

Heads of terms for the completion of a Section 106 agreement

Newton – Whittlesford Road (S/1991/16/OL)	
South Cambridgeshire District Council (Affordable Housing)	
Affordable housing percentage	40%
Affordable housing tenure	70% affordable rent and 30% Intermediate
Local connection criteria	First 8 to be subject to local connection criteria then 50/50 thereafter

Section 106 payments summary:

Item	Beneficiary	Estimated sum
Primary School	CCC	£41,063
Sports	SCDC	£35,000
Children's play	SCDC	£45,000
Indoor community space	SCDC	£17,000
Household waste bins	SCDC	£2,205
Monitoring	SCDC	£500
TOTAL		£140,768
TOTAL PER DWELLING		£4,692.27

Section 106 infrastructure summary:

Item	Beneficiary	Summary
Onsite public open space	SCDC	Informal play space and informal open space

Planning condition infrastructure summary:

Item	Beneficiary	Summary
Highways	CCCC	2 metre footway extension from the site to 'the village'

CAMBRIDGESHIRE COUNTY COUNCIL	
Ref	CCC1
Type	Early years
Policy	DP/4
Required	NO
Detail	<p>According to the County Council guidance the development is expected to generate a net increase of 9 early year's children, 5 of which are entitled to free provision.</p> <p>The proposed development is within the Harston and Newton catchment area and there are two early years and childcare providers in the village. There is currently sufficient capacity to mitigate the early year's children arising from this development.</p> <p>Therefore no contribution towards early years provision is sought</p>
Ref	CCC2
Type	Primary School
Policy	DP/4
Required	YES
Detail	<p>According to the County Council guidance the development is expected to generate a net increase of 11 primary aged children.</p> <p>The proposed development is within the Harston and Newton Community Primary School catchment area and it will have a significant impact on primary school places at the school. County education officers have confirmed that there is currently insufficient capacity to mitigate the primary aged children arising from this development.</p> <p>The County Council's proposed solution to mitigating the primary aged children arising from this development is to add 30 places towards primary provision through internal works. The total cost of the project is £112,000 and contributions will be sought on a basis of £3,733 cost per place (112,000/ 30 places).</p> <p>Therefore a contribution of £41,063 (£3,733 x 11) towards primary school provision is sought.</p>
Quantum	£41,063
Fixed / Tariff	Fixed
Trigger	100% of the contribution upon commencement of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None to date
Ref	CCC3
Type	Secondary school
Policy	DP/4
Required	YES
Detail	<p>According to the County Council guidance the development is expected to generate a net increase of 8 secondary aged children.</p> <p>The proposed development is within the Melbourn Village College catchment area. The school currently has sufficient capacity to mitigate the secondary children arising from this development.</p> <p>Therefore no contribution towards secondary provision is sought.</p>

Appendix 1

Ref	CCC4
Type	Libraries and lifelong learning
Policy	DP/4
Required	NO
Detail	<p>The proposed increase in population from the development will be approximately 75 new residents (30 dwellings x 2.5 average household).</p> <p>Newton is served by a monthly mobile stop and the development is located near Great Shelford Library. There is sufficient capacity within the existing resources to mitigate the impact from this development. Therefore no contribution towards LLL will be sought.</p>

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 Newton needed 0.61 ha but had no dedicated Outdoor Sport Provision.</p> <p>Newton Parish Council has said in order to meet the needs of the new residents formal sports will need to be provided in the form of a tennis court to be installed at the recreation ground. At a cost of circa £35k (depending on the final approved mix) it may well be that this can be fully delivered off the back of this development.</p> <p>The SPD also establishes the quantum of offsite financial contributions in the event that the full level of onsite open space is not being provided:</p> <p>1 bed: £625.73 2 bed: £817.17, 3 bed: £1,130.04 4+ bed: £1,550.31</p>										
Quantum	£35,000 (est)										
Fixed / Tariff	Tariff										
Trigger	100% prior to occupation of 10 th dwelling										
Officer agreed	YES										
Applicant agreed											
Number Pooled obligations	One to date										
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 Newton needed 0.3 ha of formal and informal children's play space whereas it had 0.44 ha, i.e. a surplus of 0.14 ha.</p> <p>Based on a likely housing mix the development would be required to provide circa 300 m2 of formal play space and 300 m2 of informal play space. The applicant is proposing a central green space area that will go towards satisfying the informal play space (and informal open space) requirements. This area will be required to be laid out prior to the occupation of 50% of the dwellings.</p> <p>Any s106 agreement should be worded to secure a minimum quantity of onsite informal play space in accordance with the table below.</p> <table border="1" data-bbox="710 1774 1141 1993"> <thead> <tr> <th></th> <th>Informal play space</th> </tr> </thead> <tbody> <tr> <td>1 bed</td> <td>Nil</td> </tr> <tr> <td>2 bed</td> <td>7m2</td> </tr> <tr> <td>3 bed</td> <td>9.7m2</td> </tr> <tr> <td>4+ bed</td> <td>13.3m2</td> </tr> </tbody> </table>		Informal play space	1 bed	Nil	2 bed	7m2	3 bed	9.7m2	4+ bed	13.3m2
	Informal play space										
1 bed	Nil										
2 bed	7m2										
3 bed	9.7m2										
4+ bed	13.3m2										

	<p>The formal play space requirement will be met through an offsite contribution and Newton Parish Council have said that replacement of existing and provision of new play equipment would take place on the recreation ground.</p> <p>The contribution will be calculated at reserved matters stage in accordance with the following rates:</p> <p>1 bed: £0 2 bed: £1,202.78 3 bed: £1,663.27 4+ bed: £2,281.84</p>
Quantum	£45,000 (est)
Fixed / Tariff	Tariff
Trigger	100% prior to occupation of 10 th dwelling
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	NONE

Ref	SCDC3										
Type	Informal open space										
Policy	SF/10										
Required	YES										
Detail	<p>The applicant will be required to provide a minimum level of informal open space in accordance with the table below</p> <table border="1" data-bbox="624 1061 1230 1245"> <thead> <tr> <th></th> <th>Informal open space</th> </tr> </thead> <tbody> <tr> <td>1 bed</td> <td>5.4 m2</td> </tr> <tr> <td>2 bed</td> <td>7m2</td> </tr> <tr> <td>3 bed</td> <td>9.7m2</td> </tr> <tr> <td>4+ bed</td> <td>13.3m2</td> </tr> </tbody> </table>		Informal open space	1 bed	5.4 m2	2 bed	7m2	3 bed	9.7m2	4+ bed	13.3m2
	Informal open space										
1 bed	5.4 m2										
2 bed	7m2										
3 bed	9.7m2										
4+ bed	13.3m2										
Quantum											
Fixed / Tariff											
Trigger											
Officer agreed	YES										
Applicant agreed	YES										
Number Pooled obligations	None										

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</p>

	<p>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>Based on the likely number of people arising from the development an area of 8 m2 is required.</p> <p>The audit advises that Newton required a total of 44 m2 of community space against the standard whereas it benefited from 110 m2, i.e. a surplus of 66 m2.</p> <p>Newton is served by the Village Hall which the 2009 audit described as "A small and intimate venue primarily kitted out for dramatic performances with a permanent stage and lighting gantry. The building is in need of a general overhaul. The kitchen is dated, and in need of replacement, and toilets are average, but clean and well maintained. The social club attached was not available for inspection, but is a sizable building, including two snooker rooms".</p> <p>Overall the audit scored the building as being of 'average' quality and identified a number of improvements including kitchen, flooring, stage and installation of sustainability measures.</p> <p>The contribution required as per the indoor community space policy would be:</p> <p>1 bed - £284.08 2 bed - £371.00 3 bed - £513.04 4+ bed - £703.84</p>
Quantum	£17,000 (est)
Fixed / Tariff	Tariff
Trigger	100% prior to occupation of 10 th dwelling
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	NONE

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	Paid in full prior to commencement of each phase
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

Ref	SCDC6
Type	S106 Monitoring
Policy	

Required	YES
Detail	£
Quantum	
Fixed / Tariff	Fixed
Trigger	Paid in full prior to commencement of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

Ref	SCDC7
Type	Onsite open space and play area maintenance
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 Foxton Parish Council for adoption, recognising 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	
Fixed / Tariff	
Trigger	
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None