

## SECTION 106 AGREEMENT SCOPING PROFORMA

<b>Application</b>	13/00197/OUT	<b>Registered</b>	
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<b>Proforma completed:</b>
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<b>Details of Application:</b>	Outline planning application for up to 120 dwellings including 40% affordable housing provision and 5.52 hectares of open space and ecological buffer with all matters reserved except for means of access.
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<b>Location:</b>	Address: Overton Hill Land North Of London Road Overton Hampshire RG25 3
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<b>Applicant:</b>
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<b>Case Officer:</b>	Claire Cook
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The obligations listed below may be subject to change dependent on any additional information received during the course of the application.

### 1. PUBLIC ART

Method of calculation	To be negotiated to determine most appropriate scheme for site
Need/justification	<p>Larger scheme with strong potential to include artwork on site. The obligation is directly related to the proposed development as the artwork or artworks delivered would be located within this, contributing to and enhancing the appearance and distinctiveness of the development.</p> <p>Meets policy requirements as detailed in section 1.46 of the <i>Supplementary Planning Guidance on Section 106 Planning Obligations &amp; Community Infrastructure</i> (revised April 2012) and 2.11 of the Saved Local Plan Policy E1 and supporting text (adopted July 2006). This is supported by the council's Cultural Strategy 2012-15 (adopted January 2012).</p>
Current provision/ existing facilities (excl affordable housing)	n/a
Details of anticipated facility or infrastructure	<p>TBC. The contribution would be the subject of negotiation between the council and developer dependent on the preferred approach to be taken for the development. Where possible, and appropriate, this would be integrated into the fabric of the development in some way and/or located within a communal area to ensure maximum benefit for residents. This would be capped at a level which enables a bespoke, site-specific artwork or artworks to be created, which are relevant to the development and may offer a functional as well as a purely aesthetic quality. Where possible and appropriate it is anticipated that existing budgets allocated to the development, such as those for hard or soft landscaping and/or street furniture, may be suitable to support and/or deliver the per cent for art contribution whilst allowing for a more creative and/or innovative approach to be adopted to create something bespoke.</p> <p>The council will advocate that the per cent for art process is the subject of collaboration and consultation between the artist, the local community and professionals involved in the design process. It will also be advised that the chosen approach considers the history and unique features of the site and reflects these to ensure the artwork is relevant and appropriate for the site, best suits the needs of the developer/development and local residents.</p>

Amount On site	TBC
Amount Off site	n/a
Officer	Ceri Adams

## 2. TRANSPORT

Method of calculation	HCC TCP																																										
Need/justification	A contribution will be required to mitigate against the impact of the development on the local highway and transport network. The contribution will be calculated in accordance with the County Council's Transport Contribution's Policy (Sept 2007). The Policy uses a formulaic approach to calculating the level of mitigation required which is based on the transport impact of the development. In order to calculate the contribution the net increase in the number of multi-modal trips that the development is expected to generate is multiplied by a financial value. The financial value is based on the known cost of providing off-site transport infrastructure at new development sites across Hampshire.																																										
Current provision/ existing facilities (excl affordable housing)																																											
Details of anticipated facility or infrastructure	<p>The contribution will be toward both local improvements to promote travel by sustainable modes as well as toward improvements to militate against the cumulative impact of development on the local highway network. This is in accordance with the guidance contained within NPPF and CIL Regulation 122.</p> <p>How this applies to the above development is set out below:</p> <table border="1"> <thead> <tr> <th></th> <th>Known Cost/ Contribution per Dwelling</th> <th></th> <th>Number of dwellings</th> <th></th> <th>Contribution dwelling type</th> </tr> </thead> <tbody> <tr> <td><b>1 Bed</b></td> <td>£1980</td> <td><b>X</b></td> <td>10</td> <td>=</td> <td>£19,800</td> </tr> <tr> <td><b>2 Bed</b></td> <td>£3745</td> <td><b>X</b></td> <td>33</td> <td>=</td> <td>£123,585</td> </tr> <tr> <td><b>3 bed</b></td> <td>£3745</td> <td><b>X</b></td> <td>53</td> <td>=</td> <td>£198,485</td> </tr> <tr> <td><b>4 Bed</b></td> <td>£5457</td> <td><b>X</b></td> <td>24</td> <td>=</td> <td>£130,968</td> </tr> <tr> <td colspan="6"><b>Total</b></td> </tr> <tr> <td colspan="3"></td> <td>120</td> <td>=</td> <td><b>£472,838</b></td> </tr> </tbody> </table> <p>The exact mitigation package will need to be determined by a Transport Assessment, prepared in accordance with the Department for Transport's Guidance. A bonded and monitored Travel Plan will also need to be secured in the Section 106 Agreement for the site.</p>		Known Cost/ Contribution per Dwelling		Number of dwellings		Contribution dwelling type	<b>1 Bed</b>	£1980	<b>X</b>	10	=	£19,800	<b>2 Bed</b>	£3745	<b>X</b>	33	=	£123,585	<b>3 bed</b>	£3745	<b>X</b>	53	=	£198,485	<b>4 Bed</b>	£5457	<b>X</b>	24	=	£130,968	<b>Total</b>									120	=	<b>£472,838</b>
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Amount Off site	£472,838																																										
Officer	Stuart Rose, Assistant Engineer, Strategic Transport Economy, Transport & Environment , Hampshire County Council, The Castle, Winchester																																										

### 3. COMMUNITY FACILITIES

Method of calculation	The contribution is based on the figure of 0.75sq m of community floor space per dwelling, multiplied by a build cost of £2,000 per sq/m of floor space, which is the cost of recently constructed community buildings within the Borough. This equates to £1,500 per dwelling or £626.66 per person where the housing mix is known
Need/justification	<p>The findings of the recent Leisure and Recreations Needs Assessment (LRNA) states that the council should:</p> <ul style="list-style-type: none"> <li>• Ensure that major developments include appropriate hall provision and minor developments contribute to the enhancement of community halls, where necessary;</li> <li>• Require residential developers to contribute to the provision or enhancement of community halls within the appropriate distance threshold of their developments</li> <li>• The council youth strategy identifies a need for provision and improvement of youth facilities across the borough. This identified need is supported by information from consultations with residents in surveys (Your Big Say 2010; Council's Place Survey 2008 and the Residents' Survey 2009).</li> <li>• The council has a commitment to improving and providing community facilities to allow young people easy access to activities and leisure provision in their local area.</li> </ul>
Current provision/ existing facilities (excl affordable housing)	Overton Community Association, St Lukes Hall Overton, St Mary's Hall Overton,
Details of anticipated facility or infrastructure	Contributions towards improving community facilities within the locality of the development.
Amount On site	
Amount Off site	£152,520 24x1bed, 38x2bed,44x3bed,14x4bed
Officer	June Balcombe Community Team Leader

### 4. EDUCATION

Method of calculation	<p><b>Basingstoke and Deane Borough reference: 13/00197/OUT</b>  <b>Address: Overton Hill, Land north of London Road, Overton</b>  <b>Proposed development – residential development of up to 120 dwellings</b>  <b>Date: 17 May 2013</b></p> <p><u>Statement on the requirement for the developer's contribution towards Children's Services Facilities.</u></p> <p><b>Basis for seeking contributions</b></p>
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The basis for requiring developer's contributions is stated in the County Council's Policy - Developers' Contributions towards Children's Services Facilities December 2011.

The Audit Commission recommends that schools should not operate at full capacity. The 1996 report *Trading Places: The Supply & Allocation of School Places* notes in paragraph 9 that value for money in the supply of school places is served by avoiding the both too many and too few places and that LAs need to secure a close fit between pupils and places at a wider level and with regards to individual schools. It further recommends that LAs plan for a 95 per cent occupancy rate at schools, with a variation of plus or minus 10 per cent, around this target.

Furthermore, the 2002 report *Trading Places – A Review of Progress on the Supply and Allocation of School Places*, recommends in paragraph 9 that it is unrealistic and probably undesirable to aim for a perfect match of pupils and places at each school. Some margin of capacity is necessary to allow parents choice, given that there will be volatility in preferences from one year to the next. It further notes that not all unfilled places are 'surplus'. Therefore, a reasonable figure is for there to be 5% spare places in any school and these places should not be considered surplus places.

The issue relates to the overall availability of places (the "sufficiency" factor) across the area rather than at individual schools. There is an overall shortage of school places and a strategy is being developed with local schools to provide additional places.

#### **Requirement for primary school places**

This development lies within the catchment area of Overton CE (Controlled) Primary School. The forecast number of four year olds (small area population forecasts or SAPF) equates to the number of places available at the school following a recent expansion. The expansion was undertaken to reflect demand from the school's catchment area due to a rise in pre-school numbers and additional housing in the area. This development will, therefore, increase pressure on places at the school and this impact needs to be mitigated by the payment of a contribution towards additional education infrastructure.

The forecast number of four year olds is as follows;

2014 = 55

2015 = 58

2016 = 59

2017 = 61

The school is forecast to admit this number of children in future years, namely to meet the demand from the catchment area.

Due to expected other housing developments in the Overton and Whitchurch areas consideration has been given as to how additional primary school places can be provided to deliver a sensible school organisation structure in the locality. Schools are best organised into classes of 30 in all age groups therefore admission limits of 30, 60 or 90 are best. The additional demand from smaller housing developments do

not create a level of demand that would justify increasing a school's capacity by 30 places per year group. It is necessary, therefore, to consider the impact from cumulative housing numbers to develop a strategic expansion solution.

In this case, therefore, the plan is to undertake an expansion of Whitchurch Primary School to reflect the expected level of housing across the Overton and Whitchurch areas which would justify a larger expansion programme. A contribution towards the provision of additional places at Whitchurch Primary School is required as follows;

$110 \times \text{£}5,834 = \text{£}641,740$  (based upon the cost in the Developer's Contributions Policy to expand existing schools). This reflects the fact that there are 110 dwellings of two beds or more.

### **Requirement for secondary school places**

The catchment area school, Testbourne secondary school is full. Consideration will be given to the need for additional infrastructure at the school to cater for further pupils from its catchment area. The School's number on roll in January 2013 was;

Year 7 = 151

Year 8 = 161

Year 9 = 145

Year 10 = 155

Year 11 = 159

The school has a capacity of 791 places and January number on roll totalled 771 with forecast numbers increasing to between 780 and 820 over the next 5 years, in excess of the 95% capacity level as detailed in this document which confirms the school is full.

In line with the County Council's Developer's Contributions Policy for Children's Services facilities a contribution is required as follows;

$110 \times \text{£}6,452 = \text{£}709,720$

### **Calculating the number of pupil places required**

Section 4 of the County Council's Developers' Contribution Policy contains details on how many places are required as a result of new housing. In order to assess the long term demand arising from a new housing development, the County Council uses the following factors:

Primary Schools (ages 4 to 11) – 0.30 children per dwelling

Secondary Schools (ages 11-16) – 0.21 children per dwelling

These factors apply to all dwellings with two or more bedrooms and are based on pupil yield data from recent housing developments.

### **Level of contribution required**

The planned housing development will, in line with the County Council's Policy - Developers' Contributions towards Children's Services Facilities December 2011 require the following contribution;

A contribution of £1,351,460 (as detailed above).

If the Education Contribution is required to be expended other than as defined in this document in order to mitigate the impact of this development on education provision, the Director of Children's Services shall be entitled in his sole discretion to apportion the Education Contribution as necessary to meet such educational needs.

### **Statutory duty for providing school places**

Hampshire County Council (HCC) is the Local Authority with responsibility for the functions of education in the area in which any proposed development is located. Requests for contributions to mitigate the effects of developments are made according to Section 106 of the *Town & Country Planning Act 1990*. ODPM circular 05/2005 and Regulation 122 of the Community Infrastructure Regulations 2010 gives guidance on such requests for contributions.

HCC performs its statutory functions in accordance with legislation and statutory guidance as well as in accordance with local and national policies. These policies and guidance have the same weight regarding a LA discharging its educational functions as Planning Policy Statements have regarding a LPA discharging its functions. If a developer were to impede HCC in the performance of any of its functions, then the proposed development should be considered unacceptable. A development should only be considered acceptable if the developer were to mitigate the effects of the proposed development.

The County Council's Developers Contributions Policy can be found at

<http://www3.hants.gov.uk/education/school/school-places>

The Developers' Contributions policy underwent the appropriate consultation process with District and Borough Councils and has been adopted by the County Council. It is reviewed on an annual basis.

### **The need for additional school places**

There is a shortage of places predicted in the future due to the rise in the forecast pre-school population and this development will create additional children of school age who require a school place. The expansion of the primary and secondary schools will be considered to meet the objective of securing school places locally where new development is proposed.

### **The need for the planning obligation**

The County Council feels its Developers' Contributions Policy meets the criteria stated in the ODPM Circular 05/2005 on planning obligations and that the cost of providing additional school places required as a direct consequence of additional

development should be met by developer's contributions.

The evidence for seeking the planning obligation, in line with the Planning Inspectorate Advice Note 16/2010 is as follows:

The relevant development plan policy or policies, and the relevant sections of any SPD or SPG

The planning of school places is a statutory function for Local Authority's responsible for education provision. As such the County Council is working closely with Basingstoke and Deane Borough Council to identify issues with school place planning caused by additional housing development in the Borough. The County Council's Developers' Contributions towards Children's Services Facilities Policy underwent the appropriate consultation process with District and Borough Councils and has been adopted by the County Council. The Policy is reviewed on an annual basis.

Quantified evidence of the additional demands on facilities or infrastructure which are likely to arise from the proposed development

The additional housing proposed will further contribute to the shortfall of school places. Plans are being formulated with local schools, as detailed above, to provide additional school places for which financial contributions are being sought in line with the Developers' Contributions Policy.

Details of existing facilities or infrastructure, and up-to-date, quantified evidence of the extent to which they are able or unable to meet additional demands

The additional housing in the area will require additional school places to be provided. See details above.

The methodology for calculating any financial contribution which is shown to be necessary to improve existing facilities or infrastructure, or provide new facilities of infrastructure, to meet additional demands

Each year Hampshire County Council reviews the cost of building new schools, or expanding existing, in Hampshire based on actual projects. These costs are used to calculate the contribution required from each new dwelling. Where a new housing development is of a sufficient size, and a specific solution to the need for additional school places can be identified, then the cost of that provision will be sought from the developer. For smaller developments contributions are required which will be pooled towards a strategic school place planning solution. These details are contained in the County Council's Developers' Contributions towards Children's Services Facilities Policy.

Details of the facilities or infrastructure on which any financial contribution will be spent

This level of development will contribute to the overall shortfall of primary and secondary school places in the Overton and Whitchurch areas and discussions are underway with the school on possible expansion plans.

	<p><b>Conclusion</b></p> <p>In order to mitigate the impact of this development on school places in the area a contribution towards the provision of education infrastructure at the level detailed in this document must be paid.</p> <p>If a developer were to impede HCC in the performance of any of its functions, then the proposed development should be considered unacceptable. A development should only be considered acceptable if the developer were to mitigate the effects of the proposed development.</p> <p>Hampshire County Council Children's Services Department raises no objection to this planning application subject to the payment of the education contribution detailed. If no contribution is forthcoming Hampshire County Council reserve the right to re-consider their decision.</p>
Need/justification	
Current provision/ existing facilities (excl affordable housing)	
Details of anticipated facility or infrastructure	
Amount On site	
Amount Off site	£1,351,460
Officer	Glenn Parkinson, School Organisation Officer, (Hampshire County Council)

## 5. AFFORDABLE HOUSING

Method of calculation	48 affordable homes required to meet policy target of 40%, this provision is confirmed.																																																																																																																																													
Need/justification	<p>The spread sheet extract below shows a total need of 173 households in Overton at the moment.</p> <p><b>The Council has a target of 300 homes per year derived from its SHMA and Housing Needs Survey, in the last financial year 45 homes were provided and so far this year only 69 homes will be provided. This scheme will assist meeting some of the identified shortfall in supply.</b></p>																																																																																																																																													
Current provision/ existing facilities (excl affordable housing)	There are no other affordable housing proposals at an advanced stage in Overton at the moment. Currently about 16% of the homes in Overton are HA owned																																																																																																																																													
Details of anticipated facility or infrastructure	<table border="1"> <thead> <tr> <th colspan="6">Overton</th> <th colspan="4">Transfers</th> </tr> <tr> <th colspan="6">General Needs</th> <th colspan="4"></th> </tr> <tr> <th></th> <th>Band 1</th> <th>Band 2</th> <th>Band 3</th> <th>Band 4</th> <th>Total</th> <th></th> <th>Band 1</th> <th>Band 2</th> <th>Band 3</th> <th>Band 4</th> </tr> </thead> <tbody> <tr> <td>One Bedroom Flat</td> <td>1</td> <td></td> <td>1</td> <td>29</td> <td>31</td> <td>One Bedroom Flat</td> <td>2</td> <td></td> <td></td> <td>2</td> </tr> <tr> <td>Two Bedroom Flat</td> <td></td> <td></td> <td></td> <td>8</td> <td>8</td> <td>Two Bedroom Flat</td> <td></td> <td></td> <td></td> <td>1</td> </tr> <tr> <td>One Bedroom Bungalow</td> <td></td> <td></td> <td>1</td> <td>4</td> <td>5</td> <td>One Bedroom Bungalow</td> <td>1</td> <td></td> <td></td> <td>2</td> </tr> <tr> <td>Two Bedroom Bungalow</td> <td></td> <td></td> <td>1</td> <td>1</td> <td>2</td> <td>Two Bedroom Bungalow</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Two Bedroom House</td> <td></td> <td></td> <td>4</td> <td>19</td> <td>23</td> <td>Two Bedroom House</td> <td></td> <td></td> <td></td> <td>9</td> </tr> <tr> <td>Three Bedroom House</td> <td></td> <td></td> <td>2</td> <td>10</td> <td>12</td> <td>Three Bedroom House</td> <td></td> <td></td> <td></td> <td>6</td> </tr> <tr> <td>Four Bedroom House</td> <td></td> <td></td> <td></td> <td>2</td> <td>2</td> <td>Four Bedroom House</td> <td></td> <td>1</td> <td></td> <td>6</td> </tr> <tr> <td>Five Bedroom House</td> <td></td> <td></td> <td></td> <td>1</td> <td>1</td> <td>Five Bedroom House</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Sheltered</td> <td></td> <td></td> <td></td> <td>8</td> <td>8</td> <td>Sheltered</td> <td>1</td> <td></td> <td></td> <td>2</td> </tr> <tr> <td><b>Total</b></td> <td><b>1</b></td> <td><b>0</b></td> <td><b>10</b></td> <td><b>81</b></td> <td><b>92</b></td> <td><b>Total</b></td> <td><b>4</b></td> <td><b>1</b></td> <td><b></b></td> <td><b>28</b></td> </tr> </tbody> </table>	Overton						Transfers				General Needs											Band 1	Band 2	Band 3	Band 4	Total		Band 1	Band 2	Band 3	Band 4	One Bedroom Flat	1		1	29	31	One Bedroom Flat	2			2	Two Bedroom Flat				8	8	Two Bedroom Flat				1	One Bedroom Bungalow			1	4	5	One Bedroom Bungalow	1			2	Two Bedroom Bungalow			1	1	2	Two Bedroom Bungalow					Two Bedroom House			4	19	23	Two Bedroom House				9	Three Bedroom House			2	10	12	Three Bedroom House				6	Four Bedroom House				2	2	Four Bedroom House		1		6	Five Bedroom House				1	1	Five Bedroom House					Sheltered				8	8	Sheltered	1			2	<b>Total</b>	<b>1</b>	<b>0</b>	<b>10</b>	<b>81</b>	<b>92</b>	<b>Total</b>	<b>4</b>	<b>1</b>	<b></b>	<b>28</b>
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Amount On site	48 homes needed on site as the affordable housing requirement, split 30 rent and 18 intermediate housing. The indicative mix in the affordable housing statement fits with the needs identified below and in the 2009 Local Housing Needs Survey. The Housing Service <b>support</b> this application from a housing perspective.																																																																																																																																													

Amount Off site	
Officer	Simon Jenkins

## 6. LANDSCAPE MANAGEMENT PLAN

Method of calculation	Assessment of landscape character and local features.
Need/justification	Protection and ongoing management of public areas and structural landscape.
Current provision/ existing facilities (excl affordable housing)	N/A
Details of anticipated facility or infrastructure	Landscape Management Plan required to cover all structural boundary vegetation, vegetation within communal landscape areas in parking courts and open spaces and also the Neighbourhood Park.
Amount On site	N/A
Amount Off site	N/A
Officer	Freya Herivel, Landscape Architect, Community Services

## 7. OPEN SPACE

Method of calculation	<p>The figure accords with the Green Space Standards adopted in March as follows:  Urban areas 65 sq.m. per person  Rural areas 32 sq.m. per person  The financial contribution rate of £16.58/sq.m. is calculated from the implementation and design costs per sq/m of providing or improving multi-functional green space including parks, kickabout and accessible natural green space.  Based on the council's occupancy rates set out in the Council's planning guidance S106 Planning Obligations and Community Infrastructure</p> <table border="1"> <thead> <tr> <th>No. of bedrooms</th> <th>No. of persons</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1.5</td> </tr> <tr> <td>2</td> <td>1.7</td> </tr> <tr> <td>3</td> <td>2.3</td> </tr> <tr> <td>4</td> <td>3.0</td> </tr> </tbody> </table> <p>the total open space rates based on dwelling size are as follows:</p> <table border="1"> <thead> <tr> <th></th> <th>Urban</th> <th>Rural</th> </tr> </thead> <tbody> <tr> <td>1 bed -</td> <td>£1608.26</td> <td>£795.84</td> </tr> <tr> <td>2 bed -</td> <td>£1832</td> <td>£901.95</td> </tr> <tr> <td>3 bed -</td> <td>£2478.71</td> <td>£1220.29</td> </tr> <tr> <td>4 bed -</td> <td>£3233.10</td> <td>£1591.68</td> </tr> <tr> <td>5 bed -</td> <td>£3771.95</td> <td>£1856.96</td> </tr> </tbody> </table>	No. of bedrooms	No. of persons	1	1.5	2	1.7	3	2.3	4	3.0		Urban	Rural	1 bed -	£1608.26	£795.84	2 bed -	£1832	£901.95	3 bed -	£2478.71	£1220.29	4 bed -	£3233.10	£1591.68	5 bed -	£3771.95	£1856.96
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Need/justification	<p>Policy C9 of the Local Plan states that the details of the leisure and open space standards are set out in the Interim Planning Guidance in respect of Section 106 Planning Obligations and Community Infrastructure. It goes on to state that provision of on-site or contributions to meet the provision of any new or enhanced leisure facilities or open space, will be required to meet the reasonable needs of the residents of developments. The multi-functional green space obligations are therefore necessary to ensure that the proposal is acceptable in planning terms as the failure to meet the specified standards would result in an unacceptable form of development.</p> <p>The additional residents will result in additional pressure on existing facilities in the</p>																												

	<p>locality of the site and therefore a contribution towards mitigation of these pressures is justified.</p> <p>Our justification for seeking and calculating the level of contributions accords with the CIL regulations and advice given in and Circular 05/05 and meets the following tests:</p> <p>(a) necessary to make the development acceptable in planning terms</p> <p>(b) directly related to the development; and</p> <p>(c) fairly and reasonably related in scale and kind to the development</p>
Current provision/ existing facilities (excl affordable housing)	Overton Hill Neighbourhood Park adjacent to the site
Details of anticipated facility or infrastructure	Extension of the existing Neighbourhood Park including kickabout space, park and accessible natural greenspace.
Amount On site	Minimum 7,801.60 sq.m.
Amount Off site	None
Officer	Margaret McGrath

## 8. PLAYING FIELDS

Method of calculation	<p><b>Playing Fields – 1.0ha per 1,000 persons, as derived from open space standards as set out in the local plan or a contribution of £255.10 per person, which is based upon up to date costs for this type of provision.</b></p>
Need/justification	<p>Basingstoke and Deane Local Plan Policy C9 identifies that “Provision of on-site, or a contribution to the provision of off-site, of any new or enhanced leisure facilities or open spaces required to meet the reasonable needs of the residents of their development will be sought from housing developers by the Borough Council. This is set within the context of the local plan aim to ensure borough residents and visitors having access to high quality leisure facilities and that there is adequate provision of facilities to meet local demand.</p> <p>National Planning Policy Framework ref 73: Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.</p> <p>The assessment of S106 contributions for sport and recreation provision is applied consistently to all applications, based on best practice and recommendations of NPPF, utilising the following evidence base:</p> <ul style="list-style-type: none"> <li>• BDBC Adopted Local Plan</li> <li>• BDBC S106 - Planning Obligations and Community Infrastructure Guidance Document</li> <li>• Town / Parish Community Plans (where available)</li> <li>• Leisure and Recreation Needs Assessment (LRNA) (September 2008) – a NPPF compliant detailed audit of all sport and recreation provision undertaken by Kit Campbell Associates</li> </ul>

	<ul style="list-style-type: none"> <li>• Sport England Active People Survey for Basingstoke and Deane</li> <li>• Local Demographic Profile</li> <li>• BDBC sport and recreation residents survey November 2010</li> </ul> <p>Using the adopted Local Plan occupancy figures the development will generate 265 additional local residents. It is recognised that this is a very large impact but the development does result in additional pressure on existing facilities in the locality of the site. Therefore an ‘appropriate’ contribution towards mitigation of these pressures is justified.</p> <p>The LRNA assessment and local analysis identified that there is existing capacity and sufficient facilities for indoor sport and recreation within the area to mitigate the demand created from the new residents. .</p> <p>It is essential that an appropriate amount of sport and recreation facilities are provided locally to enable local residents to access high quality local facilities to meet the Local Plan policy tests. In this instance a ‘proportionate’ off site contribution is sought towards improving the capacity and quality of facilities within the locality of development.</p> <p>Our justification for seeking and calculating the level of contributions accords with the CIL regulations and advice given in NPPF and Circular 05/05 and meets the following tests:</p> <p>(a) necessary to make the development acceptable in planning terms  (b) directly related to the development; and  (c) fairly and reasonably related in scale and kind to the development</p>
Current provision/ existing facilities (excl affordable housing)	Overton Rugby Club, Batts Meadow, Town Meadow, Bridge Street, Overton School, Berrydown Recreation Ground.
Details of anticipated facility or infrastructure	Contributions towards improving sports and recreation facilities at Town Meadow, Bridge Street, Berrydown Recreation Ground.
Amount On site	
Amount Off site	£62,193 24 x1bed, 38 x2bed, 44 x 3bed, 14 x 4bed,
Officer	Elinor Gold Facilities Monitoring and Planning Officer ( Community Services Team)

## 9. PLAY AREAS/RECREATION

Method of calculation	<p>The figure accords with the Green Space Standards adopted in March as follows:  All areas 0.5 sq.m. per person</p> <p>The financial contribution rate of £373.46/sq.m. is calculated from the implementation and design costs per sq/m of providing or improving equipped play areas.</p> <p>Based on the council’s occupancy rates set out in the Council’s planning guidance S106 Planning Obligations and Community Infrastructure the total play area rates based on dwelling size are as follows:  1 bed - £0</p>
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	<p>2 bed - £317.44  3 bed - £429.48  4 bed - £560.19  5 bed - £635.55</p>
Need/justification	<p>Policy C9 of the Local Plan states that the details of the leisure and open space standards are set out in the Interim Planning Guidance in respect of Section 106 Planning Obligations and Community Infrastructure. It goes on to state that provision of on-site or contributions to meet the provision of any new or enhanced leisure facilities or open space, will be required to meet the reasonable needs of the residents of developments. The equipped play obligations are therefore necessary to ensure that the proposal is acceptable in planning terms as the failure to meet the specified standards would result in an unacceptable form of development.</p> <p>The additional residents will result in additional pressure on existing facilities in the locality of the site and therefore a contribution towards mitigation of these pressures is justified.</p> <p>Our justification for seeking and calculating the level of contributions accords with the CIL regulations and advice given in Circular 05/05 and meets the following tests:</p> <p>(a) necessary to make the development acceptable in planning terms  (b) directly related to the development; and  (c) fairly and reasonably related in scale and kind to the development</p>
Current provision/ existing facilities (excl affordable housing)	Play Area on London Road, adjacent to the site
Details of anticipated facility or infrastructure	Adequate provision exists to accommodate the additional residents
Amount On site	None
Amount Off site	None
Officer	Margaret McGrath

## 9. ALLOTMENTS

Method of calculation	<p>The figure accords with the Green Space Standards adopted in March as follows:  All areas 3.4 sq.m. per person</p> <p>The financial contribution rate of £21/sq.m. is calculated from the implementation and design costs per sq/m of providing or improving allotments.</p> <p>Based on the council's occupancy rates set out in the Council's planning guidance S106 Planning Obligations and Community Infrastructure the total allotment rates based on dwelling size are as follows:</p> <p>1 bed - £107.10  2 bed - £121.38  3 bed - £164.22  4 bed - £214.20  5 bed - £249.90</p>
Need/justification	Policy C9 of the Local Plan states that the details of the leisure and open space standards are set out in the Interim Planning Guidance in respect of Section

	<p>106 Planning Obligations and Community Infrastructure. It goes on to state that provision of on-site or contributions to meet the provision of any new or enhanced leisure facilities or open space, will be required to meet the reasonable needs of the residents of developments. The allotment obligations are therefore necessary to ensure that the proposal is acceptable in planning terms as the failure to meet the specified standards would result in an unacceptable form of development.</p> <p>The additional residents will result in additional pressure on existing facilities in the locality of the site and therefore a contribution towards mitigation of these pressures is justified.</p> <p>Our justification for seeking and calculating the level of contributions accords with the CIL regulations and advice given in Circular 05/05 and meets the following tests:</p> <p>(a) necessary to make the development acceptable in planning terms</p> <p>(b) directly related to the development; and</p> <p>(c) fairly and reasonably related in scale and kind to the development</p>
Current provision/ existing facilities (excl affordable housing)	Allotments in Overton fall under the jurisdiction of Overton Parish Council. There are no BDBC allotments in Overton Parish.
Details of anticipated facility or infrastructure	Improvements to existing or future Overton Parish Allotment facilities and infrastructure.
Amount On site	
Amount Off site	£19,706.40
Officer	Mark Littlefield

### Planning Obligation Notes

Planning obligations or S106 agreements are intended to make development acceptable where it would otherwise be unacceptable in planning terms and includes the provision of financial or physical contributions towards community infrastructure. They are a mechanism for resolving planning issues arising from development proposals, and can be used to bring development in line with the objectives of sustainable development, as set out in planning policies.

The Community Infrastructure Levy (CIL) Regulations 122 are relevant in regard to S106 planning obligations:

From 6 April 2010 it is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged CIL, whether there is a local CIL in operation or not, if the obligation does not meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Government guidance requires planning obligations to be predictable for all stakeholders including the public; as far as possible use standard approaches; and be effectively monitored. If a planning condition would achieve the same as a clause in an obligation, a condition should be used, rather than an agreement because it enables a developer to appeal to the Secretary of State regarding the imposition of the condition.

This council's current approach to planning obligations under Local Plan Policy C1 (S106 Contributions) and C2 (Affordable Housing) is detailed within the policy guidance note 'S106 Planning Obligations and Community Infrastructure' (July 2005 and updated April 2010). The council adopted this as interim planning guidance in light of proposed National changes and not as supplementary planning guidance (or document). Further to this, the council has published a best practice note 'Affordable Housing and Community Infrastructure'.

## **Bonds or 'sureties'**

The council's standard S106 agreement seeks the provision of a bond in respect of all types of planning obligations, including financial contributions as the provision of any on or off site provision is likely to be a significant. Bonds or 'sureties' are direct contracts between two parties guaranteeing the performance of obligations by a third party. In the context of S106 agreements, bonds are provided by a financial institution to the council. They secure compliance with the obligations in a S106 agreement in the event of default by the developer/owner.

If called upon, a bond would ensure that the obligations in a S106 agreement are complied with. In the absence of a bond, the council may then be faced with the prospect of taking legal action against successors in title. As successors in title may include individual residents, on rare occasions, this may leave the council with no effective redress.