

Reply | Delete | Junk | ...

RE: Planning permission S/0296/15/FL (Haddon Park)

FJ Fisher James <James.Fisher@scams.gov.uk>

Reply |

Tue 26/09, 14:04

You; Pell-Coggins Karen (Karen.Pell-Coggins@scams.gov.uk); Roberts Therese

Inbox

You forwarded this message on 26/09/2017 14:06

Dear Mr Darlington,

It was for this very reason that the definition was worded in such a manner, i.e. if WPC were to have adopted the Cam Locks LEAP either as part of or separate to the rest of the Cam Locks open space then this offsite contribution could have been used to maintain, inspect, replace, add to the play equipment on the Cam Locks development.

However as WPC have decided not to adopt the open space on the new Morris Homes development (and with it the £20,000 maintenance contribution) I had taken it to mean that WPC would not be entertaining the notion of adopting any of the Cam Locks development either.

I have probably said all I can on this matter.

Kind regards

James

From: john Darlington [mailto:...]
Sent: 26 September 2017 11:51
To: Fisher James <James.Fisher@scams.gov.uk>
Cc: Pell-Coggins Karen <Karen.Pell-Coggins@scams.gov.uk>; Roberts Therese <Theresa.Roberts@scams.gov.uk>; Chris Flood

Dear Mr Fisher

Many thanks for your clarification.

I am just wondering whether you have a view as to whether any of the £94,599.91 offsite play equipment contribution payable to Waterbeach Parish Council could legitimately be paid towards the upkeep, maintenance and replacement where necessary of the playground equipment on the Cam Locks playground, for which Cam Locks Management Company Limited is presently responsible? The freehold of this area is still owned by Morris Homes.

If WPC did take a transfer of our Open Space land direct from Morris Homes and took over our management company obligations, would this alter your opinion as to the use of these monies?

Yours sincerely - John Darlington

From: Fisher James <James.Fisher@scambs.gov.uk>

Sent: 26 September 2017 10:03

To: john Darlington

Cc: Pell-Coggins Karen; Roberts Theresa; Chris Flood; Chris Rushmer; Daniel Edwards; Mark Brett; Tom Buckler; Gary Langley

Subject: RE: Planning permission S/0296/15/FL (Haddon Park)

Dear Mr Darlington,

My apologies for not making the position clearer.

For the avoidance of any doubt the section 106 agreement completed on 13 November 2015 gave Morris Homes 3 options within which to discharge their duty to provide formal children's play space.

I could summarise these as follows:

- A) An area of onsite open space with a payment of £88,098.11 to Waterbeach PC to provide play equipment offsite
- B) A LEAP (being a local equipped area of play) onsite and within the onsite open space area
- C) A smaller LEAP (i.e. the LEAP alternative) with an offsite payment calculated as the difference between £88,098.11 and the cost of providing the LEAP alternative.

You may recall that the agreement was worded in such a manner to give upmost flexibility to the Parish Council who were at a similar time being asked to adopt the Cam Locks open space areas (as well as the open space area on the new Morris Homes site).

The sum of £94,599.91 which I previously referenced of being a sum of money "towards offsite play equipment" was the index linked figure of £88,098.11 as secured under the "Off Site Public Open Space Contribution" (i.e. Option A).

development at Levitt Lane or such other site serving the Development as may be agreed by the Owner and District Council"

You may recall that I wrote to Waterbeach Parish Council on 11 February 2016 seeking their views as to (a) whether WPC wishes to adopt the onsite open space area (b) what views the Parish Council has as to the approved landscape plan (c) what views the Parish Council has as to whether onsite play equipment should be provided.

This matter was considered by Waterbeach Parish Council at their meeting on 1 March 2016 and the response from Waterbeach Parish Council was received via e-mail on 2 March 2016 as follows
<http://www.waterbeach.org.uk/opus/php/wbpc/Documents/Minutes/Council/Minutes160301.pdf>

15 / 238 THOSE PRESENT / APOLOGIES FOR ABSENCE PRESENT ...

www.waterbeach.org.uk

Minutes of Waterbeach Parish Council meeting held on 1 March 2016 The Clerk asked how useful it was to have this as a regular item on the Agenda.

15 / 242 CODY ROAD s106 OPTIONS / ADOPTION OF LAND

(a) It was PROPOSED that Waterbeach Parish Council adopt the open space on the new development popularly known as Cody Road - planning reference S/0296/15/FL

Proposed: Cllr Williams Seconded Cllr Shipp In Favour: 6 Against 7

Motion NOT carried.

(b) The council RESOLVED to put forward the comments from the planning committee with regards to landscaping i.e. that the Council are happy with the landscaping plan but a suggestion was made that it might be preferable to have a dedicated woodland area rather than tree planting around the

houses as in years to come there could be problems with tree roots.

Proposed: Cllr Gaunt Seconded Cllr Williams Unanimous

As WPC did not have a view as to whether any play equipment should be provided the District Council did not seek any amendments to the approved landscape plans (which had not proposed an onsite play area). If WPC had chosen to adopt the onsite open space it would have been paid £20,000 as a maintenance contribution. As WPC chose not to adopt the onsite open space it was transferred to a management company.

I trust that this addresses your question but as always please do come back to me if you require anything further.

Kind regards

James

From: john Darlington [mailto:]
Sent: 26 September 2017 10:26
To: Fisher James <James.Fisher@scambs.gov.uk>
Cc: Pell-Coggins Karen <Karen.Pell-Coggins@scambs.gov.uk>; Roberts Theresa

[Redacted]
Chris F
ward
m Bu
er
rk Brett
ary Langley
Subject: re: Planning permission S/0296/15/FL (Haddon Park)

Dear Mr Fisher

Thank you for your email of September 21. However, you have not replied to my query regarding the provision of a LEAP or LEAP Alternative on the site under the provisions of the S106 Agreement. Was a LEAP Alternative agreed with Morris Homes? There is currently no evidence of any play area being constructed on the Open Space area of the Haddon Park site. Please could you clarify urgently the position on this - you will appreciate that the lack of any LEAP or LEAP Alternative will impact on the usage of the Cam Locks LEAP.

I look forward to hearing from you again shortly.

Yours sincerely - John Darlington

From: Fisher James <James.Fisher@scambbs.gov.uk>

Sent: 21 September 2017 11:07

To: john Darlington

Cc: Pell-Coggins Karen; Roberts Theresa; Chris Flood; Chris Rushmer; Daniel Edwards; Mark Brett; Tom Buckler; Gary Langley

Subject: RE: Planning permission S/0296/15/FL (Haddon Park)

Dear Mr Darlington,

Thank you for your e-mail and for your clarification that Cam Locks (Management Company) Limited will not agree to taking on the responsibility for the installation of a footpath and nor will it agree to taking on the responsibility for its maintenance were it to be installed by a third party.

Under such circumstances the District Council will not be drawing down the footpath contribution from the developer.

The planning obligation for the adjacent Morris Homes development is available on the Council's website. The planning application is S/0296/15/FL. The agreement is located under the 'Plans and Docs' tab.

Payments that are to be made to Waterbeach Parish Council (via SCDC) are as follows:

£94,599.91 towards offsite play equipment

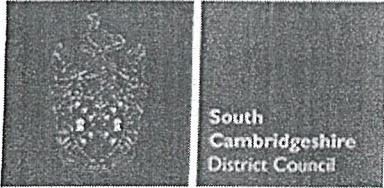
£31,641.47 towards projects inc upgrade of the car park serving the village hall

£35,911.85 towards projects inc the sports pavilion

Kind regards

James

James Fisher | Section 106 Officer



South Cambridgeshire Hall | Cambourne Business Park | Cambourne | Cambridge | CB23 6EA

e: james.fisher@scambs.gov.uk

t: 01954 713217

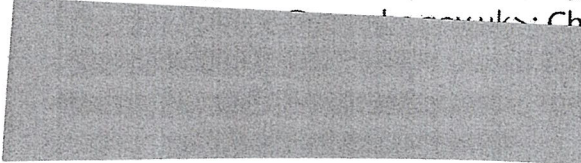

www.scambs.gov.uk | facebook.com/south-cambridgeshire | twitter.com/SouthCambs

From: john Darlington [mailto:

Sent: 20 September 2017 10:06

To: Fisher James <James.Fisher@scambs.gov.uk>

Cc: Pell-Coggins Karen <Karen.Pell-Coggins@scambs.gov.uk>

 Chris Floor
wards < Brett
Buckle
ry

Subject: Re: Planning permission S/0296/15/FL (Haddon Park)

Dear Mr Fisher

Further to your email of August 1 last, the directors have decided that the company will not agree to the installation of the footpaths, nor to their maintenance should they be constructed by somebody else. As you are aware, our open space area is just that - open to ANYONE who wishes to access and make use of the playground in particular. It is completely unfair and unreasonable that our members (less the 17 householders who are not legally obliged to pay a service charge in any event) should bear the total financial responsibility for the maintenance, upkeep and replacement when necessary of a facility potentially used by the whole village.

In this connection, we notice that no play area has been constructed on Morris Homes's adjoining Haddon Park development, which has been completed except for the final road surfacing - was there no obligation for them to do this under the terms of their S106 Agreement? If not, this reinforces what we say above. Furthermore, there does not appear to

use of the playground has already increased noticeably, including by children from the Little Stars Nursery on the Cody Road eastate.

We shall be contacting Waterbeach Parish Council again very shortly to see if they are prepared to take forward their decision in principle to adopt our open space areas, less the balancing pond which would remain the responsibility of our management company. Could you also please confirm the amount of S106 money payable to Waterbeach Parish Council under the Haddon Park S106 Agreement.

I should be grateful for an expedited reply and look forward to hearing from you again shortly.

Yours sincerely - John Darlington

From: Fisher James <James.Fisher@scambs.gov.uk>
Sent: 01 August 2017 13:51
To: john Darlington
Cc: Pell-Coggins Karen; Roberts Theresa
Subject: RE: Planning permission S/0296/15/FL (Haddon Park)

Dear Mr Darlington,

Good afternoon and thank you for your e-mail.

You will recall that the application and appeal documentation by Manor Oak Homes included drawings indicating 2 new footpaths to be provided linking to new site to the existing Morris Homes development.

The Council's Justification Statement at the appeal said the developer should pay for the installation of two sections of footpath to create links to the Cam Locks development to the west of the appeal site, as shown on the submitted site plan.

The appellant argued successfully that a condition could not be used as the appellant did not have control of that land. What they were required to do was to remove the hedges and lay a footpath to the edge of their boundary.

In order to settle the footpath argument the appellant put forward a Unilateral Undertaking offering the payment of £2,500 for the Council (or third party) to install footpaths. The Planning Inspector considered that £2,500 is a reasonable contribution towards the works necessary to achieve this objective.


The Council is yet to invoice for the contribution although payment has recently been triggered.

I had understood there to be concern from residents of the Cam Locks development as to the principle of the footpath proposals.

Perhaps you could please advise whether Cam Locks Management Company Limited would agree to the installation of the footpath(s) - and further agree to their maintenance thereafter - if it was feasible to deliver them within this budget.

Kind regards

James

From: john Darlington [mailto:
Sent: 01 August 2017 10:27
To: Fisher James <James.Fisher@scambs.gov.uk>
Subject: Fw: Planning permission S/0296/15/FL (Haddon Park)

Cc: Pell-Coggins Karen; Chris Flood; Chris Rushmer; Daniel Edwards; Mark Brett; Tom Buckler; Gary Langley; Marilyn Jackson
Subject: Planning permission S/0296/15/FL (Haddon Park)

Dear Mr Fisher

You may recall that I am chair of the Cam Locks Management Company Limited.

Under the terms of the planning permission for the adjoining Haddon Park site, Morris Homes (who was also the developer of our site) is to construct two footpaths linking the two developments.

The footpaths have not yet been constructed but access through the dividing hedge has been made and a very roughly finished path has been laid from the Haddon Park site up to, but not beyond, these two points.

The seventh schedule of the S106 Agreement dated 13 November 2015 provided for Morris Homes to pay the District Council a "footpath link contribution" of £2,500. Para 2.2 of this schedule states that this payment is conditional on the District Council "only expending the Footpath Link Contribution or any part thereof for the purposes for which it has been provided and for no other purpose."

These purposes are not stated and it is unclear to us what the payment is exactly for and who is to construct the footpaths. Presumably Morris Homes should carry out the work and the payment is meant to be some sort of warranty against their failure to do so?

I should be grateful if you could please clarify the position for us as soon as possible and I look forward to hearing from you shortly.

Best wishes - John Darlington