

## Heads of terms for the completion of a Section 106 agreement

<b>Plumbs Dairy, Balsham (S/0460/17/FL)</b>	
South Cambridgeshire District Council (Affordable Housing)	
Affordable housing percentage	40% (6 units)
Affordable housing tenure	Either 70% affordable rent and 30% intermediate or 17% affordable rent and 83% intermediate with a commuted sum to reflect a policy compliant scheme (see section 50 of the committee report)
Local connection criteria	The properties should be allocated on a District wide connection basis

### Section 106 payments summary:

Item	Beneficiary	Estimated sum
Sports	SCDC	£14,713.85
Outdoor gym equipment	SCDC	£16,309.68
Indoor community space	SCDC	£6,167.08
Household waste bins	SCDC	£1,867.50
Monitoring	SCDC	£500
<b>TOTAL</b>		<b>£39,558.11</b>
<b>TOTAL PER DWELLING</b>		<b>£2637.21</b>

### Section 106 infrastructure summary:

Item	Beneficiary	Summary
Local Area of Play	SCDC	

#### CAMBRIDGESHIRE COUNTY COUNCIL

<b>Ref</b>	CCC1
<b>Type</b>	Early years
<b>Policy</b>	DP/4
<b>Required</b>	NO

<b>Ref</b>	CCC2
<b>Type</b>	Primary School
<b>Policy</b>	DP/4
<b>Required</b>	NO

<b>Ref</b>	CCC3
<b>Type</b>	Secondary school
<b>Policy</b>	DP/4
<b>Required</b>	NO

<b>Ref</b>	CCC4
<b>Type</b>	Libraries and lifelong learning
<b>Policy</b>	DP/4
<b>Required</b>	NO

<b>Ref</b>	CCC5
<b>Type</b>	Strategic waste
<b>Policy</b>	RECAP WMDG
<b>Required</b>	NO

<b>Ref</b>	CCC6
<b>Type</b>	CCC monitoring
<b>Policy</b>	None
<b>Required</b>	NO

<b>Ref</b>	CCC7
<b>Type</b>	Transport
<b>Policy</b>	TR/3
<b>Required</b>	NO

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

<b>Ref</b>	SCDC1
<b>Type</b>	Sports
<b>Policy</b>	SF/10
<b>Required</b>	YES

<b>Detail</b>	<p>Development Control Policy SF/10 adopted July 2007 states that <i>'All residential developments will be required to contribute towards Outdoor Playing Space (including children's play space and formal outdoor sports facilities) and informal open space to meet the additional need generated by the development in accordance with the standards in Policy SF/11'</i>. Policy SF/11 outlines the minimum standards for outdoor play space and informal open space as 2.8 hectares per 1,000 people, comprising:</p> <ol style="list-style-type: none"> <li>1. Outdoor Sport – 1.6 hectares per 1,000 people</li> <li>2. Children's Playspace – 0.8 hectares per 1,000 people</li> <li>3. Informal Open Space – 0.4 hectares per 1,000 people</li> </ol> <p>The Open Space in New Developments Supplementary Planning Document further divided the children's play space standard to 0.4 hectares for formal children's play space (i.e. equipped play areas NEAPS and LEAPS) and 0.4 hectares for informal children's play space (unequipped play areas i.e. LAPS). The SPD also sets out the threshold at where onsite provision will be required and therefore where it is appropriate to secure offsite financial contributions. It also provides a method by which offsite financial contributions will be calculated in respect of new development.</p> <p>The open space requirements on a per dwelling is shown in Table 1 below. Based on a possible housing mix the development would be required to provide (either by way of onsite provision, offsite contribution or a mixture of both) circa 0.36 ha of sports space, circa 0.09 ha of formal play space, circa 0.09 ha of informal play space and circa 0.09 ha of informal open space.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>Formal sports space</th> <th>Formal play space</th> <th>Informal play space</th> <th>Informal open space</th> </tr> </thead> <tbody> <tr> <td>1 bed</td> <td>21.4m<sup>2</sup></td> <td>Nil</td> <td>Nil</td> <td>5.4 m<sup>2</sup></td> </tr> <tr> <td>2 bed</td> <td>28m<sup>2</sup></td> <td>7m<sup>2</sup></td> <td>7m<sup>2</sup></td> <td>7m<sup>2</sup></td> </tr> <tr> <td>3 bed</td> <td>38.7m<sup>2</sup></td> <td>9.7m<sup>2</sup></td> <td>9.7m<sup>2</sup></td> <td>9.7m<sup>2</sup></td> </tr> <tr> <td>4+ bed</td> <td>53.1m<sup>2</sup></td> <td>13.3m<sup>2</sup></td> <td>13.3m<sup>2</sup></td> <td>13.3m<sup>2</sup></td> </tr> </tbody> </table> <p><i>Table 1: Open space requirements per dwelling</i></p> <p>Para 2.15 and 2.28 of the SPD explains in full detail how financial contributions (both capital and maintenance payments) are calculated in the event that the</p>		Formal sports space	Formal play space	Informal play space	Informal open space	1 bed	21.4m <sup>2</sup>	Nil	Nil	5.4 m <sup>2</sup>	2 bed	28m <sup>2</sup>	7m <sup>2</sup>	7m <sup>2</sup>	7m <sup>2</sup>	3 bed	38.7m <sup>2</sup>	9.7m <sup>2</sup>	9.7m <sup>2</sup>	9.7m <sup>2</sup>	4+ bed	53.1m <sup>2</sup>	13.3m <sup>2</sup>	13.3m <sup>2</sup>	13.3m <sup>2</sup>
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	<p>necessary provision of onsite open space is not satisfied in full.</p> <p>Contributions and/or provision towards Outdoor Sport, Formal Children's Playspace, Informal Children's Playspace and Informal Open Space are sought by the Local Planning Authority to mitigate the impacts of the proposed development.</p> <p><i>Outdoor Sports Provision</i></p> <p>The Recreation and Open Space Study 2013, forming part of the Local Plan submission, showed that Balsham needed 2.61 ha but has 4.40 ha i.e. a surplus of 1.79 ha of Outdoor Sport Provision.</p> <p>Balsham Parish Council has a large open space with sports pitches for football and cricket, along with a bowling green and a play area. The 2013 study identified the pavilion as being of average quality and highlighted that the village needed a pitch for mini soccer and an informal basketball facility.</p> <p>Balsham Parish Council has ambitious plans to improve the functionality of the pavilion. The Parish Council has been discussing improvements to the pavilion for nearly a year and plans have just been received from the architect. The pavilion requires improvements due to the number of sports teams using the building which is poorly laid out and a viewing area has been requested by the Cricket and Football teams.</p> <p>These works include (but not limited to):</p> <ul style="list-style-type: none"> <li>• Replacement heating system – the current heating system is old storage heaters which are expensive to run and require replacing.</li> <li>• Relocation of toilets / changing rooms.</li> <li>• Addition of decking at rear of pavilion to allow watching of cricket Redecoration throughout.</li> </ul> <p>The cost of the project is expected to be in the region of £150,000.</p> <p>In accordance with policies SF/10 and SF/11 the applicant will be required to make a contribution towards the increase in demand for provision of outdoor sports provision to mitigate the impacts of the proposed development. Failure to make provision for outdoor sports space would mean that the development could not be considered sustainable in accordance with the requirements of the NPPF in particular Section 8.0 Promoting Health Communities.</p> <p>The contribution sought towards the project is set out in the table below (taken from the open space SPD). Based on the revised housing mix the developer would be required to pay £14,713.85 in accordance with the policy.</p> <table border="1" data-bbox="507 1630 1353 1823"> <thead> <tr> <th>Dwellings with number of bedrooms</th> <th>(£) Contribution per Dwelling</th> </tr> </thead> <tbody> <tr> <td>One bed</td> <td>625.73</td> </tr> <tr> <td>Two bed</td> <td>817.17</td> </tr> <tr> <td>Three bed</td> <td>1,130.04</td> </tr> <tr> <td>Four bed</td> <td>1,550.31</td> </tr> </tbody> </table>	Dwellings with number of bedrooms	(£) Contribution per Dwelling	One bed	625.73	Two bed	817.17	Three bed	1,130.04	Four bed	1,550.31
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One bed	625.73										
Two bed	817.17										
Three bed	1,130.04										
Four bed	1,550.31										
<b>Quantum</b>	£14,713.85										
<b>Fixed / Tariff</b>	Tariff										
<b>Trigger</b>	To be paid prior to the occupations of 50% of the dwellings.										
<b>Officer agreed</b>	YES										

<b>Applicant agreed</b>	YES
<b>Number Pooled obligations</b>	2 to date

<b>Ref</b>	SCDC2
<b>Type</b>	Outdoor gym equipment
<b>Policy</b>	SF/10
<b>Required</b>	YES
<b>Detail</b>	<p>The Recreation and Open Space Study July 2013, forming part of the Local Plan submission, showed that Balsham needed 1.30 ha Children's Play Space whereas the village had 0.07, i.e. a deficit of 1.23 ha of Children's Play Space.</p> <p>Children's Play Space is defined as 'Designated areas for children and young people containing a range of facilities and an environment that has been designed to provide focused opportunities for outdoor play. Also includes informal playing space within housing areas'.</p> <p>The open space in new developments SPD goes on to clarify that the 'starting point for the mix of the Children's play space will be 50% formal and 50% informal. A lower percentage of formal space may be acceptable if it can be demonstrated that provision of the LAPS / LEAPS / NEAPs hierarchy can be achieved appropriately with less than 50% formal provision'.</p> <p>The open space SPD (on page 23) further explains that a Local Area for Play (LAP) caters for a target age group of 2-6 and provides soft and hard landscaping with features and design to help stimulate imaginative play. A Local Equipped Area for Play (LEAP) has a target age group is 2-8 (focussing mainly at 4-8) and has 9 pieces of play equipment (which will comprise at least 6 pieces of play equipment for 4-8 year olds and at least 3 pieces of equipment for toddlers). A Neighbourhood Equipped Area for Play (NEAP) has a target age group of 8-14 and may comprise informal ball courts, wheeled sports facilities and/or more traditional equipped areas with a minimum of 8 pieces of play equipment suitable for the age group.</p> <p>The SPD provides a 'guide for when on-site provision will be sought' in terms children's space facilities (i.e. LAPs, LEAPs and NEAPs). For example the SPD suggests than a LAP is required at 10 dwellings, a LEAP at 50 dwellings and a NEAP at 200 dwellings. A LEAP requires an activity zone of 500 m2 and a NEAP requires an activity zone of 1200 m2.</p> <p>Although the SPD may at first glance imply that the formal open space requirement is met through the provision of LAPs, LEAPs and NEAPs I do not take the view that the SPD intended that the provision of a LAP or even LEAP in isolation is sufficient to satisfy the formal children's play space needs of a development alone, where (for example) less than 200 dwellings are proposed.</p> <p>The reason why this view is taken is that the LEAP only caters for a target age group of 2-8, whereas a NEAP target age group 8-14. If the developer only provides a LEAP It is therefore suggested that the development is not providing a range of facilities or mitigating its impact on the basis that it is lacking in infrastructure for 8-14 years olds.</p> <p>The SPD says that 'Where full provision of outdoor play space is not</p>

	<p>made on site, additional land or funding will be secured through the Section 106 Agreement or via planning obligations / conditions for improvements and / or extension to existing recreation facilities. This will be based on considerations within the village or adjoining area and will be determined in consultation with the Parish and District Councils'. Logic would therefore suggest that an offsite contribution is needed to provide children's play equipment for those age ranges not being provided for onsite.</p> <p>An offsite contribution should be payable in order to satisfy the play needs of the children arising from the development. Balsham Parish Council has identified a project being the installation of outdoor gym equipment to be provided on the recreation ground.</p> <p>This follows Para 4.43 of the SPD that says</p> <p><i>The LPA will encourage the provision of innovative approaches to play facilities that meet the current needs of children and young people, respond positively to encouraging greater activity levels and the reduction of childhood obesity.</i></p> <ul style="list-style-type: none"> <li>• Computerised play facilities, particularly those that encourage movement</li> <li>• Outdoor "gym" facilities</li> </ul> <p>Based on the contributions set out in the open space in new developments SPD, and on the revised housing mix provided, the developer would be required to pay £16,309.68</p> <table border="1" data-bbox="598 1077 1353 1301"> <thead> <tr> <th>Dwellings with number of bedrooms</th> <th>(£) Contribution per Dwelling</th> </tr> </thead> <tbody> <tr> <td>One bed</td> <td>0</td> </tr> <tr> <td>Two bed</td> <td>1,202.78</td> </tr> <tr> <td>Three bed</td> <td>1,663.27</td> </tr> <tr> <td>Four bed</td> <td>2,281.84</td> </tr> </tbody> </table> <p><i>Table 3: Contribution towards formal children's play space per dwelling</i></p>	Dwellings with number of bedrooms	(£) Contribution per Dwelling	One bed	0	Two bed	1,202.78	Three bed	1,663.27	Four bed	2,281.84
Dwellings with number of bedrooms	(£) Contribution per Dwelling										
One bed	0										
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Four bed	2,281.84										
<b>Quantum</b>	£16,309.68										
<b>Fixed / Tariff</b>	Tariff										
<b>Trigger</b>	Upon occupation of the first dwelling										
<b>Officer agreed</b>	YES										
<b>Applicant agreed</b>	YES										
<b>Number Pooled obligations</b>	None										

<b>Ref</b>	SCDC3
<b>Type</b>	Informal open space
<b>Policy</b>	SF/10
<b>Required</b>	YES
<b>Detail</b>	<p>The Recreation and Open Space Study July 2013, forming part of the local plan submission, showed that Balsham needed 0.65 ha of informal open space and according to the study had 1.30ha, i.e. a surplus of 0.13 ha.</p> <p>The open space in new developments SPD says that informal open spaces (as opposed to Informal Play Space) are used by people of all ages for informal unstructured recreation such as walking, relaxing, or a</p>

	<p>focal point, ranging from formal planted areas and meeting places to wilder, more natural spaces, including some green linkages. Such spaces should be provided within or adjoining new housing development including housing specifically built for the elderly, in addition to the play space requirement. Spaces should ideally be created around existing landscape features on the site and allow for additional landscaping as appropriate. A well-designed scheme could incorporate areas of open space, existing landscape features such as mature trees, wildflower meadows and hedgerows, appropriate new planting, and a mechanism for long-term management of the developing landscape. In larger developments, structural landscaping should be designed so that it is capable for use for informal recreation e.g. dog walking.</p> <p>Based on the housing mix the development is required to provide 123 m2 of informal open space. The scheme provides areas that could be classified as informal open space and as such this policy can be considered to be satisfied</p>
<b>Quantum</b>	
<b>Fixed / Tariff</b>	N/A
<b>Trigger</b>	
<b>Officer agreed</b>	YES
<b>Applicant agreed</b>	YES
<b>Number Pooled obligations</b>	None

<b>Ref</b>	SCDC4
<b>Type</b>	Offsite indoor community space
<b>Policy</b>	DP/4
<b>Required</b>	YES
<b>Detail</b>	<p>In accordance with Development Control Policy DP/4 infrastructure and new developments, all residential developments generate a need for the provision of, or improvement to, indoor community facilities. Where this impact is not mitigated through onsite provision a financial contribution towards offsite improvement works will be required.</p> <p>The Council undertook an external audit and needs assessment undertaken in 2009, in respect of all primary community facilities in each village. The purpose of this audit was threefold (i) to make a recommendation as to the indoor space requirements across the District (ii) to make a recommendation on the type of indoor space based on each settlement category and (iii) make a recommendation as to the level of developer contributions that should be sought to meet both the quantity and quality space standard.</p> <p>Whilst not formally adopted as an SPD, this informal approach was considered and approved at the Planning and New Communities portfolio holder's meeting on 5th December 2009 and has been applied since.</p> <p>Firstly the audit recommended the provision of 111 square metres of indoor community space per 1,000 people.</p> <p>Secondly the audit recommended that for Group Villages the indoor community space should be as follows:</p> <ul style="list-style-type: none"> <li>• Group Villages should offer a facility of reasonable size which offers access to community groups at competitive rates.</li> <li>• The facility should feature a main hall space which can be used</li> </ul>

for casual sport and physical activity; theatrical rehearsals/performances and social functions, however, it is recognised that one use may be favoured depending upon demand.

- All new facilities, including toilets, should be fully accessible, or retro-fitted if viable to ensure compliance with Disability Discrimination Act legislation wherever possible.
- Facilities should include an appropriately equipped kitchen/catering area for the preparation of food and drink. The venue should have the capacity for Temporary Events for functions which serve alcohol.
- Where practical and achievable, new build facilities should be delivered with appropriate energy-efficiency measures in place, although this should be undertaken with the balance of expenditure/saving in mind, given the likely hours of usage. Likely measures include light sensors/timers, Cisternisers, improved insulation etc.
- Facilities should be functional spaces, designed to offer ease of management, as volunteers are likely to be primarily responsible for day to day upkeep.

Thirdly the audit also established a tariff in respect of providing and maintaining (i.e. capital and revenue) sums necessary to provide such facilities. These values formed the basis of contributions being sought from new development. The cost of providing offsite community space provision equates to £212 per person (comprising £166.50 for capital cost and £45.50 for maintenance cost). Further details of calculating the capital and maintenance costs are included at paragraphs 5.14 to 5.33 of the audit.

In accordance with the policy Balsham needs 180 m2 of indoor community space whereas it has 140 m2, i.e. a deficit of 40 m2.

Based on the likely number of people arising from the development an area of circa 4 m2 is required further exacerbating the situation.

The community facilities audit said that Balsham is served by Balsham Church Institute which is a moderately sized Village Hall. It has old toilet facilities, however there are plans to replace these in the near future. The hall is fairly large and can be split into two parts by way of a sliding shutter. The institute also contains two computers with internet facilities for the use of the villagers. There is a storage room which doubles as a meeting room. There is a small outdoor grassy space which may be turned into a garden. Parking is good.

The Parish Council has said that the money would be used to make a number of improvements to Balsham Church Institute.

A financial contribution based on the revised housing mix is required in accordance with the published charges as set out in Table 4 below and which results in a contribution of £6,167.08

Dwellings with number of bedrooms	(£) Contribution per Dwelling
One bed	284.08
Two bed	371
Three bed	513.04

	Four bed	703.84
<i>Table 4: Requirement for indoor community space per dwelling</i>		
<b>Quantum</b>	£6,167.08	
<b>Fixed / Tariff</b>	Tariff	
<b>Trigger</b>	To be paid prior to the occupations of 50% of the dwellings	
<b>Officer agreed</b>	YES	
<b>Applicant agreed</b>	YES	
<b>Number Pooled obligations</b>	2 to date	

<b>Ref</b>	SCDC5
<b>Type</b>	Household waste receptacles
<b>Policy</b>	RECAP WMDG
<b>Required</b>	YES
<b>Detail</b>	£73.50 per house and £150 per flat
<b>Quantum</b>	See above
<b>Fixed / Tariff</b>	Tariff
<b>Trigger</b>	Paid in full prior to occupation
<b>Officer agreed</b>	YES
<b>Applicant agreed</b>	YES
<b>Number Pooled obligations</b>	N/A

<b>Ref</b>	SCDC6
<b>Type</b>	S106 Monitoring
<b>Policy</b>	Portfolio holder approved policy
<b>Required</b>	YES
<b>Detail</b>	To monitor the delivery of S106 obligations.
<b>Quantum</b>	£500
<b>Fixed / Tariff</b>	Fixed
<b>Trigger</b>	Paid in full prior to commencement of development
<b>Officer agreed</b>	YES
<b>Applicant agreed</b>	YES
<b>Number Pooled obligations</b>	N/A