

**CHI/16952/1-X – United Kingdom Atomic Energy Authority
Residential development with associated community facilities and access. Land to the south of Chilton Field, Avon Road, Chilton, Didcot, Oxon**

1.0 The Proposal

- 1.1 This outline application for the erection of 275 houses with associated community facilities was considered by the Development Control Committee on 16th October 2006. At this meeting, the Committee accepted the principle of development on the site but deferred the application to allow Officers to conclude negotiations concerning the heads of terms of the Section 106 agreement to accompany the planning permission. A copy of the report to the October 2006 meeting is attached at **Appendix 1**. A copy of the relevant minutes of this meeting are attached at **Appendix 2**.
- 1.2 A site location plan and block plan are attached at **Appendix 3**.
- 1.3 This report seeks to update Members on the now agreed Section 106 heads of terms. Section 2 sets out the heads of terms, Members were asked to consider at the October Committee meeting. Section 3 highlight the Committees comments on each of these and Section 4 sets our the heads of terms now recommended to the Committee to be included in the Section 106 agreement.

2.0 Heads of Terms of Section 106 presented to 16 October 2006

- 2.1 When the application was presented to the Committee in October 2006, the heads of terms to be included in the Section 106 were as follows:
- (i) The provision of a community room on the site.
 - (ii) The provision of a shop shell on the site.
 - (iii) 25% affordable housing.
 - (iv) The provision of open spaces, a football pitch, a cricket pitch and a pavilion with a two team changing capacity.
 - (v) The provision of a children's play area and equipment (£35,000 index linked from 2000).
 - (vi) A commuted sum for the maintenance of the play equipment, sports facilities and open space.
 - (vii) The upgrading of the underpass under the A34 between the application site and the village to include resurfacing and lighting.
 - (viii) County Council financial contributions for highways, public transport, education, libraries, waste management and social and health care.

3.0 Heads of Terms agreed by Committee on 16 October 2006

- 3.1 Having considered the Officer report and representations from the Parish Council, the Committee resolved that the following amendments should be made to the heads of terms of the legal agreement:
- (i) Community Room – The existing village hall should be extended in lieu of the community room

The Parish Council had expressed a preference to see improvements made to the existing village hall in Chilton. In addition to the new community room. It was considered onerous to require the applicant to provide both and Members

considered that the more practical and inclusive option was to extend the existing hall.

- (ii) Shop Shell – To omit this requirement from the Section 106 agreement

Despite the support in principle for this by the Parish Council, the Committee considered that the remote nature of the site and other factors seriously called into question the success of a shop in this location. The Committee considered that the money saved here would be better used to offset the extended facilities for youth requested by the Parish Council (see point (v) below).

- (iii) Affordable Housing – 25% affordable housing on the site

Due to the long history surrounding the application and the timing of negotiations with the District Council on it, Members agreed to the provision of 25% affordable housing on the site, which was the Council's policy at that time (noting that the previously approved scheme on an adjacent site provided only 14.5% affordable housing).

- (iv) Open Space, Sports Pitches and Pavillion

There were no suggested amendments to this provision.

- (v) Provision of Equipped Childrens Play Area – A financial contribution of around £155,000 should be provided to respond to the needs of children of all ages, particularly adolescents.

The Parish Council requested that, in addition to the toddlers play area, further facilities were required in the Parish, especially for older children. The Committee considered that monies saved in lieu of the provision of the shop shell would be better used for this purpose and agreed a sum of around £155,000 as mentioned by the Parish representative at the meeting.

- (vi) Commuted Sum for Maintenance – The District Council should not bear the cost of the future maintenance of the open space or play area(s).

The minutes of the meeting refer to maintenance being provided in perpetuity. However, at the meeting Cllr Terry Cox asked for clarification as to the timescale set out in the Local Plan. This requires a commuted sum to cover maintenance for a period of 10 years only and as a result, this is all that can reasonably be asked for in relation to this development.

- (vii) The Underpass – The underpass should be upgraded, either as part of the S106 or by Grampian condition.

- (viii) County Council Contributions

In addition to the above, the Committee also highlighted the following issues:

- (ix) Percentage for Art – That a percentage for art should be sought, notwithstanding its omission from previous S106 relating to this development.

- (x) Minibus – Recommended that a minibus to transport youngsters to the village hall from the development should be considered.

This provision has been discussed with the applicant but is not considered to be a viable service given the size of the development and the limited nature of the route. Nor could this type of service be included within County Council's additional public transport provision.

4.0 **Proposed Heads of Terms of Section 106 Agreement**

- 4.1 Since earlier this year, discussions have been undertaken with applicant and the Parish Council in respect of the Section 106 agreement following the Committee's resolution at the October 2006 Meeting. These discussions were originally stalled whilst Officers awaited the outcome of the District-wide Recreation and Leisure Audit because it became clear after the Committee Meeting in October that the Parish Council seriously questioned the need for the provision of the formal playing pitches on the site, and also therefore the pavilion.
- 4.2 The Audit identified no significant overriding need for extra playing pitch facilities in the area and the Parish Council put forward their case to Officers and the applicant that the monies required to provide the pitches and pavilion could be better spent elsewhere within the Parish. The Parish Council already have a good quality football pitch adjacent to the village hall which is not well used. The Parish had also undertaken local consultation which showed little local support for further playing pitches within the village.
- 4.3 Discussions with Officers, the Applicant and the Parish Council have therefore led to the following amendments to the proposed heads of terms of the Section 106 agreement. Some of these are at variance with the Committee's resolution in October 2006, and an explanation is provided in each case where this occurs.

- (i) Provision of Community Room – Variance

At the October 2006 meeting, it was agreed that an extension to the village hall should form part of the S106 in lieu of the provision of a community room on the site. In discussions following the October Committee meeting it has been agreed that the community room can be provided, in addition to the extension to the village hall, but in lieu of the provision of the sports pitches and pavilion on the site (see iv below).

- (ii) Non-provision of shop shell – as agreed in October 2006.

- (iii) 25% affordable housing – as agreed in October 2006.

- (iv) Open space, pitches and pavilion – Variance.

The proposal in this instance is to retain the informal open space, but increase it by omitting the provision of the formal sports pitches and pavilion. The Parish Council is unconvinced that, given the lack of the use of the existing good quality football pitch by the village hall, a new football and cricket pitch would add any practical quality to the recreational needs of existing or future residents of the development. As a result, the Parish Council would prefer to see the formal playing fields and associated pavilion exchanged for the provision of a community room on the site, in addition to an extension of the village hall. Leisure Services

have raised no objection to this, having regard to the case put forward by the Parish Council, they have, however, requested that the Parish Council consider providing changing facilities in the new extension to the village hall to service and add value to the existing football pitch in this location.

- (v) Childrens Play Areas – as agreed, a sum crica £155,000 to provide a breadth of young persons facilities.

The sum involved and the type of facilities it may provide are being discussed with the applicants and the Parish Council but this has yet to be finalised. However, it has been agreed that this sum should include the younger childrens play area required by the development which was previously allocated a sum of £35,000 (index-linked from 2000). It has also been acknowledged that the sum may exceed £155,000, but not significantly.

Discussions have also taken place as to who should actually provide these facilities when agreed. The District Council is not in a position to do this, so it will have to be either the developer or Parish Council. It is recommended that if the Parish Council feel unable to provide this play equipment, the developer should be required to carry out all design and construction work. The maintenance would then be taken on by the Parish Council with the aid of a commuted maintenance payment.

- (vi) Commuted Payment for Maintenance – as agreed but the final sum has yet to be agreed.

Indications from Leisure Services suggest that the 10 year maintenance sum may be in the region of £400,000-£500,000 based on very indicative figures provided by colleagues in the Leisure Services. This figure may change because Officers understand that the Parish Council may wish to maintain the open spaces and facilities provided by the development, and, if so, their costs will differ from the District Council's.

- (vii) Upgrading of Underpass – Agreed but the extent is still unknown. There is the possibility of upgrading the access to shops in Curie Avenue instead.

Since the Meeting in October 2006 it has transpired that a County Council initiative "Better Ways to School" already has the resurfacing of the underpass under the A34 in its programme. However these works will concentrate on resurfacing only. The improvements to the underpass envisaged by Officers and Members also included lighting, but this is complicated by the fact that the bridge covering the underpass is controlled by the Highways Agency and that the route is designated as a bridleway (which the Countryside Section at the County Council do not wish to see it). Discussions with the County Council are still on going but, despite earlier indications to the contrary, it is anticipated that agreement on lighting the underpass can be reached.

If this proves not to be possible, and no "added value" made to the underpass by providing lighting, the applicant has offered to include within the S106 improved access for pedestrians and cyclists to the shops and facilities on Curie Avenue.

- (viii) County Council Contributions – as agreed in October 2006.

(ix) Percentage for Art – as agreed in October 2006.

4.3 All the headings above have now been agreed with Officers, the Applicant and the Parish Council, although as explained, the specific level of contribution in some cases is still to be decided.

5.0 **Recommendation**

5.1 (i) *That the heads of terms outlined in Section 4 above be agreed;*

(ii) *That planning permission be delegated to the Deputy Director in consultation with the Chair and the local Member to grant planning permission subject to the completion of a Section 106 agreement including the heads of terms agreed at (i) and relevant conditions.*