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South
Cambridgeshire
District Council

Waterbeach Parish Council
The Old Pavilion
Recreation Ground
Waterbeach
CAMBRIDGE
CB25 9NJ

Our ref: S/0296/15/FL
Your ref:
11/02/2016

New Communities and Planning
Contact: James Fisher
Email: james.fisher@scambs.gov.uk
Direct dial: 01954 713217

Dear Liz.

S106 Agreement – Land to West of Cody Road

I am writing with regards the public open space on the above development.

The section 106 agreement completed on 13/11/2015, and which accompanies planning permission issued on 17/12/2015, restricts the developer from commencing development until the developer has submitted to the District Council the Public Open Space Scheme for approval.

I am advised by Morris Homes that under the planning permission the approved site layout includes the public open space to be laid out as a grassed area with a number of trees and a small area surrounded by railings.

Please see attached plan ref 'M2575 01_F Plot Planting Plan- Plots 1 to 60' for details.

It therefore follows that the terms of the section 106 agreement have been satisfied and the Council is not at this time anticipating any amendment to this scheme.

That aside Morris Homes have suggested that they are willing to explore whether an alternative design should be implemented and which may include railings run around the full perimeter of the open space with a bench, bin and gate being provided alongside the footpath link.

In terms of the future management of the open space areas the section 106 agreement gives 2 options.

Morris Homes are required, prior to the first Occupation of any Dwelling, to use reasonable endeavours to either:

- (i) enter into a formal agreement with the Parish Council to transfer the On Site Public Open Space to the Parish Council (following its having been laid out and provided) and on the completion of such transfer to pay a commuted sum of £20,000 to the Parish Council.

- (ii) establish a Management Company with the detailed formation of such Management Company to be approved by the District Council and to be responsible for the future maintenance of the On Site Public Open Space.

I am advised that the first occupation is due at the end of March and with that in mind Morris Homes have established a Management Company using the same maintenance company that was used for the adjoining Cam Locks development (CS2 Residential Management). In the event that the Parish Council confirm that they do not wish to adopt the Open Space then Morris Homes will proceed with this Management Company.

On this basis I would be grateful if Waterbeach Parish Council could consider this letter at their next Parish Council meeting and answer three questions:


- A) Does Waterbeach Parish Council wish to adopt the onsite public open space area, which will be laid out prior to the occupation of the 30th dwelling, and be paid the commuted sum contribution of £20,000?
- B) Irrespective of whether the Parish Council wishes to adopt the public open space area does Parish Council have any comments to make as to the approved landscape plan?
- C) Irrespective of whether the Parish Council wishes to adopt the public open space area does Parish Council have a view as to whether the onsite public open space should contain any children's play equipment (and which would have the result of reducing the offsite public open space contribution of £88,098.11 that would eventually be paid to Waterbeach Parish Council)?

Please do note that in accordance with approved plans an underground water attenuation tank is to be provided under the public open space area. Please see attached plan ref '500e Adoptable Drainage Layout' for details.

The District Council considers that there is sufficient information on which the Parish Council could make a decision on this matter and further takes the view that if no decision is reached within 28 days from the date of this letter that Morris Homes would have a proper basis for claiming that they had used reasonable endeavours in pursuing the offer of a transfer of the public open space to Waterbeach Parish Council. On this basis, in the absence of any substantive case that the Parish Council might wish to put forward within the 28 days, the District Council would be minded to issue a letter to Morris Homes confirming that it was satisfied that they had complied with the terms of the section 106 agreement.

Should you have any questions of clarification ahead of the Parish Council meeting please do let me know.

Kind regards



James Fisher
Section 106 Officer