

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO	Development Control and Conservation Committee	4 th February 2004
AUTHOR/S:	Director of Development Services	

CAMBOURNE SECTION 106 AGREEMENT: FACILITIES AND TIMING OF PROVISION

Purpose

1. The last meeting of this Committee received a reports on the lack of provision of certain facilities required to be provided at Cambourne as a result of the Section 106 Agreement dated 20th April 1994. It agreed that the Council's stance should be that no further planning permissions for market housing should be granted at Cambourne until the Community Centre, Multi-Use games Area (MUGA) and Burial ground have been provided. A monthly update on progress was required. This report therefore updates Members on the progress of the provision of these facilities, as well as updating Members on the progress of other facilities that should have been provided by now but are not part of the Council's stance.

Background

2. There are now 1168 houses occupied at Cambourne. To recap, the "missing" facilities that should have been provided by the trigger point of 1,000 houses occupied are:
 - a) Community Centre (required by S106 at 1000 houses)
 - b) Multi-Use Games Area (MUGA) comprising part Astro turf and part hard surface playing courts (required by S106 at 1000 houses)
 - c) Burial Ground (required by S106 at 1000 houses)
 - d) Parish Council funding (required by S106 at 1000 houses)
 - e) Playing fields (required by the S106 to be provided in phases throughout the development).
 - f) Skateboard area and other teenage play equipment to include basketball net (required by Cambourne Play Strategy at 1000 houses)
 - g) Cricket Pavilion (required by the S106 to be phased in accordance with the Masterplan and by planning permission for Lower Cambourne Village Green at 450 homes in Lower Cambourne respectively)
 - h) Allotments (required by the S106 to be provided by phased provision throughout the development)
 - i) Lower Cambourne Village Green cricket pitch, recycling area (required by planning permission for Lower Cambourne Village Green at 31/3/02 and 100 homes in Lower Cambourne respectively)
 - j) Trailer park (required by S106 at 300 houses)
3. The progress (as at 20th January 2003) with each of the facilities has not changed significantly on the ground since the last meeting, although none was expected at this

stage. Any update or comment from the developers will be reported verbally. Some of the facilities are awaiting the submission of information under planning conditions before they can commence, and these are briefly described below:

- a) Community Centre. The developers hope to start on site in February, with an anticipated completion date of October 2004. Conditions outstanding prior to commencement are condition 1 – landscaping scheme; condition 2 – materials; condition 3 – signage, seating, hard surfacing; condition 8 – ecological enhancement; condition 13 – cycle store and bin store.
- b) Multi-Use Games Area (MUGA). An application was received on 12th December, and a report is contained elsewhere on the agenda for this meeting. The developers hope to commence work in February with a completion date of Easter.
- c) Burial Ground. Planning permission was granted on 2nd December. The developers hope to commence on site in February, with completion May/June 2004. Conditions outstanding prior to commencement are condition 1 – amended landscaping scheme; and condition 7 – drainage scheme.
- d) Parish Council. It has been agreed between the Council and the Developers that the creation of the Parish depends on the progress of the draft Order by the Office of the Deputy Prime Minister, after which a Parish council will be elected. This is being progressed towards the elections on 10th June 2004.
- e) Playing fields. Planning permission was granted on 10th December. The developers hope to make the playing fields ready for use by May/June 2004.
- f) Skateboard and play area. A separate application was submitted on 4th December, and meetings have already taken place between the developers and final users about the design of the actual equipment. This is likely to result in amended plans being submitted. The developers hope to start on site in February 2004, for completion by July (school summer holidays).
- g) Cricket Pavilion. An application has now been received complete and has been registered. It is currently out to consultation. The developers hope to start on site in April/May 2004.
- h) Allotments. The developers hoped to start on site in January, for completion in October. One condition requires a submission prior to commencement, namely outline condition 19 – noise protection scheme within 100m of occupied properties
- i) Cricket pitch and recycling area at Lower Cambourne Village Green. The cricket pitch has been provided but has not been built to the Council's satisfaction and remedial works are being discussed between SCDC and the developers. The recycling area is the subject of discussion in terms of providing the bottle banks, etc.
- j) Trailer park. Planning permission was granted for it in June 2003. The access is via an adjacent housing site which is awaiting planning permission (Section 106 agreement still awaited at the time of writing). The planning permission will be subject to a condition that the houses shall not be occupied until the trailer park is provided, ensuring an incentive for the developers to provide it. However, there is an existing access which is allowed to be used temporarily and officers are pursuing a commitment to a date for the trailer park's provision on the basis of the temporary use of that access. Meanwhile, several conditions are still outstanding prior to commencement: condition 2 – detailed layout; condition 3 – lighting; condition 4 – boundary treatment; condition 5

- water/electricity/drainage; condition 7 – management regime; condition 10
- access timing.

Considerations

4. The Council's stance against granting any more market housing permissions until the Community Centre, MUGA and Burial Ground have been provided should remain in force, for the time being. Insufficient progress has been made to demonstrate a speedy resolution to the outstanding facilities.

5. Financial Implications

Not granting planning permission for market housing until these facilities have been provided will be very likely to result in developers appealing against non-determination once the eight weeks for determining each application expires. Nevertheless, at present there are no such applications apart from High Street Building W2, reported elsewhere on this meeting's agenda, and in that case it is considered more appropriate to make an exception in favour of getting the shops in that building provided, as they are a community "facility" in themselves. Additionally, that building will take an unusually long time to building due to the inclusion of basement parking, so that the facilities will have been provided by the time the flats are ready to occupy. In other cases, the developers may apply for costs at appeal, which they would win if the Inspector considers that the Council has been unreasonable in withholding permission, which is a risk the Council takes.

6. Legal Implications

In the unlikely event of developers not progressing positively with the works, there are, as always, both financial and legal implications of taking the developers to court.

7. Staffing Implications

Officers will continue to negotiate future housing schemes on the basis that, once the facilities have been provided, planning permissions can be issued when ready, thereby continuing to spread the workload over time.

8. Sustainability Implications

Provision of these facilities is important for community sustainability.

9. Conclusions/Summary

At the time of this Committee meeting, it is unlikely that any work will be seen on the ground to reinforce the developers' promises and intentions. It is considered premature to revoke that stance without evidence that the outstanding matters have been resolved. It would be more appropriate to continue to report back to future monthly meetings with information as to any more progress on site, thereby upholding the sense of urgency required of the developers.

10. Recommendations

RECOMMENDED that:

Members agree the Council's stance for time being, and receive an update on progress at the next meeting.

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

Cambourne Section 106 Agreement dated 20th April 1994

Cambourne Play Strategy December 2000, approved under conditions of the outline planning permission dated 20th April 1994, reference S/1371/92/O

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