,908,333.

6.10 WSCC - Highways

No objection to the proposed development, subject to conditions and a Section 106 Agreement.

Impacts

Residential:

The applicant suggests that flats typically generate 45% lower vehicle trips than houses in the AM peak period and 55% fewer vehicle trips in the evening peak. The applicant estimates that the net impact of the proposal is anticipated to result in an increase of 21 two-way vehicles in the morning peak period 08:00-09:00am and 12 two-way vehicle movements in the evening peak period 17:00-18:00pm.

Based on an analysis using TRICS data the estimated net impact of the proposal is anticipated to result in an increase of 41 two-way vehicle movements in the morning peak period and 18 two-way vehicle movements in the evening peak period.

Impact on 60-40% traffic split (Kingsmead Avenue and Summersdale Road/College Lane).

Using the TRICS figures, the conclusion with regard to traffic impact is that all net increases, and taking into account the 60-40% traffic split (which is maintained), results in less than the 30 vehicles per hour junction threshold as set out in the DfT's Transport Assessment Guidance. As such, the overall increase in traffic cannot be considered *severe* when assessed against NPPF.

Commercial

The overall reduction in commercial floorspace results in fewer trips on the network; this offsets the increase in movements associated with the revised residential element, minimising the impact on the highway network. The LHA considers that the proposed development accords with paragraph 32 of the National Planning Policy Framework in that the development would not have a severe impact on the operation of the network.

Parking

Residential:

Given the location of the development so close to the City centre and to further reinforce the sites' sustainable credentials, the original Masterplan targets associated with the approved scheme reduced parking provision to approximately 75% of the maximum standards quoted above. This resulted in an average provision of about 1.5 spaces per dwelling. The applicant's own experience suggests that the approved ratio has proved too low for some of the dwellings proposed. Following redevelopment based on the revised Masterplan (the subject of this application but including that already built/committed to), the overall parking ratio for residential development would be 1.72. For the subject of the current proposal (the 391 dwellings), the ratio would be 1.90 per dwelling. The level of parking provided is in accordance with the WSCC Parking Demand Calculator and therefore provides a parking supply in-line with the anticipated residential demand generated by the site. The LHA considers the 1.9 ratio to be an appropriate parking provision.

Commercial:

Further parking has been provided at the request of the Highway Authority and is in accordance with the revised County Parking Standards (2010). The LHA consider the parking provision to be appropriate to satisfy the anticipated demand generated by the commercial element of the scheme.

6.11 CDC - Historic Buildings Adviser

No objection.

The revisions to the design of the dwellings at the east end of the Wooded Hamlet and the four dwellings at the Western Gateway are welcome improvements. Although the height of the residential apartments at the western side of Chapel Green have been reduced from four storeys to two maximum, any development in this location remains likely to result in harm to the setting of the listed Chapel, registered park, and Conservation Area more generally. The design of the apartments in relation to the Chapel and historic grouping including the water tower and the former Administration Block will have to be of the highest standard to mitigate impact. Dwellings at the Mews with Views will require careful consideration to protect setting of the listed farmhouse.

6.12 CDC - Environmental Health Officer

As there are proposed alterations to the land uses within the revised masterplan eg a reduction in commercial floorspace, an increase in the number of houses and a decrease in the number of flats we would expect additional site investigation work within areas where land uses have become more sensitive. Standard land contamination condition is recommended.

There will be a slight decrease in vehicle movements due to the reduction in commercial use on the site and therefore no need to require any additional air quality assessment.

6.13 CDC - Housing Enabling Manager

The local housing authority supports this scheme, which is an important strategic housing site. The housing mix proposed, for both market and affordable units will give a good range of homes in a highly sustainable and attractive setting.

6.14 CDC - Archaeological Officer

Archaeological potential of this site would justify a programme of trial trenching. Recommend Council's standard planning condition in this respect.

6.15 CDC - Drainage Engineer

The SUDS surface water drainage design through infiltration is acceptable. Conditions recommended.

6.16 CDC - Tree Officer

The scheme has been revised following detailed discussions with the applicant's tree consultant to ensure that important elements of tree cover which were initially proposed to be removed as part of this application to make way for new houses and extra parking are now to be retained.

6.17 CDC - Environmental Strategy

Reptile and Bat surveys and appropriate mitigation will need to be undertaken in key areas of the site. A full mitigation strategy will be required prior to reserved matters stage and a condition should be imposed to that effect.

6.18 CDC - Open Space

There is no reduction in open space and play provision and consultation has been carried out with residents to enable their input. I consider the changes acceptable.

6.19 CDC - Sport and Leisure

Requirements will be the same as the original permission plus a contribution of £43,713 in respect of the additional 43 dwellings at the Kingsmead Avenue which are now part of the one application.

6.20 CDC - Economic Development

Regret the loss of employment space at the Graylingwell development. This particularly applies to the B1 premises within the "wrap building". We would want the remainder of the B1 premises to be available on flexible terms to micro-businesses, in order to encourage take up of the space. There are a large percentage of micro-businesses within Chichester District and many currently struggle to find suitable premises. Small businesses are unlikely to be interested in off-plan sites due to uncertainty regarding the standard of construction, layout and building timescales. Marketing off-plan accommodation is highly unlikely to produce much, if any, interest. The emerging Local Plan supports the provision of employment space within Graylingwell under Policy 14.

The Council's Economic Development Service has reconsidered the trigger for provision of the commercial units within the development in the light of the agent's further information. The original S106 states that the original trigger is by the time 60% of the residential development has been occupied, the commercial space should be provided. With 785 residential properties, this would mean delivery by 471st dwelling. We are reluctant to deviate from this figure, however if it could be agreed that all of the B1 commercial space as well as the convenience store but with the exception of the care home are completed by the occupation of the 550th (70%) residential property, we would accept this as the trigger.

6.21 CDC - Community and Partnerships Support Manager

I am satisfied that the revised application effectively makes comparable provision for the community to that proposed in the previous outline permission, albeit in a significantly different form. The wider "package" of assets to be endowed to the community remains broadly unchanged. Whereas five years ago we were anticipating the future needs of the community through the theoretical structure of a proposed Community Development Trust, we now at least have a reasonably informed view from Chichester Community Development Trust.

A separate contribution of £1759 per dwelling, so £75,637 is sought for the dwellings at Kingsmead Avenue reflecting the previous separate S.106 agreement.

6.22 5 Third Party Objections

Removal of the Community Hall from the proposals
Object to residential block on east and west side of Chapel Green
Tree removal destroys parkland setting
Reduction of allotments and orchard space

Object to housing on Summersdale Road
Not clear that 60:40 traffic split is being maintained
Insufficient food retail space
Reduction in the employment space
Petition with 357 signatures opposing the 4 storey building on Chapel Green.

Officer Comment - The building on the west side of Chapel Green whilst originally proposed at 4 storeys is now reduced to 2 storeys. The original outline permission was for a 4 storey building on the east side of Chapel Green with the siting, layout and appearance to be agreed through a later application. The current application also proposes a maximum 4 storey building in this area again with the final siting, layout and appearance to be agreed through a later application.

6.23 1 Third Party Other

Comments from the Chichester Community Development Trust (CCDT). Confirm that the CCDT will take on the following assets;

- The Chapel
- Chapel Green - Land
- Sales Office - The Building that is currently being utilised as a Sales Office to be transferred to the CCDT as a replacement for the original planned new build Community Hall. The CCDT board in consultation with local residents and the GPRA have agreed that if the Sales Office is passed to the CCDT in its entirety then this would be a suitable replacement for a community hall.
- The Studios 10,000 sqft of new build and refurbished studio space
- The Water Tower refurbished and made fit for purpose
- Havenstoke Park Land - to include a sum to be agreed with the LLP and CDC for future maintenance of the Land at Havenstoke Park

6.24 Applicant/Agent's Supporting Information

This is a major development and in addition to the Design and Access Statement and the schedule of plans the application is accompanied by a comprehensive suite of detailed technical reports on the following matters: Planning, Affordable Housing and Management; Statement of Community Involvement; Heritage Statement and Impact assessment; Transport Assessment; Landscape Strategy; Landscape and Visual Impact Assessment; Arboricultural Report; Ecology Report; Archaeological Specification; Flood Risk and Drainage Strategy; Statement on Wastewater; Geo-environmental Review. All the above reports can be read on the Council's website.

Applicants cannot accept requirement for delivery of the commercial units once 50% residential occupancy has been reached. There were no comparable occupancy restrictions placed on commercial units delivery in the previous S106 agreement that accompanied the 2009 planning permission. The delivery of the commercial units may not accord with the phase of development being undertaken by the applicants at the time 50% occupancy is reached. It would not be appropriate from a phasing, development or construction perspective to look to deliver these units in isolation to the surrounding components of the particular phase in which the commercial units are located.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District currently comprises the saved policies of the Chichester District Local Plan First Review 1999.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester District Local Plan First Review 1999:

- BE1 Settlement Policy Areas
- BE3 Archaeology
- BE4 Buildings of Architectural or Historic Merit
- BE5 Alterations to Listed Buildings
- BE6 Conservation Areas
- BE11 New Development
- BE12 Alterations, Extensions and Conversions
- BE13 Town Cramming
- BE14 Wildlife Habitat, Trees, Hedges and Other Landscape Features
- BE16 Energy Conservation
- RE7 Nature Conservation (Designated Areas)
- RE8 Nature Conservation (Non-designated Areas)
- RE15 Major Institutions
- RE28 Historic Parks and Gardens
- TR6 Highway Safety
- H1 Dwelling Requirement
- H4 Size and Density of Dwellings
- H5 Open Space Requirements
- H6 Maintenance of Open Space
- H8 Social and Low Cost Housing in Settlement Policy Areas
- B1 Floorspace Provision
- B6 Redevelopment of Authorised Uses
- B8 Safeguarding Business Floorspace
- R3 Existing and Allocated Open Space
- R4 Public Rights of Way and Other Paths

- 7.3 The Chichester Local Plan: Key Policies and modifications has been submitted to the Secretary of State and is currently undergoing its Examination in Public (EIP). The emerging Local Plan is a material consideration and following Submission it gains increasing weight for decision making purposes. As it progresses through the Local Plan process towards adoption it will gain more weight, paragraph 216 of the NPPF is therefore relevant.

Chichester Local Plan Key Policies (Pre-Submission) Draft 2013 (as now submitted)

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 7: Masterplanning Strategic Development
Policy 8: Transport and Accessibility
Policy 9: Development and Infrastructure Provision
Policy 10: Chichester City Development Principles
Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment
Policy 13: Chichester City Transport Strategy
Policy 14: Development at Chichester City North
Policy 33: New Residential Development
Policy 34: Affordable Housing
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 41: Off-site Renewable Energy
Policy 42: Flood Risk
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 47: Heritage
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
Policy 52: Green Infrastructure
Policy 54: Open Space, Sport and Recreation

National Policy and Guidance

- 7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

- 7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), and section 4 (Promoting Sustainable Transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 and 12 (Conserving and enhancing the natural and historic environment) and paragraphs 159 (using an evidence base for assessing housing needs), 186 (adopting a positive approach to decision-making to foster the delivery of sustainable development), 187 (looking for solutions to approve applications rather than problems), 197 (applying the presumption in favour of sustainable development in assessing and determining planning applications).
- 7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

- 7.7 The following Supplementary Planning Guidance and Interim Statements are material to the determination of this planning application:

The Provision of Service Infrastructure Related to New Development in Chichester District (Parts 1 and 2)
Interim Statement on Planning for Affordable Housing
Interim Statement on Development and Disturbance of Birds in Chichester and Langstone Harbours

- 7.8 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

A1 - A strong local economy where businesses can thrive and grow

A4 - The district to be known as a centre for creative and innovative industries building on our rich arts and heritage base

B1 - Managing a changing environment

B2 - Greener living

B3 - Environmental Resources

C2 - Encourage healthy and active lifestyles for all

C3 - A culturally enriched and empowered community

C4 - Services for older people

D1 - Increasing housing supply

D2 - Vibrant, safe and clean neighbourhoods

D4 - Understanding and meeting community needs

E1 - Traffic management in the district will improve so as to reduce congestion

E2 - There will be improved cycling networks and strong links to public transport to ensure that cycling is a viable alternative to using the car

8.0 Planning Comments

8.1 The fundamental principles and overall vision underscoring the re-development of the Graylingwell site which were established following the 2009 planning permission are not changed by this application. The development permitted in 2009 is well underway and continuing to deliver much needed new housing in Chichester. The application is not therefore starting from a blank piece of paper and the revised masterplan does not seek to unpick much of what has previously been permitted. Whilst the revised scheme provides 8 fewer dwellings overall than previously approved it continues to provide 40% of the new homes as affordable homes. It will continue to be a sustainable net zero carbon development and it remains a residential-led, mixed use scheme with a strong emphasis on community cohesion and a range of assets managed and maintained on site by the community through the Community Development Trust. In terms of traffic movements across the site the revised proposals maintain the previously agreed 60/40, east/west traffic split. This movement will be controlled by the installation of bus gates on Graylingwell Drive and at the northern part of the Inner Core as has been previously permitted.

8.2 The applicant has advised that the reason for needing to re-visit the development permitted in 2009 has been driven by a significant change in market circumstances due to the banking crisis. The result of this has been a reduced rate of sales and a change to the type of housing product the market now requires. The original scheme proposed a high preponderance of flats (over 50%) particularly 1 and 2 bed flats which in parts of the site would have resulted in a very high density of development. For instance the former Apartments in the Landscape character area to the north and east of the Chapel as approved would have resulted in a development solely of apartments with a density in the range 100-120dph. This character area is now re-named the Courtyard Clusters. It differs slightly in its area configuration but the revised housing now proposes a density of approximately 50dph. It is considered that this will result in a more acceptable pattern of development. Clearly the 2009 housing mix corresponded to the accommodation needs as they were at that time. Six years on these housing needs are now

different with the demand greater for family houses rather than flats. The revised mix for Graylingwell would now result overall in 42% apartments and 58% houses. This mix is supported by the Council's housing service and delivers housing that responds to the SHMA.

8.3 The key elements of the proposed revised development are as set out in paragraph 3.4 above. The application clearly contains a significant level of detail which goes beyond the scope of this report in full. The format of the following paragraphs therefore is to provide an assessment of those changes and issues which have been the main focus of consultation responses and third party comments. The report considers the following matters;

- The changes to Chapel Green
- The changed community facility provision
- The reduction in commercial floorspace
- The 4 new houses fronting Summersdale Road.

(Further to the debate arising from the Planning Committee at its meeting on 12th November 2014 and the subsequent resolution to defer the application for negotiations and further information, the applicant has decided to withdraw this element of the application. There are now no houses proposed on the Summersdale Road frontage.)

- The Mews with Views site extension
- The additional housing at the Wooded Hamlet

8.4 Chapel Green

The application proposes that the previously permitted community hall building to be located on the west side of Chapel Green is replaced by a building housing residential apartments instead. The community hall was permitted as part of the outline proposals on the 2009 permission with its siting, form, appearance and materials being reserved matters. The requirement established by the permission was simply for a building of approximately 430sqm. On submission of the current application the proposed residential apartments in this location were conceived as a 4 storey building. It was considered that a building of such scale in this location would seriously compromise the setting of the listed Chapel. Following consultation the height of the proposed building has been reduced twice and is now proposed to be at a maximum of 2 storeys accommodating potentially 10-12 flats.

8.5 There is no doubt that Chapel Green is a sensitive part of the conservation area with the listed Chapel, historic Water Tower and former Administration building enclosing the Green. The Committee will note that the Council's Historic Buildings Advisor (HBA) has expressed some concern about the proposal given the sensitivity of the setting although raising no objection overall. However, the detail of the final building is not a matter which the Committee are being asked to consider under this application. Officers consider the fact that the principle of a 430sqm building in this same location has already been accepted carries some weight in terms of assessing the overall impact of an alternative 2 storey building for residential purposes.

Both the design, form, appearance, materials and final siting of the building can be controlled through the subsequent reserved matters application and the recommendation to permit this application carries with it a condition restricting the maximum height to 2 storeys. Officers are mindful of the advice from the Council's HBA that the resultant building will need to be of the highest standard and consider that this can be achieved through the design process with the reserved matters application.

8.6 Community Facility Provision

A direct consequence of the residential apartment block on the west side of Chapel Green is the loss of the community hall building and potentially therefore the loss of 430sqm of community space. A reduction in community space of this size on a mixed use development of 793 dwellings would not be acceptable. However this space has not been 'lost' to the development. The applicant in association with the Community Development Trust (CCDT) set up for the Graylingwell Park development has re-assessed the needs of the growing community there and the range of assets available to it. Under the revised proposals set out more fully at paragraph 6.23 it is proposed that the community buildings to be transferred to the CCDT will now include the current sales and marketing office within the Pavilion on Havenstoke Park as well as the Water Tower and the Chapel which it is anticipated will be used for a much wider range of community uses than solely a facility for religious worship as originally envisaged. The Chapel and Pavilion combined provide floorspace of 541sqm. The Committee will note that the Council's Community & Partnerships Support Manager having been engaged in the discussions regarding the revised community facilities 'offer' has not raised an objection to the proposals and officers are of the opinion that the revised proposals backed by the CCDT are therefore acceptable in this respect.

8.7 Employment floorspace

The revised scheme provides a total of 4,433sqm of commercial space through the creation of a new pub, care home and a small convenience store. The proposals also provide 955sqm of small B1 enterprise units/artist studios which will be provided fit for purpose with all costs such as land, construction and fit out being met by the developer. Overall from the permitted development there is a reduction of 1,660sqm of business floorspace. This was originally proposed as an L-shaped building wrapping around the outside of retained courtyard buildings at the Marchwell Units. The applicant has provided justification for this reduction from a local commercial property agent which concludes that the original amount of floorspace proposed in 2008/09 was disproportionate to the likely market demand given the suburban location of Graylingwell and the primarily residential-led development. The report identifies demand typically for office space located close to the City centre and the railway station. To build out 6093sqm was therefore likely to result in an unviable development with units remaining vacant.

8.8 The Council's Economic Development Service (EDS) has assessed the development proposals and the applicant's report on the local commercial need. The Committee will note that concern is expressed about the weakening of the commercial offer at Graylingwell. The response identifies that there is a demand from micro-businesses for units which are delivered fitted out (or fit for purpose) rather than ones that are marketed off plan with an uncertain timescale for construction. It recommends that the development should deliver the commercial units once 70% residential occupancy has been reached at the site.

Officers are mindful of the comments from the EDS and propose through the S.106 agreement that the units will be offered if not on a turnkey basis then fitted out and serviced. Notwithstanding the concerns of the EDS regarding the reduction of office space at the site, in terms of employment space generally it is materially significant to note that since the original grant of planning permission at Graylingwell, consent at Barnfield Drive has been granted (or has a resolution to permit pending a S.106 agreement) for cumulatively over 13,700sqm of new commercial space with an estimate of 400 new jobs. Barnfield Drive is within a short distance of Graylingwell and well within the normally accepted walking or cycling distances of 2km and 5km respectively. Therefore while it will not directly replace the office floorspace which is no longer to be provided it will provide accessible, sustainable and local job opportunities for new residents.

8.9 It is not considered that the loss of employment space means Graylingwell no longer fulfils its original brief as a mixed and balanced community development. The brief has changed but the combination of employment and community facility space across the site still amounts to approximately 6,000sqm of non-residential uses. It is considered that when balanced as a package with the residential proposals, the non-residential floorspace overall is proportionate and acceptable.

8.10 Given the overall reduction in B1 floorspace from the original permission officers consider that the remaining balance proposed in this application must be secured through the S.106 with the units delivered as a serviced shell fit out. The practical difficulties associated with delivering these units in what is a more peripheral area of the site and the fact that the intended build phase has this coming later on in the overall development are acknowledged. It is therefore considered that delivery of units, ready to occupy at 70% residential occupation is reasonable and acceptable and accords with advice in the NPPF that local authorities should approach decision-taking in a positive way, looking for solutions rather than problems.

8.11 Mews with Views site extension

The fundamental shift of dwelling types at Graylingwell away from flats to houses has resulted in the need to use more land to build on than was originally envisaged in order to accommodate the associated curtilages and garden spaces etc. Given the Council's present 5 year housing land shortfall, it is important that the overall numbers delivered at Graylingwell are not significantly affected as a result of the change in dwelling types. The overall drop in numbers by 8 units on this application is considered acceptable in the housing supply context but it does mean that certain compromises have had to be made.

Graylingwell's Conservation Area status means there are limited opportunities to find space to fit in the housing. One of the compromises proposed is the Mews with Views site extension at the east side of the site where 20 dwellings are proposed.

8.12 This is a small parcel of land south of the curtilage with Graylingwell Farmhouse and immediately north of the future school playing fields. It is outside the settlement policy area boundary for Chichester but adjoins it on 2 sides to the west and north. The area was originally proposed in 2009 for the provision of allotments but these have now been re-positioned to the north-east corner of the site. Officers are of the opinion that the site has a good relationship to the settlement boundary given the permitted location of the future playing pitches adjoining to the south which are also outside of the SPA and which are likely to have a more maintained, less rural appearance, replete with goalposts and other incidental recreational structures. It will also be viewed in the context of the housing proposed at Kingsmead Avenue which will visually extend further to the east, infilling the currently open land up to that road. It is considered possible that had the Mews with Views come forward under the Council's previous FAD criteria it would have been found to be a logical extension of the SPA. By building in this area key parts of the conservation area at Graylingwell which are important to its history and character such as the Airing Courts are able to be retained and restored. This is important. The Mews with Views extension is therefore considered acceptable.

8.13 Wooded Hamlet - additional housing

Lying to the south-west of the Outer Core, the character area known as the Wooded Hamlet already benefits from outline planning permission and reserved matters approval for 35 dwellings and is currently being built out. On submission of this application it was proposed that a further 17 dwellings be added to this area. This included extending the site at its western end and in order to do so, the felling of a significant number of existing mature trees including the most significant tree on the site, a large Monterey Pine. During the application the proposals have been significantly changed following concerns expressed by officers including the Council's tree officer. The western extension has now been removed in its entirety thus retaining the previously threatened trees.

8.14 The proposals which are submitted in full as part of the hybrid application now propose 10 new dwellings which are all to be located at the east end of the permitted development. Whilst this encroaches further into the landscaped part of the Outer Core than previously permitted, the design of the buildings has been revised and amended to provide a 'book-end' to the run of terraced dwellings. In so doing the front elevations face onto and positively address this part of the public realm. This change stemmed from concerns expressed by the HBA. The concerns of the City Council in respect of the proximity of the new buildings to the retained former hospital buildings are noted but officers consider that the oblique angle separation distance which varies between 13m at the closest point and 26m is acceptable.

8.15 At the Planning Committee on 12th November 2014 Members considered that in addition to the 2 dimensional elevation drawings which were displayed at the meeting a further detailed drawing/s showing the spatial relationship between the terrace of houses forming the eastern end of the extension to the Wooded Hamlet and the retained former hospital buildings in the outer core and the Airing Courts would enable them to better assess the proposals. The applicants have supplied a revised 3 dimensional drawing which shows the relationship and this will be shown at the Committee meeting.

8.16 The Committee also queried the access arrangements onto Kingsmead Avenue in respect of the potential for conflict between cars, pedestrians and cyclists using the footway/cycleway alongside the road. The applicants envisage a segregated footway/cycleway to position cyclists away from the front of the properties and the driveways which is consistent with the existing configuration on Palmers Field Avenue which the cycleway on Kingsmead Avenue will tie into. This would provide in excess of 15m forward visibility for cyclists using the cycleway which accords with guidance. Cyclists will therefore have adequate visibility to any vehicles emerging from driveways. WSCC Highways has considered this and confirmed that the approach is acceptable and that all final details can be considered at reserved matters stage when the final layout of the houses and driveways will be confirmed. Drawings will be shown at the Committee meeting showing the access points onto Kingsmead Avenue.

8.17 Significant Conditions

Conditions from the main 2009 Graylingwell planning permission and the later separate permission at Kingsmead Avenue are essentially rolled forward and amended as necessary to accord with the revised proposals.

8.18 S.106 Agreement

The extant planning permission carries with it a very detailed legal agreement securing a wide range of contributions and obligations to both CDC and WSCC. The current application will have a new agreement based on and not fundamentally different from the existing one. Previously agreed contributions and obligations are to be repeated with updated figures and, where appropriate, amended triggers. **The new agreement will also capture the relevant infrastructure contributions arising from the separate S.106 agreement for the outline planning permission for 43 dwellings at Kingsmead Avenue.**

8.19 Work is continuing on the detailed drafting of the new agreement but in terms of key community facilities and employment provision officers will seek to ensure that these are provided at an appropriate and timely part of the phased development and that provision is not left until near the end of the development overall. For instance in terms of the employment provision it is recommended that a clause is included in the S.106 requiring this to be provided at 70% residential occupancy of the balance of the remaining 391 dwellings and that the buildings are delivered as a shell fit out with water, drainage and power services installed.

In terms of the potential future school land the existing S.106 agreement enables WSCC to call on this land for education use for a period of 10 years. The new S.106 agreement will also seek a 10 year commitment.

8.20 Conclusion

The successful re-development of Graylingwell continues to remain important to the Council in delivering a significant number of affordable and market housing and thereby addressing the overall housing shortfall. By revisiting the 2009 planning approval in order to better reflect currently identified housing, community and employment needs officers consider that the result is a development which is now better conceived, more realistic and ultimately more deliverable. The changes which have taken place are the product of lengthy negotiations between the applicant and officers of the Council. It has proved challenging to integrate the revised housing mix in the space available whilst protecting those assets which are important to the Conservation Area and to Graylingwell's unique character and appearance and certain compromises have had to be made. **In response to the Committee's concerns regarding the 4 houses proposed at the Western Gateway accessing directly onto Summersdale Road, this element of the application has now been removed. Further information in respect of the Wooded Hamlet and Kingsmead Avenue has been provided and officers are of the opinion that an acceptable balance has now been reached.** The application is therefore recommended for approval.

8.21 Human Rights

In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION DEFER FOR SECTION 106 THEN PERMIT

- 1 U89111 - Time Limit 10 years - Outline
- 2 U89112 - Time Limit 2 years - Reserved Matters
- ~~3 U89202 - Time Limit 5 years - Full~~
- 4 U89113 - Phasing of development
- 5 U89114 - Permitted Uses
- 6 U89115 - Materials schedule per phase
- 7 U89116 - Site levels
- 8 U89117 - Archaeology
- 9 U89118 - Hard and soft landscaping works
- 10 U89119 - Phased landscaping implementation
- 11 U89120 - Open space kept as open space

- 12 U89121 - Havenstoke play area
- 13 U89122 - Foul drainage
- 14 U89123 - Foul drainage infrastructure
- 15 U89124 - Construction site drainage
- 16 U89159 - Land contamination
- 17 U89160 - Land contamination remediation
- 18 U89161 - Land contamination
- 19 U89128 - Foundation details
- 20 U89162 - Flood risk and surface water mitigation
- 21 U89163 - Wastewater statement compliance
- 22 U89164 - Land contamination
- 23 U89165 - Traffic control/bus gates
- 24 U89166 - Site access details off Kingsmead Avenue
- 25 U89169 - Care home access off Palmersfield Avenue
- 26 U89171 - Internal road layouts
- 27 U89172 - Parking and turning space provision
- 28 U89173 - Remove existing unused access points
- 29 U89174 - Prevent SW draining onto highway
- 30 U89175 - Surface water from hardstandings
- 31 U89176 - Street lighting
- 32 U89177 - Landscaping adopted roads
- 33 U89181 - Construction management plan
- 34 U89141 - Bat and swift boxes per phase
- 35 U89135 - Cultural Strategy
- 36 U89133 - Bins and cycle storage
- 37 U89147 - Access link to rural edge
- 38 U89139 - Reserve school site
- 39 U89140 - Protect existing trees
- 40 U89130 - Ecology - protected species
- 41 U89197 - Tree planting on Kingsmead Avenue
- 42 U89199 - Arrival Avenue setback distance
- 43 U89204 - Landscaping of Airing Courts
- 44 ~~U89236 - Wooded Hamlet boundary treatment~~
- 44 U89849 - Landscaping of Eastern Fringe
- 45 U89818 - Approved plans

INFORMATIVES

- 1 U89237 - Informative - planning permission only
- 2 U89238 - Informative - S.106 Agreement
- 3 U89239 - Informative - Scheduled Ancient Monument
- 4 U89240 - Informative - Southern Water
- 5 U89241 - Informative - Proximity to River Lavant
- 6 U89253 - Informative - road adoption
- 7 U89254 - Informative - S.59 Agreement
- 8 U89255 - Informative - public rights of way
- 9 W36H Wildlife

For further information on this application please contact Jeremy Bushell on 01243 534734

**SUMMARY OF CHANGES BETWEEN EXISTING SECTION 106 AGREEMENTS/DOCUMENTATION
AND PROPOSED NEW SECTION 106 AGREEMENT("2017 S106")
FOR GRAYLINGWELL PARK (APPLICATION REF:14/01018/OUT)**

Updated Version 22 November 2017

Section 106 Agreement dated 28 May 2009("the May 2009 Agreement") between (1) Chichester District Council (2) Homes and Communities Agency and (3) Linden/Downland Graylingwell LLP relating to Graylingwell Hospital Site (planning application CC/08/03533/OUT)

<u>S106 Head of Term</u>	<u>Existing Obligation</u>	<u>Obligation under 2017 S106</u>
<p align="center">The Planning Obligations</p>	<p>On or before the First Occupation of the First Dwelling Unit to pay to the Council to pay the first instalment of the Chichester Harbour SPA Contribution.</p> <p>On the 1st, 2nd, 3rd and 4th anniversary of the above payment to pay the further instalments of the £262,500 Chichester Harbour SPA Contribution– to be paid in five equal instalments of £52,500</p> <p>To pay the £30,000 Chichester Harbour SPA Educational Contribution to the Council on or before the First Occupation of the first Dwelling Unit.</p> <p>To pay the £30,000 Chichester Harbour SPA Interpretation Contribution to the Council on or before First Occupation of the first Dwelling Unit.</p> <p>No occupation of any dwelling unit until first instalment of Chichester Harbour SPA Contribution, Chichester Harbour SPA Educational Contribution and Chichester Harbour SPA Interpretation Contribution has been paid</p>	<p>The parties agree that the Owner has complied with all planning obligations contained within the May 2009 Agreement</p>
<p align="center">Greenspace Obligations</p>	<p>From 29 May 2009 until no less than 7.7 hectares of the Permanent Open Space has been provided to observe and perform the various obligations in Schedule 1 in respect of the Interim Greenspace and the Green Space.</p>	<p>The parties agree that the Owner has complied with all planning obligations relating to the Green Space and Interim Green Space contained within the May 2009 Agreement</p>

Overview of Section 106 Agreement dated 18 August 2009 ("the August 2009 Agreement") between (1) Chichester District Council (2) West Sussex County Council (3) Homes and Communities Agency (4) Linden/Downland Graylingwell LLP and (5) Downland Housing Association Limited relating to Graylingwell Hospital Site (planning application CC/08/03533/OUT)

<u>S106 Head of Term</u>	<u>Existing Obligation</u>	<u>Obligation under the 2017 S106</u>
<p>Affordable Housing</p>	<p>40% of aggregate number of dwellings to be affordable housing.</p> <p>Affordable housing to be provided across the Land in the following proportions:</p> <ul style="list-style-type: none"> • 50% - social rented units • 50% - intermediate rented units and low cost home ownership units <p>Affordable Dwelling Units to be provided to the mix of unit types and tenures set out in the s.106 with the exact size and tenure type to be approved by the Council in writing.</p> <p>At the same time or before each Reserved Matters Application - submit to the Council for its approval details of the Affordable Housing for that Affordable Housing Phase.</p> <p>Restriction - no more than 95% open market occupation in any Affordable Housing Phase until the Affordable Housing for that phase has been provided</p> <p>Affordable Housing only to be disposed of to an Approved body.</p> <p>Up to 10% of the Affordable Housing to be available for use as Supported Housing.</p>	<p>No material changes from the original 2009 S106</p>
<p>Sport and Leisure</p>	<p>To pay to the Council:</p> <ul style="list-style-type: none"> • 50% of the Sport and Leisure Contribution on or before First Occupation of 50% of the Dwelling units in a phase. • The balance of the Sport and Leisure contribution on or before First Occupation of 90% of the Dwelling Units in that Phase 	<p>The Sport and Leisure Contribution is not included in the 2017 S106 as it is now covered by CDC's CIL123 List</p>
<p>Recycling Centre</p>	<p>To pay to the Council the £900 Recycling Centre Contribution on or before the Operative Date and not to allow the Operative Date to occur until this payment has been made.</p> <p>Submit to the Council for its approval a plan showing the size and location of Recycling Centre on or before the Operative Date.</p>	<p>Not to occupy more than 500 Aggregate Dwellings until the £900 Recycling Centre Contribution has been paid to the Council.</p> <p>Not to occupy more than 500 Aggregate Dwellings until the size and location of the Recycling Centre has been approved.</p>

	<p>Allow Council to place and maintain recycling bins within Recycling Centre and rights for Council staff to enter onto the Land between specified hours to install, operate, inspect, repair, replace and maintain recycling bins and Recycling Centre.</p> <p>To transfer Recycling Centre to Council upon request for nil consideration.</p>	<p>No change - allow Council to place and maintain recycling bins within Recycling Centre and rights for Council staff to enter onto the Land between specified hours to install, operate, inspect, repair, replace and maintain recycling bins and Recycling Centre.</p> <p>No change- transfer Recycling Centre to Council upon request and at nil consideration.</p> <p>Construct the Recycling Centre to Council's reasonable satisfaction prior to occupation of 550 Aggregate Dwellings.</p>
Waste and Recycling Bin Contribution	<p>To pay to the Council on or before First Occupation of any Dwelling Unit in a Phase the Waste and Recycling Contribution for that Phase and not to allow any occupation in a phase until this payment has been made.</p>	<p>Not required in the 2017 S106 as it has already been paid by LLP.</p>
Estate Management Areas	<p>Submit to the Council for its approval a Landscape Management Plan at the same time as the Reserved Matters Application for a Phase.</p> <p>Unless otherwise agreed by the Council, not to cause or allow Commencement of a Phase that contains Landscaped Areas and/or Play Areas until the Council has approved Landscape Management Plan for such Phase.</p> <p>Carry out proposed work to Landscaped areas in accordance with the approved Landscape Management Plan.</p> <p>Restriction - not to allow more than 50% occupation in any Phase which contains Landscaped Areas and/or Play Areas until Landscaped and/or Play Area(s) has been provided in accordance with approved Landscape Management Plan.</p> <p>Restriction - not to use the Landscaped Areas and Play Areas other than as open space land available to residents in perpetuity on the terms set out in the s.106.</p> <p>Prior to occupation of last dwelling unit in a Phase to transfer or to grant a long lease of the Estate Management Areas in that Phase to the Estate Management Company and to provide evidence of this to the Council.</p>	<p>No material changes to original s106 obligation.</p>

<p>Havenstoke Park, Sports Pitches, Changing Facilities and Adventurous Play Area</p>	<p>Submit to the Council for its approval details of the specification of Works for Havenstoke Park and the Changing Facilities prior to the First Occupation of the first Dwelling Unit within Phase 1</p>	<p>Submit details and the specification of Works for Havenstoke Park, the 2 Sports Pitches and the Temporary Changing Facilities prior to occupation of more than 400 Aggregate Dwelling Units.</p>
	<p>Restriction – prior to the First Occupation of the 110th Dwelling Unit, Havenstoke Park and the Changing Facilities to be provided in accordance with approved details (unless otherwise agreed in writing) and not to occupy more than 109 dwelling units until the Havenstoke Park and the Changing Facilities have been provided..</p>	<p>Make a start on 2 Sport Pitches prior to occupation of 425 Aggregate Dwelling Units</p> <p>Provide Havenstoke Park, 2 Sports Pitches and Temporary Changing Facilities prior to occupation of 450 Aggregate Dwelling Units</p>
	<p>Submit to the Council for its approval details and a specification for Adventurous Play Area.</p>	<p>Submit details and the specification of Works for Adventurous Play to CDC for approval prior to occupation of more than 400 Aggregate Dwelling Units.</p>
	<p>Restriction – not to occupy more than 199 Dwelling units until Adventurous Play Area, Changing Facilities and Temporary Changing Facilities have been provided in accordance with approved details (unless otherwise agreed in writing). To provide proposals for the future management and maintenance of the Adventurous Play Area.</p>	<p>Provide Adventurous Play Area prior to occupation of 450 Aggregate Dwelling Units</p>
	<p>Once provided not to use Havenstoke Park and Adventurous Play Area other than as open space land and recreational and sports facilities available to Residents and the public in perpetuity on the terms of the s.106.</p>	<p>No change from original s106 obligation.</p>
	<p>Maintain Havenstoke Park and Adventurous Play Area in good and substantial repair and condition.</p>	<p>No change from original s106 obligation</p>
	<p>Not to occupy more than 299 dwelling units until the transfer of the freehold at nil consideration or long lease of the Adventurous Play Area and Havenstoke Park and Changing Facilities with £500,000 commuted sum has been paid to the Council</p>	<p>Not to occupy more than 500 Aggregate Dwelling Units until the freehold transfer of at nil consideration or a long lease of the Adventurous Play Area and Havenstoke Park with commuted sum £670,534.60 has been paid to a management company rather than CDC</p>

Future Management and Maintenance of Maintenance Areas	Supply to the Council proposals for arrangements re the management and future maintenance of the Maintenance Areas in a Phase and state whether responsibility for maintenance and management of such areas is to be transferred as per the s.106 - prior to the First Occupation of the first Dwelling Unit in a Phase which contains a Maintenance Area	No material change to original s106 obligation.
Estate Management Company	In respect of any Maintenance Areas not to be owned or leased to the CCDT or the Council or the Estate Management Company, Owner to provide details and costs for the maintenance of those Maintenance Areas.	No material change to original s106 obligation
Community Facilities	Submit to the Council for its approval details of services and infrastructure for Community Facilities within a Phase – at the same time as submission of the Reserved Matters Application and before commencement of that Phase. No commencement of that phase until such details have been approve	No material change to original s106 obligation.
	Provide relevant Community Facility in accordance with approved details and secure the future management and maintenance of them within the timescales set out in the s.106. Provide evidence to the Council that the future maintenance of Community Facilities has been secured.	No material change from original s106 obligation
	Not to occupy more than 35% dwelling units until the Chapel has been provided and future maintenance and management of the Chapel has been secured.	Provide the Chapel by practical completion of 550 Aggregate Dwelling Units
	Not to occupy more than 50% dwelling units until Multi -Purpose Community Hall has been provided and future maintenance and management of the Multi- Purpose Community Hall has been secured.	The Multi-Purpose Hall is not required and is therefore not included in the 2017 S106 .
	Not to occupy more than 60% dwelling units until Artist Studio has been provided and future maintenance and management of Artist Studio has been secured.	A minimum 1000 square metres Artists Studio to be provided within the Marchwell Buildings prior to 600 Aggregate Dwelling Units
	Not to occupy more than 75% dwelling units until the Water Tower has been provided.	Provide the Water Tower by practical completion of 750 Aggregate Dwelling Units

		Provide the Marchwell Buildings by practical completion of 600 Aggregate Dwelling Units
		Provide the Community Facility Space within space forming the Pavilion (but not including space for Permanent Changing Facilities) prior to occupation of 600 Aggregate Dwelling Units
		Provide the Pavilion by practical completion of 600 Aggregate Dwelling Units
		Pending provision of the permanent changing facilities (to be provided prior to occupation of 600 Aggregate Dwelling Units), to provide the Temporary Changing Facilities prior to occupation of 450 Aggregate Dwelling Units
	Various restrictions on use of Community Facilities for any other purpose save Community Purpose	No material change from original s106 obligation
	Any lease of a Community Facility must contain provisions specified in the S106 and if the freehold of the Community Facilities is transferred then the dispone must enter in to a deed of covenant directly with the council in accordance with the s.106.	No material change from original s106 obligation
CCDT	To submit an outline CDT Business Plan within 2 years of 18 August 2009.	The original s106 obligation to provide the CCDT Business Plan was complied with. An updated CCDT Business Plan will be appended to the 2017 S106
	Not to occupy any dwelling until the CDT has been set up and payment of £38,000 been made to CDDT – note: payment to be made to the Council who will pay the same to the CCDT.	CCDT has been set up and the initial £38,000 has been paid. Going forward there are no changes to annual payment dates to the CCDT Once the Marchwell Farm buildings have been provided and disposed of to CCDT, the annual payment shall be the shortfall (if any) of the income against expenditure of the CCDT up to a maximum in respect of each accounting year of £25,000 and such payment to continue to be paid until CCDT is financially viable

	On the 1 st anniversary of the Operation Date and each anniversary thereafter to pay £35,000 to the Council	No change to payment date
	Once Chapel has been transferred annual payment to reduce to £25,000	No change to annual payment sum
	Once the Multi-Purpose Community Hall is provided to pay to the Council up to £10,000 towards equipment and furniture for use within the hall as per the terms of the s.106.	The Multi-Purpose Community Hall is not required and therefore has not been included in the 2017 S106. However a £10,000 contribution will be paid in lieu of the Multi-Purpose Community Hall being provided, such contribution to be used towards the costs of providing equipment and furniture for the Chapel and/or the Pavilion
	To make available for the benefit of the CCDT an office as per the terms in the s.106.	No change to original s106 obligation
SUDS	To submit to the Council for its approval details for SUDS/maintenance scheme prior to the First Occupation of the first Dwelling. To maintain the SUDS in a good state of repair once constructed. Secure the future repair and maintenance works of the SUDS prior to the First Occupation of the first Dwelling. To allow the Council to enter upon the Land to monitor and inspect the SUDS.	Prior to occupation of 425 Aggregate Dwelling Units, to undertake such financial and practical measure as necessary to secure the future repair and maintenance of the SUDS (backed by restriction on occupation until this has been done) No change to maintenance obligation Secure the future repair and maintenance of the SUDS prior to occupation of 425 Aggregate Dwelling Units No change to original s106 obligation
First Graylingwell Agreement	Prior to the construction of any Dwelling Unit to notify the Council whether the construction is to be pursuant to the Permission or to permission in respect of the First Graylingwell Agreement.	Not required in 2017 S106
Guarantee	To submit to the Council a duly executed Guarantee in respect of the Owners' obligations in relation to the operation, repair and maintenance of the Community Facilities and the Maintenance Areas on or before the Operative Date	Not required in 2017 S106

<p>Primary School Site</p>	<p>Prior to the completion of the Primary School to Site to provide services to the boundary of the Primary School Site.</p> <p>Transfer of Primary School Site to the County Council in accordance with the s.106</p>	<p>No material changes to original s106 obligation here.</p>
<p>Education Contribution and Library Contribution</p>	<p>To pay the Education Contribution and the Library Contribution in the following instalments on the below trigger dates:</p> <ul style="list-style-type: none"> • On or before 111th occupation – 30% of Education Contribution and 30% of Library Contribution • On or before 350th occupation – 30% of Education Contribution and 30% of Library Contribution • On or before 550th occupation – 30% of Education Contribution and 30% of Library Contribution • Before grant of RMA approval for last phase- balance of Education Contribution and balance of Library Contribution 	<p>Education Contributions and the Library Contribution are not payable under the 2017 S106 as these are now covered by CDC's CIL123 List- therefore they have not been included in the 2017 S106</p>
<p>Highways and Bus Service</p>	<p>Prior to the Operative Date to satisfy the council that the Highway Works Contribution the St Pancras/Spitalfields Lane Contribution and the Parking Study Contribution have been secured by a bond in the sum of £250,000 and shall be maintained until the Highway Works Contribution has been reduced to that sum</p>	<p>The bond was provided by the LLP and the 2017 S106 acknowledges this.</p> <p>As WSCC have now confirmed that no Highways Contribution is payable under the 2017 S106 , the bond will be released.</p>
	<p>Upon Commencement of the Proposed Development to pay the Traffic Management Works Consultation Contribution</p>	<p>Not included in 2017 S106 as this contribution has already been paid</p>
	<p>Not to allow first occupation of the first dwelling until the North Lodge Works have been completed and completed certificate provided</p>	<p>Not included in the 2017 S106 as these works have been completed</p>
	<p>Prior to the First Occupation of the 50th Dwelling Unit to either:</p> <ul style="list-style-type: none"> • Construct the Cycle Route 1 Works; or • agree and construct an alternative cycle route. 	<p>The Cycle Route 1(a) works have been completed.</p> <p>WSCC to carry out the Cycle Route 1(b) works using £165,000 financial contribution paid by LLP prior to the occupation of more than 425 Aggregate Dwelling Units</p>

	At the same time as submission of the Reserved Matters Application for each Phase to submit to the County Council for its approval details of bus stops and to construct and install the bus stops within each phase in accordance with the details approved by WSCC	No material change from original s106 obligation
	To pay the Bus Service Contribution within 28 days of the Bus Service Review for the period ending 31 March or as agreed with WSCC	The £184,074.40 balance of the Bus Service Contribution to be paid under the 2017 S106
	Not to occupy more than 111 dwelling units until the traffic Management Works or alternative works have been completed	These works are no longer required by WSCC and are therefore not included in the 2017 S106
	Not to occupy more than 200 dwelling units until St Pancras/Spitalfield Works Contribution has been paid.	WSCC have advised that this contribution is no longer required. In lieu, the LLP will no earlier than 5 months and no later than 7 months after occupation of the final dwelling fronting Kingsmead Avenue will undertake a survey to ascertain any highway safety or speeding issues and in the event of such survey showing adverse highway safety or speeding issues the LLP will undertake such works as agreed with WSCC to address this
	Prior to 250 th occupation to pay the Parking Study Contribution	The Parking Study Contribution has been paid and is not included in the 2017 S106
	Prior to 250 th occupation to complete the Toucan Crossing Works or alternative works	Complete the Toucan Crossing Works prior to occupation of 450 Aggregate Dwelling Units
	Prior to 250 th occupation to complete the Westhampnett/Portfield Road RA works	These works are no longer required by WSCC and therefore have not been included in the 2017 S106
	Prior to 250 th occupation to complete Eastern Access Road Works or alternative works	These works are no longer required by WSCC and therefore have not been included in the 2017 S106
	Prior to 500 th occupation to complete Cycle 2 Works	Complete the Cycle 2 Works prior to occupation of 500 Aggregate Dwelling Units

<p>Travel Plan</p>	<p>1 – 3 months prior to First Occupation to:</p> <ul style="list-style-type: none"> • appoint a Travel Plan Coordinator; • establish a residents and tenants association <p>Prior to the First Occupation of a Dwelling Unit to:</p> <ul style="list-style-type: none"> • establish community website • provide/maintain five bicycles and storage facilities • use reasonable endeavours to establish a car club (and to provide car parking places from First Occupation of the First Dwelling Unit). <p>Implementation of approved Travel Plan until such time as the Owner and Council agree that there is no need for such Travel Plan.</p> <p>To use reasonable endeavours to establish a Travel Plan Steering Group within three months of First Occupation of the first Dwelling Unit.</p>	<p>Submit an updated Travel Plan to WSCC for approval within 3 months of 2017 being completed. Thereafter to implement approved Travel Plan until such time as it is agreed with WSCC that there is no further need for a Travel Plan</p>
<p>Fire and Rescue Contribution and provision of fire hydrants</p>	<p>To pay to the County Council the Fire and Rescue Contribution on or before First Occupation of the 110th Dwelling Unit.</p> <p>Prior to the Operative Date to submit to the County Council for its approval a proposal for the location of two fire hydrants.</p>	<p>Fire and Rescue Contribution not included in 2017 S106 as covered by CDC's CIL123 List and therefore have not been included in the 2017 S106</p> <p>Provision of fire hydrants will be dealt with by planning condition</p>
<p>Early Years Contribution</p>	<p>To pay to the County Council the Early Years Contribution in the following percentages:</p> <ul style="list-style-type: none"> • 30% on or before First Occupation of the 110th Dwelling Unit. • 30 % on or before First Occupation of the 350th Dwelling Unit. • 30% on or before First Occupation of the 550th Dwelling Unit. • 10% on or before the Reserved Matters Approval for the final Phase. 	<p>Early Years Contribution covered by CDC's CIL 123 List and therefore had not been included in the 2017 S106</p>
<p>Youth Provision</p>	<p>Following the Commencement of the Proposed Development instigate a dialogue with the Immanuel Church and young people to agree what will be required by young people.</p> <p>Upon the Chapel or the Multi-purpose Hall being transferred (whichever is transferred first) to the CDDT, to pay to £5000 to WSCC to be used to purchase equipment for the Youth Provision.</p>	<p>The dialogue with Immanuel Church and young people from Graylingwell development has terminated.</p> <p>The Multi -Purpose Community Hall is not required but the LLP will pay £10,000 contribution to the CCDT towards costs of providing equipment and furniture for the Chapel and/or the Pavilion(see above)</p>

	<p>Upon the Chapel or the Multi-purpose Hall being transferred to the CCDT, to pay the sum of £5000 with a further four payments of £5000 to the County Council on each anniversary of the payment above to be used towards the costs of youth work for 11-18 year olds</p>	
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Section 106 Agreement dated 23 November 2012 between (1) Chichester District Council (2) West Sussex County Council (3) Homes and Communities Agency (4) Linden/Downland Graylingwell LLP (5) Affinity Sutton Homes Limited and (6) the Royal Bank of Scotland relating to land at Kingsmead Avenue, Chichester (application reference 10/05597/OUT)

<u>S106 Head of Term</u>	<u>Existing Obligation</u>	<u>Obligation under 2017 S106</u>
Affordable Housing	<p>Not to allow First Occupation of any Open Market Units until the 17 Affordable Dwelling Units on the Affordable Dwelling Land:</p> <ul style="list-style-type: none"> • Have been transferred to the Approved Body • Are being used as provided in the s.106 • Written notification of the above has been provided to the council. <p>Restriction – no Open Mark Unit to be occupied until the Affordable Dwelling units have been transferred to the Approved Body.</p> <p>Affordable Dwelling Units only to be used for Affordable Housing (see exceptions in s.106)</p> <p>To pay the Council the Affordable Housing Commuted Sum on or before the First Occupation of the 40th Dwelling</p>	<p>The 2012 Kingsmead Avenue S106 Agreement lapsed as relevant planning permission not implemented.</p> <p>On the basis that the LLP are providing 40% Affordable Housing across the Graylingwell development site(including the Kingsmead Avenue Site) CDC have confirmed that the Affordable Housing Commuted Sum for the Kingsmead Avenue Site is not payable under the 2017 S106 and therefore it has not been included in the 2017 S106</p>
Community Facilities Contribution	<p>To pay the Community Facilities Contribution on or before First Occupation of the 28th Dwelling.</p>	<p>Not required in 2017 S106 as covered by CDC's CIL 123 List</p>
SPA Mitigation Contribution	<p>To pay to the Council on or before First Occupation:</p> <ul style="list-style-type: none"> • The Off Site Open Space Contribution - £10,000 • The Dog Warden Contribution - £4000 • The SPA Education Contribution - £1000 <p>Nb the sums listed above shall be increased if the Operative Date of the Proposed Development shall take place after 31 March 2013</p>	<p>An SPA Mitigation Contribution sum of £7,783 will be payable prior to occupation of first dwelling unit on Phase 9 of the Proposed Development.</p> <p>The SPA Mitigation Contribution sum includes the Dog Warden Contribution.</p>

<p>Play and Open Space Contribution</p>	<p>To pay to the Council the Play and Open Space Contribution as follows:</p> <ul style="list-style-type: none"> • £2420 – on or before First Occupation of the 14th Dwelling • £2420 – on or before First Occupation of the 28th Dwelling • £2420 – on or before First Occupation of the 40th Dwelling 	<p>Not required in 2017 S106 as covered by CDC's CIL123 List</p>
<p>Water Efficiency Measures</p>	<p>To carry out the Proposed Development in accordance with the approved Foul Drainage Capacity Report ref: 131330-R2(2) dated February 2011</p> <p>Water efficiency measures to achieve an overall efficiency of 97.5 litres per person per day.</p>	<p>An updated Capacity Report to be provided within 3 months of the 2017 s106 being completed</p> <p>LLP to comply with approved water efficiency measures</p>
<p>Education Contribution</p>	<p>To pay to the Council the Education Contribution as follows:</p> <p>Primary School:</p> <ul style="list-style-type: none"> • £14,052 – on or before First Occupation of the 14th Dwelling • £14,052 – on or before First Occupation of the 28th Dwelling • £14,053 – on or before First Occupation of the 40th Dwelling <p>Secondary School</p> <ul style="list-style-type: none"> • £15,125 – on or before First Occupation of the 14th Dwelling • £15,125 – on or before First Occupation of the 28th Dwelling • £15,124 – on or before First Occupation of the 40th Dwelling <p>Sixth Form</p> <ul style="list-style-type: none"> • £3,543 – on or before First Occupation of the 14th Dwelling • £3,543 – on or before First Occupation of the 28th Dwelling • £3,543 – on or before First Occupation of the 40th Dwelling 	<p>Not required in 2017 S106 as covered by CDC's CIL 123 List</p>
<p>Library Contribution</p>	<p>To pay to the County Council the Library Contribution as follows:</p> <ul style="list-style-type: none"> • £1676 – on or before First Occupation of the 14th Dwelling • £1676– on or before First Occupation of the 28th Dwelling • £1676 – on or before First Occupation of the 40th Dwelling 	<p>Not required in 2017 S106 as covered by CDC's CIL 123 List</p>

Total Access Demand (TAD) Contribution	<p>To pay to the County Council the TAD Contribution as follows:</p> <ul style="list-style-type: none"> • £21,915 – on or before First Occupation of the 14th Dwelling • £21,915– on or before First Occupation of the 28th Dwelling • £21,915 – on or before First Occupation of the 40th Dwelling 	<p>Not required in the 2017 S106 as the scheme of works identified by WSCC, is covered by CDC's CIL 123 List.</p>
Fire and Rescue Service Contribution	<p>To pay to the County Council the Fire and Rescue Service Contribution as follows:</p> <ul style="list-style-type: none"> • £204 – on or before First Occupation of the 14th Dwelling • £205– on or before First Occupation of the 28th Dwelling • £205 – on or before First Occupation of the 40th Dwelling <p>Prior to the First Occupation of any Dwelling to submit to the County Council for its approval a proposal for the location of two fire hydrants.</p>	<p>Not required in 2017 S106 as covered by CDC's CIL 123 List and therefore not included in the 2017 S106</p>
Estate Roads	<p>Prior to Commencement to submit to the County Council for its approval a plan showing the intended status of the estate roads and associated footways, footpaths and cycle paths.</p> <p>All Estate Roads to be:</p> <ul style="list-style-type: none"> • Constructed to a standard that is suitable for its intended use. • Maintained • Shall not be dedicated as a public highway or become a private street • <p>Upon construction of Estate Roads a report to be prepared and signed by an appropriately qualified professional.</p>	<p>Original s106 provisions included in 2017 S106</p>

Section 106 Unilateral Undertaking dated 14 June 2013 given by (1) Homes and Communities Agency and (2) Linden/Downland Graylingwell LLP in favour of (3) Chichester District Council and (4) West Sussex County Council relating to Graylingwell Park (application reference CC/10/02926/REM)

<u>S106 Head of Term</u>	<u>Existing Obligation</u>	<u>Obligation under 2017 S106</u>
Car Parking Contribution	<p>Pay £9000 Car Parking Contribution upon the earlier of :</p> <ul style="list-style-type: none"> • The occupation of the 90th dwelling unit constructed within the Current Construction Phase of the Development or • Within 3 years of the date of the Unilateral Undertaking 	<p>The original s106 obligation will be paid prior to completion of the 2017 S106 and therefore not included in the 2017 S106 –</p>

Second Section 106 Unilateral Undertaking dated 3 July 2013 given by (1) Homes and Communities Agency and (2) Linden/Downland Graylingwell LLP in favour of (3) Chichester District Council and (4) West Sussex County Council relating to Graylingwell Park Phase 3 (application reference CC/13/00907/REM)

<u>S106 Head of Term</u>	<u>Existing Obligation</u>	<u>Obligation under 2017 S106</u>
Car Parking Contribution	<p>Pay £3800 Car Parking Contribution prior to first occupation of any of the Relevant Units</p>	<p>The original s106 obligation will be paid prior to completion of the 2017 S106 and therefore has not been included in the 2017 S106</p>