

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control      3<sup>rd</sup> March 2004  
Committee  
**AUTHOR/S:** Director of Development Services

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### **CAMBOURNE SECTION 106 AGREEMENT: FACILITIES AND TIMING OF PROVISION**

#### Purpose

1. The last meeting of this Committee received a report on the lack of provision of certain facilities required to be provided at Cambourne as a result of the Section 106 Agreement dated 20<sup>th</sup> 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.

#### Effect on Corporate Objectives

2. The facilities are an important part of the development of Cambourne, in particular they will contribute towards community sustainability and the quality of village life. There is no direct relationship to the Annual Priorities.

#### Background

3. 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)

#### Considerations

4. Progress at the time of writing this report (18<sup>th</sup> February) is as follows:
  - a. Community Centre. The developers still hope to start on site in late 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). Delegated powers of approval were granted at the last committee meeting, and amended plans to include a temporary construction access have been submitted as an additional part of the application. It is anticipated that the decision notice will be issued by the end of February. Meanwhile, work has commenced on the site.
  - c. Burial Ground. Planning permission was granted on 2<sup>nd</sup> December. The developers hope to commence on site in February, with completion May/June 2004. Details have now been submitted to comply with the outstanding conditions (landscaping scheme and drainage scheme).
  - f. Skateboard and play area. Amended and more detailed plans are anticipated as a result of the meetings that have taken place with local youth, and the developers still intend to complete the scheme by July (school summer holidays).
  - g. Cricket Pavilion. There are a couple of minor errors in the application and the developers have also been asked to add ecological enhancements to the building. Amended plans are sought, and the developers still hope to start on site in April/May 2004.
  - h. Allotments. The developers did start on site at the end of January as expected, for completion in October.
  - i. Cricket pitch and recycling area at Lower Cambourne Village Green. Remedial works to the cricket pitch are still being discussed between SCDC and the developers. The recycling area is the subject of discussion in terms of providing the bottle banks, etc.
5. There is no progress to report on the playing fields and trailer park. Any update or comment from the developers will be reported verbally.
6. The developers are making progress with the facilities. However, it is considered that 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. As it happens there are still no applications for market housing that would otherwise require a determination. Members will recall granting permission, as an exception, for Building W2 in the High Street which contains 16 flats, at the last meeting. This was on the strict basis that the shops contained in the application could be considered a facility and that would therefore be inappropriate to delay their provision. It has been made clear to the developers that this is not a precedent for the Council's attitude to other applications involving market housing under the current position.

#### Financial Implications

7. 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.

#### Legal Implications

8. 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.

#### Staffing Implications

9. 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.

#### Conclusions/Summary

10. Positive work is taking place in terms of the developers submitting information for approval under conditions or as planning applications. It is relatively early to see significant action on the ground apart from the MUGA. The community centre and burial ground await commencement. There are still matters to be resolved as part of the progress of these facilities.

#### Recommendations

11. RECOMMENDED that:

Members agree to continue 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 20<sup>th</sup> April 1994

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

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