

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

4<sup>th</sup> March 2009

**AUTHOR/S:** Executive Director / Corporate Manager – New Communities

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### **S/2379/01/0 – IMPINGTON (ORCHARD PARK) Update on the Progress of the S106 Agreement**

**Recommendation: to note the report and to instruct officers to continue to monitor progress on the provision and handover of facilities, taking any necessary action to ensure that process continues in a timely fashion.**

**Date for Determination: N/A**

#### **Notes:**

**This Application has been reported to the Planning Committee because Orchard Park has been the subject of a Scrutiny report in 2008, and continuing public and partner interest. Due to the economic downturn, questions have been raised about the delivery of community facilities, since some have been delayed.**

#### **Background**

1. Planning permission was granted for the Orchard Park development (formerly Arbury Camp) under outline planning permission S/2379/01/O dated 14<sup>th</sup> June 2005. Development is well underway, with 433 dwellings occupied.
2. Orchard Park is regularly in the public eye and has attracted negative as well as positive comments. The Scrutiny Committee set up a Task and Finish group in early 2008 to examine the development so far as make recommendations as to learning points for the future, resulting in an Arbury Park Scrutiny Review in October 2008. Since the site is under scrutiny from several quarters, and often suffers from erroneous claims, officers have been requested to update Members on the progress of development in relation to the facilities, services and infrastructure required through the S106 Agreement, in order to provide clarity.

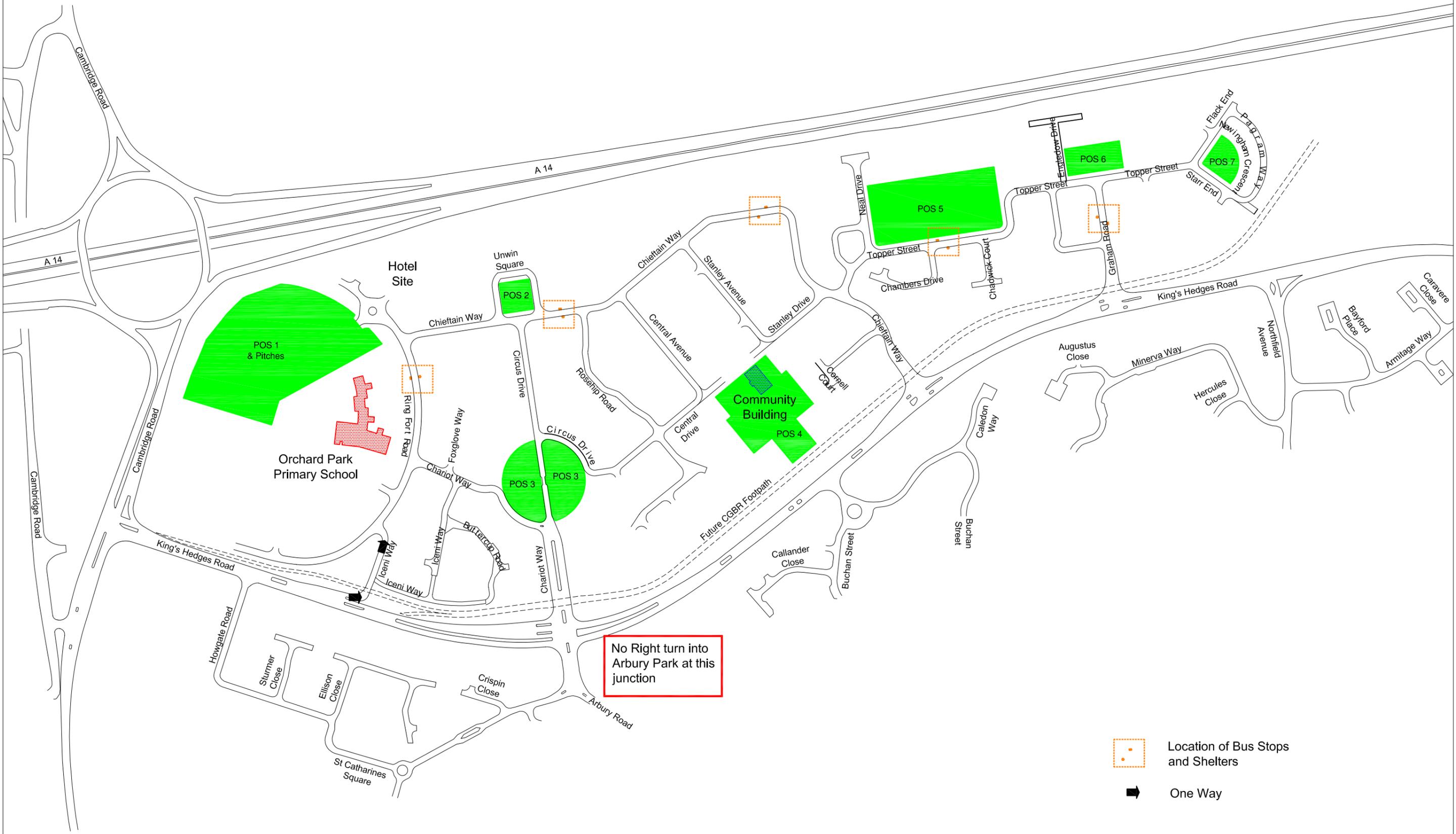
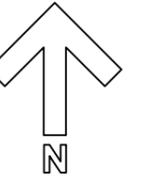
#### **Representations**

3. Gallagher's planning director wrote to the Council most recently on 18<sup>th</sup> November 2008, setting out that company's programme of works in relation to the trigger points for the facilities associated with Public Open Spaces and bus shelters. The programme is noted below in relation to each facility.

#### **Planning Comments – Key Issues**

4. Orchard Park was noted by the Scrutiny Task and Finish Group as having an "excellent, wide-ranging Section 106 settlement". The S106 Agreement requires the provision of certain facilities, services and infrastructure to support the new population, to be provided at certain levels of occupation, known as "trigger points". This report concerns the community facilities required in Annex 8 of the s106 Agreement. Most have a trigger for commencement and a trigger for completion, based on numbers of dwellings occupied.

# ARBURY PARK - STREET LAYOUT



No Right turn into  
Arbury Park at this  
junction

-  Location of Bus Stops and Shelters
-  One Way

### ***Facilities within Public Open Space 1 (POS1)***

5. POS1 is located near to the primary school, and comprises the main sports area for the development. The requirements of the S106 are a LEAP (Local Equipped Area for Play), a changing pavilion, grounds maintenance store, tennis courts, artificial turf training pitch, grass pitches, and informal outdoor play space to include a macadam fenced area for informal sport, a wheeled sports area (skatepark), a youth shelter, and soft landscaping.
6. The trigger points associated with the LEAP are for it to be commenced at 100 occupations and completed at 150. The grass pitches are to commence within 3 months of the second planting season following commencement of the overall development, with completion 24 months thereafter (effectively February 2009). The remaining facilities for POS1 noted in the paragraph above all have a trigger points of commencement at 150 dwellings and completion at 300 dwellings. Therefore, the LEAP and grass pitches should be provided by now and the other facilities should have commenced. On the ground, the changing pavilion has been constructed, although yet to be fitted out, along with the base course of the car park. The LEAP has been delayed due to lengthy consultation and negotiation regarding its design.
7. The developer's programme states that the LEAP will commence in March 2009, to be completed by summer 2009. The changing facility is complete, and the associated finishing works, along with all the courts and pitches and soft landscaping will commence in March 2009 for completion summer 2009.
8. The developer is unable to commence construction on the facilities because the planning conditions requiring approval prior to commencement have not all be complied with. Officers are presently in the process of considering and negotiating the submission that have been made and working towards their approval. Once approved, the contractor will be on site for approximately 4 months. It is anticipated that by the date of the Committee the developer will have confirmed the likely start and finish dates for the works. Therefore, whilst the POS1 site has not been provided in accordance with the required trigger points, there is nothing to be gained through formal action, since the work to make those provisions is in progress. Some of the delay is due to the need for considerable care, involving the obtaining of specialist advice to resolve the technical specifications, to ensure that the facilities are fit for purpose and low maintenance. Obviously, officers will monitor this progress, and if any further action is considered necessary to ensure the continuation of the works in a timely manner, that action will be taken.

### ***Facilities within Public Open Space 2 (POS2)***

9. Hard landscaping, with trigger points for commencement one month after practical completion of adjacent residential parcels E3 and E4, with completion 5 months later. Neither trigger has yet been reached, because these parcels are part of a larger scheme which the subject of a current planning application, comprising the local centre (retail), offices and 20 flats and the POS itself. Therefore, no further action is required at this time.

### ***Facilities within Public Open Space 3 (POS3)***

10. Cycle/pedestrian route to be provided when the school opens, and associated soft landscaping within the planting season following that provision. As the school is open, these triggers have both been reached. This has all been provided and is in

the process of minor “snagging” prior to formal handover. The developer’s programme states that the transfer process is to be commenced. Therefore no further action is required at this stage.

#### ***Facilities within Public Open Space 4 (POS4)***

11. Community centre to be commenced by 75 occupations and completed by 150 occupations. A LEAP to be commenced by 130 occupations and completed by 150 occupations. A cycle/pedestrian route when the school opens and soft landscaping in the planting season following that provision.
12. The developer’s programme states that the completed building is subject to inspection and remedial works, with a timeline for opening to be agreed with SCDC. It also states that the LEAP and soft landscaping commenced in October 2008 and will be complete in March 2009, and the cycle route is now complete.
13. The Community Centre has been completed and detailed arrangements are being made for its handover. This has involved work being undertaken by officers in consultation with local Members, members of the Shadow Community Council and the Council’s community technical manager regarding compliance with the S106 Agreement and the acceptance of the building. Some desirable additional work has been identified that was not covered in the specification, including a security system and the raising of a ceiling. Funding is expected to be provided by Cambridgeshire Horizons for investment in the community centre to ensure it meets the needs of the new community, and this may be spent on these additional works and to contribution to the fitting out and furnishing costs. The centre will therefore be likely to be open by the summer.
14. The cycle route and landscaping, including a sensory garden, have been provided and await the handover process, along with the LEAP, parking and cycle racks which are to be transferred at the same time.
15. Therefore, no additional action is required at this stage, since officers and partners are working on improving the community centre and preparing it for transfer and opening. Officers will continue to work to this aim.

#### ***Facilities within Public Open Space 5 (POS5)***

16. A grass kickabout area, to commence within 3 months of the second planting season following commencement of the overall development, with completion 24 months thereafter (effectively February 2009). A LEAP (commence at 25 occupations and complete at 50) and a NEAP (neighbourhood equipped area for play, to commence at 150 occupations and complete at 250), soft landscaping within the planting season following that provision.
17. On the ground, all these facilities have been finished and the developer’s programme states that the LEAP and NEAP are with solicitors for transfer, with transfer of the kickabout area to be commenced. Therefore, no further action is needed at this time.

#### ***Facilities within Public Open Spaces 6 and 7 (POS6 and POS7)***

18. Open space to be provided by the 50<sup>th</sup> and 25<sup>th</sup> occupation respectively of “part 3 of the site” with soft landscaping in the planting season following that provision.
19. Both these facilities have been provided and the developer’s programme states that transfer is to be commenced. Therefore no further action is needed at this time.

### ***LAPs (Local Areas for Play)***

20. 13 LAPs across the development, within housing areas. Trigger points for their completion are set at the occupation of 75% of the dwellings within which the LAP is located. Some LAPs are to be located within parcels which have yet to be built, and therefore the trigger point does not apply to those yet. Other parcels where LAPs have already been provided are in parcels J, N1 and P. Those where LAPs should be provided but have not are M, A2 and C1.
21. An artist has designed 5 sculptural elements for 5 of the LAPs, of which the LAPs on parcels M, A2 and C1 are 3. They have been re-designed to incorporate this public art, and it is this which has led to their delay. The LAPs are to be provided during the current planting season, and have been procured by utilising public art contributions from the Section 106 Agreement and the money that the respective developers would have spent on a standard LAP. Contractors will be employed to install them under the supervision of both the artist and SCDC Landscape Design Officer.
22. Therefore, it is a matter for officers to continue to facilitate the procurement of the works and supervise them. Otherwise, no specific further action is needed at this time.

### ***5 bus shelters***

23. To be provided to a standard agreed with the Parish Council, located in agreement with the Parish Council, highway authority and bus companies, along with a maintenance contribution to the Parish Council to be paid upon the erection of the first bus shelter. There is no trigger point associated with this provision.
24. The bus route only started going through the site in January 2009, so it is early days. Nevertheless, officers are involved in the negotiations with the Parish Council, Highway Authority and bus company and will ensure the shelters are provided at appropriate times, along with the maintenance payment. Therefore, at this stage, it is a matter of officers continuing to monitor progress, and taking any further action if and when it becomes necessary.

### ***Trees in road margins***

25. Contribution to County Council for maintenance of trees along the spine roads, to be paid upon substantial completion of the development. As the development is not substantially complete, this trigger point has not been reached, and no action is therefore required at this stage.

### ***Community Development***

26. Contribution to District Council in 2 stages: occupation of the first dwelling and 12 months thereafter. Both triggers have been reached, and the payments have been made. A full time community development worker is employed on the site as a result, by Bedfordshire Pilgrims Housing Association. No further action is therefore required.

### ***Public Art***

27. Contribution to SCDC in 3 stages: commencement, 1<sup>st</sup> occupation and 400<sup>th</sup> occupation. The 400 occupations trigger has recently been reached and the Council's legal department is pursuing payment. The artists involved have worked well with the

emerging community on both permanent installations and temporary events, all of which have been received positively by residents. Indeed the Shadow Community Council has requested that the resident artist have their contract extended, which demonstrates the success of this approach.

### ***Archaeological Interpretation Boards***

28. Contribution to County Council for maintenance of interpretation boards to be erected by County Council, upon transfer of the Arbury Bank Camp and Ditch site. There is no trigger point for the transfer. It is therefore simply a matter for officers to continue to monitor progress towards the site's transfer, and taking any further action if and when it becomes necessary.

### ***Initial Parish Administrative Sum***

29. This has been paid, and no further action is therefore required.

### **Recommendation**

30. The community centre in POS4 and the various sport and play facilities on POS1 are the facilities that have the most obvious impact, and the delays in their provision have resulted in negative publicity around the site as a whole. However, as described above, active progress is being made to provide these facilities as soon as possible.
31. In terms of both these and the other facilities, officers will continue to monitor progress of the provision and handover of facilities, and take any necessary action to ensure it continues.
32. It is worth mentioning that officer involvement in Orchard Park has evolved over the past year to a more "project team" approach, both internally, and externally with local Members, Impington Parish Council, the Orchard Park Action Group (OPAG) and partners. This was facilitated by the creation of the New Communities service within the Council, along with a new Corporate Manager. The New Communities service combines major developments planning, community and project management staff into one team, which has been able to work more closely under a project management regime. This approach has also been assisted by the employment of new staff: in particular a planning lawyer, S106 officer and S106 implementation officer. It is therefore hoped that Members will be reassured that the Council is now in a better position to move the delivery of major development sites forward. Indeed proactive work is already underway to support the Shadow Community Council pending the elections to the Orchard Park Community Council in June, and officers have also arranged a workshop with external partners on 10<sup>th</sup> March to explore ways of bringing development forward on the site to help Orchard Park towards completion and ultimate settling in of that new community.
33. Members are therefore recommended to note the report and to instruct officers to continue to monitor progress on the provision and handover of facilities, taking any necessary action to ensure that process continues in a timely fashion.

**Background Papers:** the following background papers were used in the preparation of this report:

- Planning file ref: S/2379/01/O and associated S106 Agreement dated 14<sup>th</sup> June 2005.
- Letter from Gallagher Planning Director dated 18<sup>th</sup> November 2008.

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