

Heads of terms for the completion of a Section 106 agreement

Balsham – 7 High Street (S/1959/16/FL)	
South Cambridgeshire District Council (Affordable Housing)	
Affordable housing percentage	40%
Affordable housing tenure	70% affordable rented and 30% Intermediate
Local connection criteria	The first 8 properties should be allocated to those with a local connection to Balsham, the occupation of an additional affordable homes will be split 50/50 between local connection and on a Districtwide basis.

Section 106 payments summary:

Item	Beneficiary	Estimated sum
Early years	CCC	£0
Primary School	CCC	£0
Secondary School	CCC	£0
Libraries and lifelong learning	CCC	£0
Transport	CCC	£0
Sports	SCDC	£72,075.53
Children's Play Space	SCDC	£5,000
Informal Open Space	SCDC	£7,000
Indoor community space	SCDC	£15,340.32
Household waste bins	SCDC	£3114 (£73.50 per dwelling & £150 per flat)
Monitoring	SCDC	£1000
Healthcare	SCDC	£0
TOTAL		£103,529.85
TOTAL PER DWELLING		£3,137.26

Section 106 infrastructure summary:

Item	Beneficiary	Summary
Onsite public open space	SCDC	Informal open space and landscaped amenity space

Planning condition infrastructure summary:

Item	Beneficiary	Summary
None		

CAMBRIDGESHIRE COUNTY COUNCIL

Ref	CCC1
Type	Early years
Policy	DP/4
Required	No

Ref	CCC2
Type	Primary School
Policy	DP/4
Required	No

Ref	CCC3
Type	Secondary school
Policy	DP/4
Required	No

Ref	CCC4
Type	Libraries and lifelong learning
Policy	DP/4
Required	No

Ref	CCC5
Type	Strategic waste
Policy	RECAP WMDG
Required	NO

Ref	CCC6
Type	CCC monitoring
Policy	None
Required	NO

Ref	CCC7
Type	Transport
Policy	TR/3
Required	No

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Ref	SCDC1
Type	Sport
Policy	SF/10
Required	YES
Detail	<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</p>

	<p>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"> • Replacement heating system – the current heating system is old storage heaters which are expensive to run and require replacing. • Relocation of toilets / changing rooms. • Addition of decking at rear of pavilion to allow watching of cricket Redecoration throughout. <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 housing mix the developer would be required to pay £33,789.23 in accordance with the policy.</p> <table border="1" data-bbox="501 1055 1257 1245"> <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> <p><i>Table 2: Contribution towards Outdoor Open Sports Space per dwelling</i></p> <p>Clearly this contribution will go some way to achieving the local ambitions but Balsham Parish Council have requested that contributions towards this project are supplemented through a reduction of contributions ordinarily that would ordinarily be secured for children's play equipment.</p> <p>Officers consider that there is a clear case for this approach. By taking a smaller figure for formal children's play space (i.e. £38,286.15 less than policy requirement) and adding it to the pavilion project a new total pot of £72,075.38 is generated.</p>	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
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										
Quantum	£72,075.53										
Fixed / Tariff	Tariff										
Trigger	50% to be paid on commencement and 50% to be paid on the 17 th dwelling occupation										
Officer agreed	YES										
Applicant agreed	YES										
Number Pooled obligations											
Ref	SCDC2										
Type	Children's play space										
Policy	SF/10										

Required	YES
Detail	<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) 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 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>Based on a likely housing mix the development would be required to provide 251 m2 of formal play space and 251 m2 of informal play space.</p> <p>The development provides an area of open space of around 220m2 which can be used to meet the informal play space requirement.</p> <p>Based on the contributions set out in the open space in new developments SPD, and on the housing mix provided, the developer would be required to pay £43,286.27</p> <table border="1"> <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> <p>Balsham Parish Council has invested in providing good quality play equipment and they have advised that the current play area is restricted in terms of providing any more equipment. The only identified project would be the replacement of the roundabout at a cost of £5,000. The Parish Council have suggested that, rather than taking the money due to them under the open space in new developments SPD (and providing play equipment on the recreation ground), that the difference should instead be best used towards the sports pavilion project as set out above.</p> <p>The offsite children's play space contribution is therefore reduced to £5,000 (rather than £43,286.27)</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										
Two bed	1,202.78										
Three bed	1,663.27										
Four bed	2,281.84										
Quantum	£5,000										
Fixed / Tariff	Tariff										
Trigger	Prior to occupation of 17 th dwelling										
Officer agreed	YES										
Applicant agreed	YES										
Number Pooled obligations											

Ref	SCDC3
Type	Informal open space
Policy	SF/10
Required	YES
Detail	<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 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</p>

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.

Based on the housing mix the development is required to provide 289 m2 of informal open space. The scheme provides no areas that could be classified as informal open space.

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 informal open space.

Balsham Parish Council has said they would like a contribution of £3,500 towards Balsham Community Orchard located off Hay Close, Balsham towards new fencing and a contribution towards its on-going maintenance.

Balsham Parish Council has said they would like a contribution of £3,500 towards Rosie Green Wood located off West Wickham Road. Rosie Green Wood was planted as a millennium project in 2000 and 2001. The field in Rosie Green was owned by the parish council. The 4-5 acre site was divided into plots which were then sponsored by individuals, families and village groups or organisations. Trees native to the area were allocated to each plot and planted by residents. A public footpath runs through the wood and the large central area was left open for people to enjoy. There are also benches and a picnic table. The project was supported by the Forestry Commission. This area is used by families and dog walkers in the village.

Contributions towards the maintenance of open space and play facilities

Paragraph 2.19 of the Open Space in New Developments SPD advises that 'for new developments, it is the developer's responsibility to ensure that the open space and facilities are available to the community in perpetuity and that satisfactory long-term levels of management and maintenance are guaranteed'. The Council therefore requires that the on-site provision for the informal open space and the future maintenance of these areas is secured through a S106 Agreement. Para 2.21 advises that 'if a developer, in consultation with the District Council and Parish Council, decides to transfer the site to a management company, the District Council will require appropriate conditions to ensure public access and appropriate arrangements in the event that the management company becomes insolvent (a developer guarantee)'.

It is the Local Planning Authority's preference that the public open space be offered to Balsham Parish Council for adoption, recognising that the Parish Council has the right to refuse any such offer.

If the Parish Council is not minded to adopt onsite public open space the owner will be required to provide a developer guarantee of sufficient value to be a worthwhile guarantee. Furthermore with the details of the guarantee and guarantor would need to be submitted to and approved in writing by the Council prior to commencement of development. Should this not be forthcoming the planning obligation will also be required to include arrangements whereby the long term management responsibility of the open space areas and play areas passes to plot

	purchasers in the event of default.
Quantum	£7,000
Fixed / Tariff	Tariff
Trigger	Prior to occupation of 17 th dwelling
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	

Ref	SCDC4
Type	Offsite indoor community space
Policy	DP/4
Required	YES
Detail	<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"> • Group Villages should offer a facility of reasonable size which offers access to community groups at competitive rates. • The facility should feature a main hall space which can be used 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 8 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 the fitting out and upgrade of Balsham Scout Hut located at Woodhall Lane which is a scout association building on Parish Council owned land. This would bring the building up to a standard akin to frequent use across different user groups.

Balsham Scout Hut is also used for other community groups/events is at the end of its life and the Scout group has had plans approved to replace the Scout Hut. Approximate costs for the rebuild are £50,000. Over the last year the hut has been used on a regular basis by a karate club and children's dance group. Prior to the change in leadership it was also used by Brownies. It has also been used by an adult group involved in gaming (dungeons and dragons type role playing games) and for a children's party. Scout groups from other areas, including the university have also used the hut. It has also been used as an off-site temporary storage area for the school jumble sale and was used to prepare scenery for the village drama group.

A financial contribution based on the approved housing mix is required in accordance with the published charges as set out in Table 4 below and which, based on the housing mix, is £15,340.32.

Dwellings with number of bedrooms	(£) Contribution per Dwelling
One bed	284.08
Two bed	371
Three bed	513.04
Four bed	703.84

Table 4: Requirement for indoor community space per dwelling

Quantum	£15,340.32
Fixed / Tariff	Tariff
Trigger	Prior to occupation of 17 th dwelling
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	

Ref	SCDC5
Type	Household waste receptacles
Policy	RECAP WMDG
Required	YES
Detail	£73.50 per house and £150 per flat
Quantum	See above
Fixed / Tariff	Tariff
Trigger	Prior to commencement of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

Ref	SCDC6
Type	S106 Monitoring
Policy	Planning portfolio holder approved policy
Required	YES
Detail	n/a
Quantum	£1000
Fixed / Tariff	Fixed
Trigger	Prior to commencement of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

Ref	SCDC7
Type	Onsite open space, children's play space and landscaped amenity space
Policy	
Required	YES
Detail	<p>Paragraph 2.19 of the Open Space in New Developments SPD advises that 'for new developments, it is the developer's responsibility to ensure that the open space and facilities are available to the community in perpetuity and that satisfactory long-term levels of management and maintenance are guaranteed'. The Council therefore requires that the on-site provision for the informal open space and the future maintenance of these areas is secured through a S106 Agreement. Para 2.21 advises that 'if a developer, in consultation with the District Council and Parish Council, decides to transfer the site to a management company, the District Council will require appropriate conditions to ensure public access and appropriate arrangements in the event that the management company becomes insolvent (a developer guarantee)'.</p> <p>It is the Local Planning Authority's preference that the public open space be offered to Balsham Parish Council for adoption, recognising</p>

	<p>that the Parish Council has the right to refuse any such offer.</p> <p>If the Parish Council is not minded to adopt onsite public open space the owner will be required to provide a developer guarantee of sufficient value to be a worthwhile guarantee. Furthermore with the details of the guarantee and guarantor would need to be submitted to and approved in writing by the Council prior to commencement of development. Should this not be forthcoming the planning obligation will also be required to include arrangements whereby the long term management responsibility of the open space areas and play areas passes to plot purchasers in the event of default.</p>
Quantum	ON-SITE PROVISION
Fixed / Tariff	Fixed
Trigger	Prior to commencement of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

