

Heads of terms for the completion of a Section 106 agreement

Foxton – Station Road (S/2148/16/OL)	
South Cambridgeshire District Council (Affordable Housing)	
Affordable housing percentage	40%
Affordable housing tenure	70% affordable rent and 30% Intermediate
Local connection criteria	The first 8 properties should be allocated to those with a local connection to Foxton and the remaining 1 will go to applicants with a district wide connection.

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	£22,000
Household waste bins	SCDC	£1,617 (73.50 per dwelling)
Monitoring	SCDC	£1,000
Other - Dovecote	SCDC	£5,000
Health Care	SCDC	£6,784
TOTAL		£36,401
TOTAL PER DWELLING		£1,655

Section 106 infrastructure summary:

Item	Beneficiary	Summary
Onsite play area for 2-6 year olds (not a LEAP)	SCDC	Onsite provision to be provided and located in reserved matters application
Tree/Ecology buffer	SCDC	Onsite provision to the north of the site

Planning Conditions infrastructure summary:

Item	Beneficiary	Summary
Footpath improvements	CCC	Widening of the footpath to the front of the dwellings along station road

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 Foxton needed 2.05 ha but has 2.81 ha i.e. a surplus of 0.76 ha of Outdoor Sport Provision.</p> <p>The Parish Council has highlighted the clear need to provide additional recreation space and Foxton Parish Council has been holding discussions with Cambridgeshire County Council as to a possible sports ground extension.</p> <p>These discussions are at an early stage however it is conceivable that an agreement will be reached in the medium to long term where this land will become available and if it does it will need some investment to bring it up to a standard suitable for formal sports use.</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 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> <p>This contribution will be used to purchase/layout out new sports space in Foxton</p>
Quantum	£22,000
Fixed / Tariff	Tariff
Trigger	To be paid prior to the occupations of 50% of the dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	NONE

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 Foxton needed 1.02 ha Children's Play Space whereas the village had 0.12, i.e. a deficit of 0.90 ha of Children's Play Space.</p> <p>Development control policy SF/11 would require onsite play space to be provided in accordance with the table below.</p>

	<table border="1"> <thead> <tr> <th></th> <th>Formal play space</th> <th>Informal play space</th> </tr> </thead> <tbody> <tr> <td>1 bed</td> <td>Nil</td> <td>Nil</td> </tr> <tr> <td>2 bed</td> <td>7m2</td> <td>7m2</td> </tr> <tr> <td>3 bed</td> <td>9.7m2</td> <td>9.7m2</td> </tr> <tr> <td>4+ bed</td> <td>13.3m2</td> <td>13.3m2</td> </tr> </tbody> </table> <p>Based on a likely housing mix the development would be required to provide 167 m2 of formal play space and 167 m2 of informal play space.</p> <p>Foxton Parish Council has advised that they are well served in terms of children play facilities and that no projects exist such that an offsite contribution may lawfully be secured. The development is circa 680 metres from the nearest equipped play area exceeding the policy requirement of 450 metres. In response the applicant has suggested that an onsite play area could be provided and which would meet the needs of younger children.</p> <p>On the basis that the development is not 50 dwellings or more it would not be appropriate for a policy compliant LEAP to be provided (and which would require a 20m buffer to properties) but an equipped LAP providing no fewer than 5 items of play focussing on an age ground of 2-6 year olds would be a sensible solution and should be secured through the section 106 agreement.</p>		Formal play space	Informal play space	1 bed	Nil	Nil	2 bed	7m2	7m2	3 bed	9.7m2	9.7m2	4+ bed	13.3m2	13.3m2
	Formal play space	Informal play space														
1 bed	Nil	Nil														
2 bed	7m2	7m2														
3 bed	9.7m2	9.7m2														
4+ bed	13.3m2	13.3m2														
Quantum	n/a															
Fixed / Tariff	n/a															
Trigger	To be paid prior to the occupations of 50% of the dwellings															
Officer agreed	YES															
Applicant agreed	YES															
Number Pooled obligations	NONE															

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 Foxton needed 0.51 ha of informal open space and according to the study had 0ha, i.e. a deficit of 0.51 ha.</p> <p>The applicant will be required to provide a minimum level of informal open space in accordance with the table below and which will provide in the region of 188 m2.</p> <table border="1"> <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	n/a										
Fixed / Tariff	n/a										
Trigger	Upon the occupation of 50% of the units										
Officer agreed	YES										
Applicant agreed	YES										

Number Pooled obligations	None
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Ref	SCDC4
Type	Offsite indoor community space
Policy	DP/4
Required	NO
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>In accordance with the policy Foxton needs 140 m2 of indoor community space whereas it has 220 m2, i.e. a surplus of 80 m2.</p> <p>Foxton Community Centre is described in the audit as 'A substantial community asset comprising a number of hall/meeting/activity spaces. The main sports hall (one badminton court) is shared with the adjoining primary school. Other hireable spaces include an attached function room with bar, activity area currently used primarily by pre-school and separate activity studio used for yoga etc. The overall condition of the building (built 2000) is excellent, with some remedial work required in the sports pavilion (which services pitches). An example of good practice for larger villages'.</p> <p>Based on the likely number of people arising from the development an area of circa 6 m2 is required further exacerbating the situation.</p> <p>Foxton Parish Council has said there is no specific project to improve the existing space and rather there is a fund available to the Parish Council to carry out any such works as and when they arise. Without an identified project towards indoor community space the local planning authority cannot lawfully secure any money under this policy</p>

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 development
Officer agreed	YES
Applicant agreed	YES

Number Pooled obligations	None
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Ref	SCDC6
Type	S106 Monitoring
Policy	Planning portfolio holder approved policy
Required	YES
Detail	n/a
Quantum	£1000
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 is offered to Foxtan 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	ON-SITE PROVISION
Fixed / Tariff	FIXED
Trigger	Paid in full prior to the commencement of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

OTHER OBLIGATIONS

Ref	OTHER 1																				
Type	Health																				
Policy	DP/4																				
Required	YES																				
Detail	<p>In terms of health impact, the applicant has submitted an Impact Assessment in this regard. This Assessment concludes that the NHS website indicates that the two surgeries have the capacity to accept new patients. NHS England has not provided a response on the application as it is below their threshold of 50 dwellings for providing comments. However, on the previous appeal for Shepreth Road, Foxton (ref:S/2822/14/OL) NHS England indicated that both Melbourn and Harston surgery are significantly undersized for their current list sizes.</p> <p>It was demonstrated that they are both over their physical capacity by 4686 patients. On the basis of square floor space required per whole time GP at each practice would require 455 sq.m, which would mean Harston is currently undersized by 182.1 sq.m and Melbourn by 16363 sq.m.</p> <p>The local planning authority considers that, as this is an outline application with the final housing numbers and mix to be approved at reserved matters stage, it would be more appropriate and CIL compliant for the section 106 agreement to include a matrix such that the final primary healthcare contribution is calculated at a later date.</p> <p>The Council has established a matrix using the inputs as provided NHS England.</p> <p>NHS England states it costs £240,000 to build a new consulting room (120 square metres * £2,000 psm) and that each consulting room provides space for 1750 patients. On this basis the cost per patient is £137.14 (i.e. £240,000 / 1750).</p> <p>In terms of other section 106 contributions secured by the District Council, occupations are based on a document called 'Living in Cambourne - Cambridgeshire County Council 2006'.</p> <p>In calculating the cost per patients and using an occupation per dwelling approach the following s106 matrix is produced:</p> <table border="1"> <thead> <tr> <th>House type</th> <th>Persons per house</th> <th>Cost per patient</th> <th>Cost per house type</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1.34</td> <td>£137.14</td> <td>£183.77</td> </tr> <tr> <td>2</td> <td>1.75</td> <td>£137.14</td> <td>£240.00</td> </tr> <tr> <td>3</td> <td>2.42</td> <td>£137.14</td> <td>£331.88</td> </tr> <tr> <td>4</td> <td>3.32</td> <td>£137.14</td> <td>£455.30</td> </tr> </tbody> </table> <p>The District Council considers this approach to be more appropriate and would intend moving forward with this mechanism rather than the fixed contributions as proposed by NHS England.</p>	House type	Persons per house	Cost per patient	Cost per house type	1	1.34	£137.14	£183.77	2	1.75	£137.14	£240.00	3	2.42	£137.14	£331.88	4	3.32	£137.14	£455.30
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Quantum	£6,784 (est)																				
Fixed / Tariff	Tariff																				
Trigger	To be paid prior to the occupations of 50% of the dwellings																				
Officer agreed	YES																				
Applicant agreed	YES																				
Number Pooled obligations	Harston Surgery – ONE POOLED CONTRIBUTION TODATE																				

Ref	OTHER 2
Type	Dovecote Meadow improvements
Policy	DP/4
Required	YES
Detail	<p>During the course of the application the applicant expressed a willingness to make a contribution towards improvements at Dovecote Meadow.</p> <p>Dovecote Meadow is an area of land that is owned by Cambridgeshire County Council but is managed by the Parish Council and residents of Foxton on a 25 year lease that started in 2006.</p> <p>This arrangement has resulted in considerable improvement to the dovecote and meadow and no further capital works have been identified. Ongoing maintenance costs relate to grass cutting, hedge maintenance, path resurfacing etc.</p> <p>Recent annual costs for the meadow cutting have been two cuts at £50/cut, plus the food costs for the volunteer rakers' BBQ (c£40). The raking and hedge maintenance have been done by volunteers, although how long this approach is sustainable is unclear as the volunteers have not been able to attract younger helpers.</p> <p>The lease has a further 15 years to run and it is clear that the residents group may need to bring in hired assistance to help maintain this valuable village asset.</p> <p>It has been suggested by the residents that a figure of £1000 per year may be needed for the grassland management to pay for contractors help with the raking.</p> <p>Officers are proposing a contribution of £5,000 which would secure at least 5 years worth of additional support which could stretch to 10 years if local volunteer support is maintained.</p>
Quantum	£5,000
Fixed / Tariff	Fixed
Trigger	To be paid prior to the occupations of any dwelling
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	NONE