

Allocation of a S106 Contribution, Chantry Lodge, Andover

Report of the Planning Portfolio Holder

Recommended:

It is recommended that a s106 contribution of £250,000, associated with the development of Chantry Lodge in Andover, is allocated towards a scheme of public realm, cycling/walking infrastructure and landscape improvements, in line with Andover Town Centre Masterplan objectives, to an area within the River Anton corridor and/or to Western Avenue, and/or linking to Shepherds Spring Lane.

SUMMARY

The report proposes the allocation of a s106 contribution of £250,000 towards public realm improvements and cycling/walking infrastructure enhancements in Andover town centre, in line with the objectives of the Andover Town Centre Masterplan (September 2020), to an area within the River Anton corridor, and/or to Western Avenue, and/or linking to Shepherds Spring Lane.

1 Introduction

- 1.1 A s106 contribution of £250,000 was secured towards local infrastructure requirements in connection with a planning permission for the retirement homes development, at Chantry Lodge, in Andover. The associated s106 agreement states that this financial contribution may be used towards local infrastructure requirements, comprising 'affordable housing, public open space, other leisure facilities and/or highway infrastructure or management'. Officers have considered the options for this contribution and recommend that it is allocated to a scheme of public realm improvements and cycling/walking infrastructure in the town, to support the Andover Masterplan objectives. Given the scale of the contribution, and the terms of the s106 agreement, a Cabinet decision is required regarding the allocation of this sum to local infrastructure requirements.

2 Background

- 2.1 A s106 financial contribution of £250,000 was secured, with the grant of planning permission (reference 13/02650/FULLN), for the development of a block of retirement flats, with shared facilities garden and parking, on land at 55 Chantry Street, Andover. This Churchill development is known as Chantry Lodge. A financial contribution of £250,000 was paid in 2015, and Chantry Lodge has been occupied for some years.

- 2.2 The contribution remains unallocated at the present time. It must be allocated by the Council to an infrastructure project(s) and committed and/or spent, by May 2025, to avoid any risk of the developer seeking to claim back any unused contributions.
- 2.3 The contribution was secured towards 'local infrastructure requirements', and the associated s106 agreement states that it may be used towards 'affordable housing, public open space, other leisure facilities and/or highway infrastructure or management'. The s106 agreement was secured in this way because the contribution was negotiated following submission of a viability report with the planning application. The viability report concluded that a full range of financial contributions towards affordable housing provision, sustainable transport, public open space and local facilities, would not be viable. The developer therefore agreed to make an overall contribution of £250,000 towards 'local infrastructure requirements', as secured in the s106.
- 2.4 Officers have discussed local infrastructure needs, as identified in the s106, and what projects might be delivered to mitigate any impacts from the development, within this timeframe, in line with local policy objectives and CIL guidance, as set out in the [Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019](#) and the National Planning Policy Framework (2021) (NPPF).
- 2.5 The Council's Solicitor advises that the contribution could be allocated to any one, or a combination, of the specified uses in the agreement, provided CIL Regulation 122 tests are met. To meet the CIL tests, the identified infrastructure should be: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

3 Corporate Objectives and Priorities

- 3.1 The Council's Corporate Plan 2019-2023 sets out four strategic priorities, relating to growing the potential of town centres, communities, people and the local environment. This matter is linked to each of these priorities and the proposed allocation of this financial contribution towards a local cycling/walking and public realm project within the town centre will enhance public spaces and connections in the town centre, encourage active travel modes, and enhance access to the River Anton corridor, thereby helping the local community to be able to access these enhanced connections and spaces and live well.

4 Consultations/Communications

- 4.1 The recommendation follows discussions between internal services, including Housing, Communities and Leisure, and Planning and Building. Initial consultations have taken place with HCC (as Highway Authority) about suitable infrastructure projects and mitigation, within the vicinity of the Chantry Lodge development.

5 Options

- 5.1 The options are concerned with how the s106 financial contribution is allocated to meet local infrastructure requirements. It could potentially be split between the four categories of infrastructure identified in the s106 agreement, or allocated to one (or more) category of infrastructure. Infrastructure projects might include an affordable housing scheme in the ward, a public open space project, the enhancement of leisure facilities; and/or a highway management or improvement scheme. The options are set out below, following the order they are listed in the s106 agreement.
- 5.2 Affordable Housing
- 5.3 Chantry Lodge provides 100% private retirement housing with shared facilities. In principle, it could be appropriate to allocate some or all of the contribution towards the provision of a similar form of affordable retirement housing, within the ward, to meet local needs. The Housing team advise that while a local need exists, there are no current proposals for (or discussions taking place about) future schemes within the town that this contribution might help to bring forward. A suitable scheme may come forward with the implementation of the Andover Town Centre Masterplan (September 2020), but unfortunately, this is unlikely to be deliverable within the timeframe of this s106 contribution.
- 5.4 Public open space
- 5.5 The Chantry Lodge development includes an area of on-site shared amenity space/garden for its residents. The residents are also likely to make use of the various public open spaces within and across the town, including the new pocket park adjoining Town Mills, the new Riverside Park and Vigo Park, among others. The enhancement of these provisions and/or other sports, informal recreation, or parkland open space in the vicinity would help mitigate the impacts of the development on local infrastructure. Enhancing these green spaces and the walking/cycling routes linking them, could also enhance their connectivity, use, and attractiveness for residents.
- 5.6 It is considered that this s106 contribution provides an opportunity to build upon recent public realm and open space enhancements at Riverside Park and Town Mills Pocket Park, within the Anton River corridor. By extending these enhancements south and/or west, towards the cinema/Asda supermarket, and linking to a remodelled Western Avenue, as described in the Andover Town Centre Masterplan and its spatial framework (see Appendix 1), an enhancement scheme could encourage enjoyment of the river area and help to link up Andover's green infrastructure and public open spaces. Public realm enhancements, such as seating, lighting, street trees or other landscaping, could form part of the scheme, potentially complementing any future regeneration proposals within the Masterplan area. There is also the opportunity to enhance connectivity and pedestrian/cycling provisions, to the north of the High Street, to Shepherds Spring Lane. This option is also consistent with the Masterplan strategy and well related to the Chantry Lodge development. Onward links to the public open spaces at Watermills Park and Rooksbury Mill Park could be waymarked within the schemes, further strengthening these linkages and encouraging walking or cycling to these provisions.

5.7 The projects described above would provide attractive spaces and connections for Chantry Lodge residents and appropriate infrastructure mitigation for the development, while supporting the Andover Masterplan strategy. In accordance with the CIL tests and guidance, an infrastructure scheme of this kind within close proximity to the development, would be considered necessary to make the development acceptable in planning terms, directly related to it, and fairly and reasonably related in scale and kind to the development.

5.8 Other leisure facilities

5.9 The s106 contribution provides an opportunity to support the enhancement of leisure facilities in Andover. The town centre leisure centre and swimming pool lies within 200m of the development and offers a range of good and recently updated indoor sports and leisure facilities, which are likely to be used by its residents. These provisions have been redeveloped in recent years, partly using s106 contributions. They are not currently in need of further upgrading. The redevelopment of the town centre and theatre, as described in the Andover Masterplan, offers potential opportunities to enhance local leisure infrastructure and cultural facilities. However, this infrastructure is unlikely to be delivered within the timescale of this s106 contribution.

5.10 Highway infrastructure or management:

5.11 The road, footway and cycling provision adjoining Chantry Lodge was improved in connection with the planning permission for the development. Chantry Lodge has limited on-site parking for residents and is located in a sustainable location in the town centre, close to shops, services, facilities and the bus station. Enhancements to pedestrian and cycle infrastructure and routes within the vicinity of the development would help to mitigate impacts on the transport network.

5.12 Initial discussions with HCC have been positive and there is support, in principle, for a scheme of walking and cycle enhancements, with public realm enhancements, as described above (at para 5.6 – 5.7). Feasibility work would be required towards the preparation of a detailed scheme. Enhancing cycle/walking linkages, either within the vicinity of Riverside Park and Anton River corridor to the south, and/or to the north to Shepherds Spring Lane, would encourage active travel and help to mitigate the transport impacts of the Chantry Lodge development.

5.13 Not allocating the contribution

5.14 The final option would be to not allocate the s106 contribution to any project at this stage.

6 Option Appraisal

6.1 The options are set out above for the allocation of the secured s106 contribution towards the categories of local infrastructure identified in the s106 agreement (ie. affordable housing, public open space, other leisure facilities and/or highway infrastructure or management).

- 6.2 Following internal discussions, it is considered unlikely that the contribution could be allocated to, and substantially committed/spent, on a suitable scheme of affordable housing, within the timescale specified in the s106 contribution (ie. committed to a specified affordable housing scheme by 2025).
- 6.3 The contribution could be allocated towards public open space provisions and enhancements in the local area. There are various proposals for new and/or enhanced green spaces and other public realm improvements within the Andover Masterplan. The Masterplan Strategy identifies the Anton river corridor as a key resource and focus for future investment. The Masterplan spatial strategy identifies a potential series of connected and walkable existing and new spaces across the town. Some of these may take some years to bring forward, due to their more complex construction, finance and highway implications, but others are considered to be deliverable within the timescale of this contribution.
- 6.4 With regard to leisure facilities infrastructure, it is noted that Andover Leisure Centre has been fully refurbished and extended in recent years, a short distance from the development. It is not in need of further refurbishment or enhancement at the present time. It is unlikely that a further suitable leisure infrastructure scheme could be identified within the s106 timescale.
- 6.5 Officers recommend that the financial contribution is allocated to a public realm scheme that enhances cycling and walking connections, in accordance with the objectives of the Andover Town Centre Masterplan. This could be to the south of the new Riverside Park, within the Anton river corridor and/or linking to Western Avenue and/or to the north of Chantry Lodge, linking to Shepherds Spring Lane. These options combine public open space or public realm enhancements with improved active travel linkages. The scheme would enhance Andover's walking and cycling infrastructure, to accord with the objectives of the Test Valley Borough Cycle Strategy and Network SPD (2015).
- <https://www.testvalley.gov.uk/communityandleisure/cyclingwalking/cyclestrategy/spd>
- 6.6 The contribution of £250,000 would have a significant impact on feasibility and project delivery costs associated with the recommended schemes, which are considered to be deliverable within the timescale of this s106 contribution, in line with CIL guidance and tests. The projects would help to mitigate the impacts of the Chantry Lodge development by enhancing the River Anton Corridor, links between public open spaces across the town, and delivering infrastructure to support cycling and walking in the vicinity of the development.
- 6.7 Not allocating the contribution to a local infrastructure scheme at this stage is not recommended, given that further work must now take place in order to deliver a suitable infrastructure scheme, within the timescale of the s106 agreement.

7 Risk Management

- 7.1 There is an identified risk that the s106 contribution (£250,000) may have to be returned, if it is not committed to a local infrastructure scheme(s) and/or spent, within the timescale of the contribution. This could have financial implications for the delivery of local infrastructure projects. To seek to mitigate this risk, a range of suitable infrastructure projects, within three geographical areas in the Masterplan Area, are identified for further feasibility work, to provide a range of options for this contribution.
- 7.2 There is some risk that a project falling within the options and parameters identified in this report will not be deliverable, within the timescale of the s106 contribution. While this risk is considered to be small, it would be possible, in these circumstances, for Cabinet to agree an alternative approach to the use of this s106 contribution, should another suitable local infrastructure project be identified at a later stage.

8 Resource Implications

- 8.1 At this stage, there is no resource implication arising from the recommendation. The delivery of the improvement infrastructure is a matter for further consideration.

9 Legal Implications

- 9.1 The recommendation is consistent with the requirements of the s106 legal agreement.

10 Equality Issues

- 10.1 None identified.

11 Other Issues

- 11.1 Community Safety – No issues identified. This will be a matter for consideration at the design, planning and feasibility stages.
- 11.2 Environmental Health Issues – None identified.
- 11.3 Sustainability and Addressing a Changing Climate – The recommended approach will incorporate environmental and walking and cycling enhancements which may enhance active travel infrastructure, have a positive impact on vehicle emissions and encourage more sustainable lifestyles, in line with several themes identified in the Test Valley Climate Emergency Action Plan (June 2020).
- 11.4 Property Issues – The proposal may include land that is within Test Valley Borough Council control.
- 11.5 Wards/Communities Affected – Andover St Marys Ward, Andover Town.

12 Conclusion and reasons for recommendation

- 12.1 The report recommends the allocation of a s106 contribution of £250,000 towards public realm improvements and cycling/walking infrastructure enhancements in Andover town centre, in line with the objectives of the Andover Town Centre Masterplan (September 2020), and within the vicinity of the River Anton corridor and/or Western Avenue, and/or linking to Shepherds Spring Lane to the north of the town centre. The options for allocating this s106 contribution are set out in the report and assessed, with regard to their deliverability, the CIL Regulation 122 Tests, the impacts of the development on local infrastructure requirements, the Andover Town Centre Masterplan, policy guidance, Test Valley Borough Council Climate Emergency Action Plan and the Corporate Plan.

Background Papers (Local Government Act 1972 Section 100D)

Test Valley Borough Revised Local Plan DPD Adopted Local Plan 2011-2029 (2016)

Cycle Strategy And Network Supplementary Planning Document (2015)

Growing Our Potential - the Corporate Plan 2019-23

Andover Town Centre Masterplan, 2020

Test Valley Borough Council Climate Emergency Action Plan, June 2020

Confidentiality: It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:

1

File Ref:

N/A

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Report to:

Cabinet

Date:

27 October 2021