

APPENDIX B Huntsridge: 24/01444/FP: s106 claim

Basis of claim

The purpose of this document is to make a s106 claim under the Town and Country Planning Act 1990 and demonstrate how the three tests in the Community Infrastructure Levy Regulations 2010 No. 948, 122(2) (as amended) are satisfied. While the planning authority has not yet adopted the CIL regulations or charging schedules, Ashwell Parish Council acknowledges that these tests apply to all planning obligations.

The planning obligations sought from this proposal are:

- *Necessary to make the development acceptable in planning terms.* Recognition that contributions should be made to mitigate the impact of development are set out in planning-related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Local Plan Policy SP7 recognises the role of developer contributions in planning. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.
- *Directly related to the development.* The occupiers of new residential developments will have an additional impact upon local amenities. The contributions sought are based on the size, type and tenure of the individual dwellings comprising this development and will provide facilities serving the locality of the proposed development and therefore, be for the benefit of the development's occupants.
- *Fairly and reasonably related in scale and kind to the development.* The contributions have been assessed according to the size, type and tenure of each individual dwelling comprising the proposed development and their collective impact on the surrounding environment, which is significant not only in terms of amenities but also in conservation terms. The claim for gifting of land or conditions over it has been based both on present and future conservation considerations and on amenity grounds, i.e. increased need for informal outdoor space.

As a developer contribution Ashwell Parish Council claims both a gift of land, or conditions over it, and a monetary sum of £50,700.

Claim for gifted land or conditions over it

In discussions at the Parish Council meeting of 07/01/2023 the developer's representative recognised that a claim would be justified. To this end the representative suggested that title to the western part of the site could be gifted to the Parish Council: see attached map, Appendix B1. The Parish Council is now requesting either:

- that the gift informally offered is made, or if this is unacceptable
- the land is to remain undeveloped and used as informal open space with free public access in perpetuity.

Justification: conservation and heritage grounds

The land claimed is important for conservation reasons and is also appropriate from an archaeological and/or heritage point of view to provide undeveloped space at the site of a WW2 air crash.

This document will not reproduce NHC's conservation officer's judgment re: 22/03094/FP on the suitability of the development (see [link1](#) and [link2](#)). However, it found approving

the development would have an adverse impact on views and inter visibility in a conservation area, and upon the character of the medieval route that is Ashwell Street. Preventing further building is essential to stop what remains of views and village character in this area from deteriorating further in the future. Should the Inspector decide to grant planning permission despite the conservation harm identified, then the gifting or applying conditions to the space should be considered the very minimum to make development acceptable in planning terms and to safeguard the character and appearance of the Ashwell Conservation Area from further harm.

Justification: need for more amenity green space because of this development

NPPF para 102 states that “Planning policies should be based on robust and up-to-date assessments of the need for open space ... and opportunities for new provision.” New provision is further supported by the NHC Local Plan, para 4.142 and in policies SP12(e), NE6 (b) and (c).

Increasing the number of dwellings in Ashwell leads to pressure on the available open spaces used for amenity green space, and natural or semi-natural areas. The Recreation Ground, the Cottage Garden and, above all, the Springs have reached their sustainable limits for the current population. The Springs is a Site of Special Scientific Interest and particularly sensitive to over-use. The land subject to the claim is needed as informal open space to address population growth from Huntsridge.

Claim for a monetary contribution of £50,700 to extending built facilities

Ashwell Neighbourhood Plan policy ASH15 favours planning proposals that add to or enhance leisure facilities for Ashwell residents. It supports using the Parish’s share of statutory contributions from developers for this purpose.

NHC Local Plan policy SP10(b) requires appropriate levels of new community, cultural, leisure and built sport & recreation facilities to be provided in new development. This need not necessarily be provided by the developer on-site and, if not, s106 contributions would be appropriate.

NPPF (2023) para. 96(c) states that planning decisions should “enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities ...”

Apart from informal open spaces, Ashwell’s population is currently served by the following facilities:

- The Parish Church
- The Parish Room
- The United Reformed Church and its hall
- The Village Hall
- The Pavilion

Justification: increased demand for built facilities

These built facilities are all publicly available. Taken together they meet needs for community centres, leisure, play space and pitch sports changing but have reached capacity. The informal open space requirement has been excluded from this part of the claim as it will have been provided by the grant of land.

Note that the churches listed are not just for worshippers but host a wide variety of community events, for example: horticultural shows, 'Ashwell at Home', concerts, book fairs and youth activities. At all venues 'slots' for events such as these are now difficult to obtain and new ones cannot be accommodated. Turnouts for existing events are often crowded and occasionally chaotic due to sheer numbers.

Space for regular cultural, exercise and youth activities is also in short supply, particularly at the eastern end of the village.

Methods used for quantifying the contribution

Ashwell Parish Council takes a two-pronged approach to justifying the financial aspect of its claim. First, by looking at the value of current community assets used to support the existing parish inhabitants. The contribution is then the amount needed to prevent dilution of that support by new inhabitants, which would happen because existing assets are fully exploited. Secondly, by using North Herts Council guidelines for financial obligations sought to cover the relevant services and facilities.

Each of the two methods of deriving the financial contribution should give similar results, and they do. The figures obtained by each method both appear reasonable and Ashwell Parish Council is prepared to accept the lower amount of £50,700.

Method 1

While most of amenities currently available are unlikely to come on the commercial market, their asset value would be in the region of £4million at the very least when considering their footprints and locations, and making a reduction for the church sites to reflect religious use. They serve a population estimated by ONS to be 1,901 in 2020. Building 14 dwellings would add 30 people to the population (1.5%). The mix of dwellings suggests that the increase in population would be weighted toward the younger and 'healthy older' ends of the age spectrum who tend to present a higher demand in the areas of need covered by this claim. Therefore a contribution toward extending built facilities of £60,000 is commensurate, being 1.5% of assets available to the community.

This approach is based on investing in community assets needed in the future. It has merit because it clearly recognises that developer contributions are for capital spending to increase the stock of assets.

Method 2

The North Herts Council claim guidelines defined in its 'Planning Obligations Supplementary Planning Document 2006' (see [link3](#)) represent the impact in financial terms of additional housing on requirements for community centres, leisure, play space and pitch sports. Note: for other requirements Hertfordshire County Council (HCC) adopts a similar methodology, which is defined in its 'Guide to Developer Contributions 2021'. HCC has used this in recent applications, for example: 23/00186/FP Land Off Milksey Lane Graveley Hertfordshire, dated 23/01/2023.

The sum in this method is based on contributions per dwelling that NHC recognised as reasonable at November 2006 (Q3) prices, uplifted to October 2024 (Q3) prices. Inflation uplift is an approach endorsed by NHC Senior Planning Officer Naomi Reynard in her email of 03/06/2020 and based on General Building Cost Indexes. The claim value indicated by the size, type and tenure of the individual dwellings is £50,700 and the make-up of this amount is in Appendix B2.

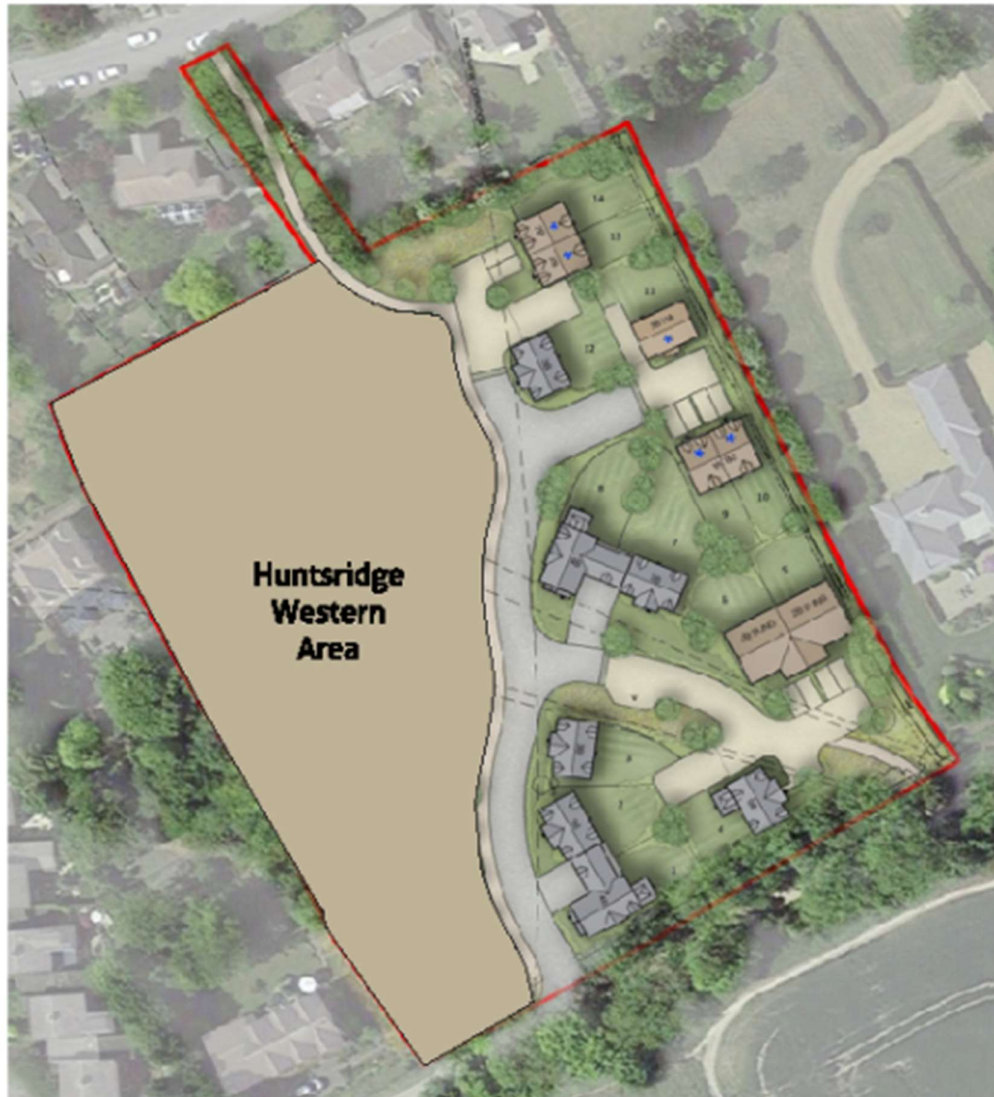
Named project to address additional need: the Pavilion

The contribution would be put toward improving the level of provision at the eastern end of the village, which has fewer such facilities than central and western parts (see Appendix B3) and will experience the increase in demand. This would be achieved by extending the capacity of the Pavilion to provide additional and more suitable space for community activities, play space, leisure activities and changing for pitch sports changing.

In its present state the Pavilion cannot service any increase in demand that would come from a Huntsridge development. Such a development would cause larger turnouts for events based around the Pavilion, such as the Sports Day and Remembrance Day. This applies to participation in regular activities such as yoga or pilates, and for indoor play space as well. Existing sports teams will see an increase in players who will need improved provision.

This claim includes for information a design for an improved pavilion and associated facilities, with reasons, a high-level project plan and estimated costs (see Appendix B4). To extend capacity it will provide a combination of better planned, more flexible space and a fit-out capable of withstanding higher levels of usage. It is based on information currently available but details would be subject to a full investigation of the impact additional demand makes and how different layouts and build techniques would respond to it.

APPENDIX B1: Map showing claimed gift of land



Appeal re: application 22/03094/FP Huntsridge
Map showing site and open space claimed: Huntsridge Western Area

APPENDIX B2 Planning obligations financial contributions, method 2 (NHC guidelines)

Dwelling size, type and tenure					
Bedrooms	1	2	3	4+	Total
Market		2	5	2	
Social		4	1		
Total dwellings	0	6	6	2	14
Occupancy	1.26	1.78	2.51	3.07	
Total extra inhabitants	0	10.68	15.06	6.14	31.88

Financial impact by dwelling size, type and tenure, by amenity category										
	Each dwelling					All dwellings in each category				
Community Centres	236.88	334.64	471.88	577.16	X	0.00	2,007.84	2,831.28	1,154.32	5,993.44
Leisure	391.86	553.58	780.61	954.77	X	0.00	3,321.48	4,683.66	1,909.54	9,914.68
Play Space	372.96	526.88	742.96	908.72	X	0.00	3,161.28	4,457.76	1,817.44	9,436.48
Pitch Sport	183.96	259.88	366.46	448.22	X	0.00	1,559.28	2,198.76	896.44	4,654.48
Total, 2006	1,185.66	1,674.98	2,361.91	2,888.87						29,999.08
Uplift from 2006 Q3 (BCI)										1.69
Total, 2024										50,700.00

APPENDIX B3 Ashwell Community Facilities in relation to the Huntsridge Site (overlaid on map)



Ashwell's Built Community Facilities

Ashwell Pavilion Project



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Introduction

Ashwell Pavilion is owned and managed by the Parish Council on behalf of the village.

The existing Pavilion has served the village well since it was built in the 1960s but is now sadly beyond its 'best before' date. It no longer meets the required standards nor the needs of a thriving and growing population. Its rather tired and scruffy facilities, despite best efforts to maintain them, are not welcoming or encouraging to users who wish to engage in sporting and community activities. It cannot meet demand for facilities caused by village growth, for example: the Claybush estate. Further development is possible at Hunts Close and this will further increase demand.

The consensus is that Ashwell needs a new pavilion.

Current situation and the need for a new building

The existing Pavilion building:

Location. The Recreation Ground, Lucas Lane, Ashwell, SG7 5LN

History. The Pavilion was erected in the 1960s following a community fundraising effort with much practical input from parishioners. The brick-built extensions on either end of the original wooden building were added in the late 1970s to provide Ladies and Gents public toilets. These were funded and managed by NHDC until handed over to the Parish Council in 2012.

Layout. The main building comprises a central hall area, with a kitchen to the rear and two changing rooms with showers, one on either side, for home and away teams. The current Ladies and Gents public toilets are separate extensions on either end of the building and can only be accessed externally, i.e. not via the main building.

Specific issues:

- Significant areas of the wooden structure (walls and roof) are rotten and need replacement.
- The plumbing system is not fit for purpose. It must be completely drained down during periods of freezing weather. Frost-proof heating of the open structure in the roof-space has been investigated but is not practical and although lagging has been installed this is insufficient.
- The electrical system needs upgrading (the addition of efficient outdoor lighting is not possible currently). Parts of the building are metered separately and the service covering the main area cannot be upgraded to a smart meter.
- Disabled access is not up to standard.
- Neither the building nor the supply of services is energy efficient
- The facilities for community activities, indoor exercise classes and youth activities are poor and, with current and future growth will become more and more inadequate.
- Sports changing will not be able to withstand increased use until newer, more robust fittings and services are installed.

Background to community facilities in Ashwell

Ashwell is a large village identified as Category A in the new District Local Plan. It has a range of community facilities situated at various locations owned/managed by various parties and with different options available. Individually these facilities provide for the some of the specific requirements of community groups and residents; together they are intended to provide for the overall needs of the community.

Indoor facilities include the Village Hall (owned and managed by a charitable trust), the United Reformed Church Hall (owned and managed by the URC), the Parish Room (managed by St Mary's Church), the Pavilion at the Recreation Ground (owned and managed by the Parish Council). The school hall is also used when a larger capacity is required, e.g. the Annual Parish Meeting, Horticultural Shows, At Home, etc. There are also public toilets at the Recreation Ground (owned and managed by the Parish Council).

Outdoor facilities managed by the Parish Council include the sports pitches and playground at the Recreation Ground; the War Memorial is situated on the corner of this area. The sports pitches at the Small Gains site off Station Road are let to the junior football club, 'The Accies', and are managed by it. There are also outdoor-only sports facilities managed by village clubs on private land (the Tennis Club and Cycle Club have tenancies on land at Small Gains). There are allotments and a car park at Small Gains (owned and managed by the Parish Council) and additional allotments between Back Street and Ashwell Street (owned and managed by the Foresters Association). There is a Cemetery, with a Chapel of Rest, in Station Road (owned and managed by the Parish Council). The churchyard at St Mary's is closed to burials other than for the interment of ashes; the Parish Council is responsible for the grounds maintenance. The Springs area is a public open space and includes a Site of Scientific Interest (owned and managed by the Parish Council in conjunction with volunteer groups).

Demand for facilities at the Recreation Ground:

Ashwell has a range of community facilities that are valued, well-used, and maintained and managed by various organisations. They also need to be regularly reviewed to ensure that they are fit for purpose and are in accordance with appropriate modern standards. Capacity is increasingly an issue as there are occasions when all facilities are fully booked. The use of the facilities at the Recreation Ground is increasing in line with the growth in population of the village. There is increased demand for outside space and changing provision for sporting and recreational use, particularly by families with children. Club memberships, particularly of the junior football club, The Accies, have seen a significant rise. The Pavilion is increasingly in demand as it has both indoor space and adjacent outdoor space for leisure/ play/ sporting activities; other community facilities in the village do not. Public toilet facilities (currently separate Gents and Ladies) are available in separate sections of the building and are opened daily for public use. The main Pavilion building is only open as required by users.

Users of the Pavilion

Sports clubs including the Cricket Club, The Accies junior football club and the adult football club are key regular users. A User Group was formed with representatives from these clubs to coordinate the use of the space, guide the day-to-day management, and inform the development of the facilities.

Village groups including the Scouts and Cubs, the Playgroup and the Church Youth increasingly use the facility. Access to the adjacent outdoor space of the Recreation Ground is a key factor for these users as other facilities in the village cannot provide for their needs.

Other groups' use continues to increase; the wider opportunities these provide are welcomed by residents. Buggyfit classes take place weekly and other fitness sessions are held regularly. In the past various children's activities have been hosted including the NHDC Festival of Fun, Pre-school Learning Alliance mini-sports and a music event.

Village events regularly using the facility include the annual 'At Home' and the Village Sports Day. It is also the venue for one-off village events including Jubilee celebrations, Revels on the Rec, Village Picnic and charity/music events.

The Ashwell Neighbourhood Plan

The Sport, Leisure and Recreation section of the Plan includes a review of the Pavilion and states, "This facility is now not fit for the range of clubs which use it and will need replacing. At each end of the wooden pavilion there are brick toilets that are open to the public all year round. These are out of date and are unsuitable for those with mobility issues." *Ashwell Neighbourhood Plan para 9.4.*

Accelerating need

The Parish Council and users of the Pavilion recognises the need improve it as early as 2015. The need became more pressing once the Claybush estate development was completed and occupied in 2019. There will be further pressure to do so if more development takes place, for example: at Hunts Close which is close to the Recreation Ground and Pavilion.

Consultation with stakeholders and liaison with NHDC Community Development

The table below shows a timeline with the steps taken toward providing an upgraded pavilion.

1	Pre-project background Formation of User Group with remit to consult/ input on development of facilities for sports and community use. PC representatives Cllr Mark White (Chairman), Cllr Madeleine Legg, and representatives from the cricket and football clubs, the 'Accies' and playground users.	October 2015
2	Site meeting with NHDC Community Development Advice received re: s106 claims for public toilets rebuild and pavilion refurbishment (including outline objectives with preliminary specifications and indicative costings).	August 2016
3	Parish Council proposes s106 claims for both toilets upgrade and pavilion refurbishment.	September 2016
4	Parish Council works up detailed specifications and indicative costings.	October 2016
5	Further consultation with stakeholders Project options to include replacing the pavilion rather than refurbishment and the possibility of upgrading the toilets as a separate work package.	January 2017

Draft (now made) Neighbourhood Plan included proposals for new facilities including replacement of existing pavilion under Non-policy Actions.

6	Confirmation from NHDC Community Development Agreement to allocate £26,928.91 from available planning obligations to upgrade the toilets. Agreed to meet and discuss an allocation for the pavilion project.	March 2018
7	s106 agreement re: 4 – 14 Claybush Road to provide £75,000 toward pavilion project. Payment received from developer 9 November 2020.	August 2019
8	Site meeting with Tom Tyson and the NHDC Community Development officer Discussion re: future s106 claims, including for the pavilion project. Noted that current funds available were insufficient and the pavilion project would therefore be dependent on future NHDC decisions on planning applications	February 2020
9	Parish Council requests NHC Planning Control and Conservation to allocate remaining unallocated planning obligations (excluding sustainable transport) to the pavilion project.	March 2020
10	Project revived following Covid, costings obtained for a refurbishment option (in addition to earlier costings for a pavilion replacement) and appeal for funds made to village.	January to September 2022

Design proposals and outline costings

Objective: to provide modernised and enhanced facilities that meet current standards, provide good facilities for the users, and are cost-effective for the Parish Council to maintain.

Outline specification: the basic requirements for sports and community use, i.e. changing rooms/ showers, toilets, kitchen, storage, community space, are like the existing building. The facilities must have adequate capacity to meet demand and the flexibility to accommodate the broader range of activities that is expected from village growth. The footprint of the building may be increased for this reason, depending on a review of demand when circumstances are clearer. Additionally, the Parish Council may move the parish office and staff to the new building as a replacement for the rented space currently occupied if it is cost-effective and would complement community activities in the future.

Design and costings: following input from Sport England, an outline design brief and costings for the project plan had been prepared. There are also more recent costings for a refurbishment, see below. In terms of cost and time there does not appear to be much difference between the two options. A detailed design brief specific to the site will be progressed once funding for professional input is in hand to determine the most cost-effective way forward.

The capacity of facilities to cope with future demand has been considered. Enhancements to the existing facilities would include, for example: improved clubroom space for activities such as yoga, a serving hatch to the kitchen (particularly important for community events) and increased storage space for equipment. Essential elements would include improved energy use (insulation, water-saving showers and toilets, LED lighting and disabled access. The recently obtained refurbishment option details provide an

illustration of the proposed facilities and likely costs for both the pavilion and toilets upgrade.

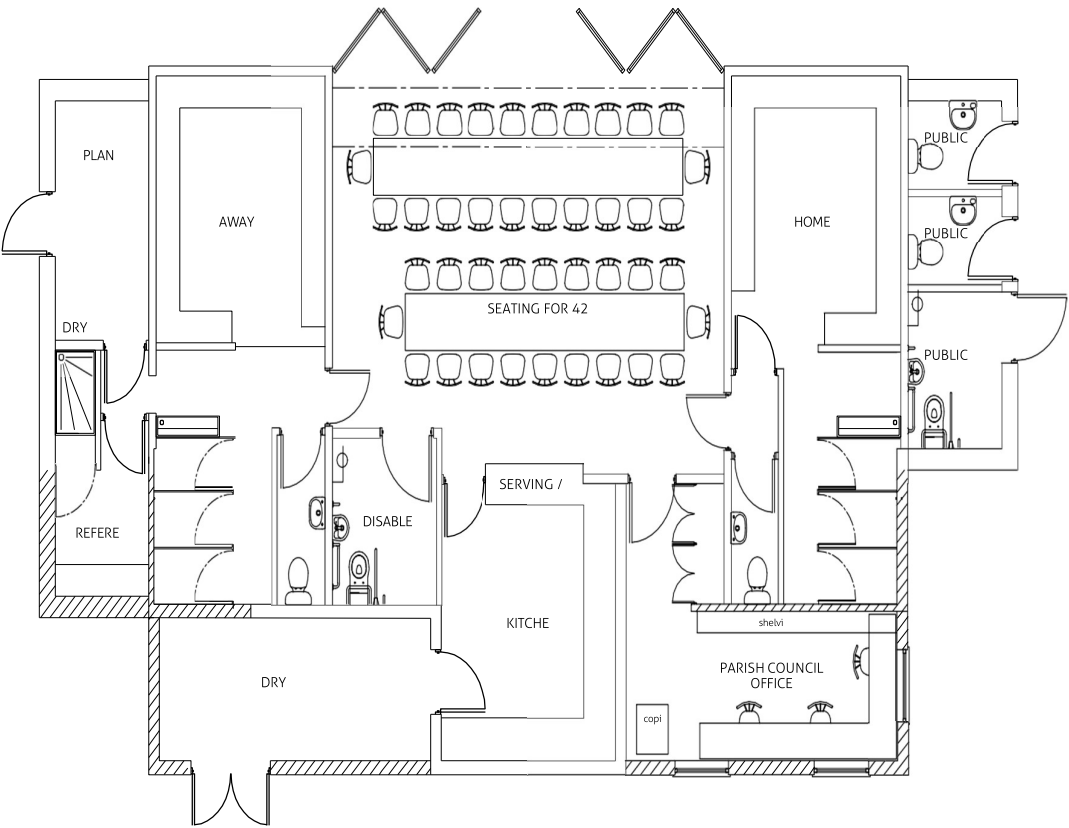


Figure 1: Suggested plan of upgraded pavilion and toilets



Estimated costs (excluding VAT, which can be reclaimed) are as follows:

Ref.	Item	£
01	Substructure	10,960
02	Superstructure	85,320
03	Internal finishes	35,432
04	Furnishings, fittings & sanitaryware	46,820
05	Services	60,450
06	External works	1,500
07	Demolitions	16,209
08	General cost items & preliminaries	42,450
09	Solar panels	10,000
10	Professional fees (15%)	46,371
11	Contingency (10%)	35,551
12	Inflation to spring 2024 (12%)	46,928
Total		437,991

Funding proposals

Ref.	Source	Availability	£
1	Ashwell Parish Council	Provided from general reserve	5,788
2	NHC Planning obligations funding (Claybush)	Paid and allocated	75,000
3	NHC Planning obligations funding (Hunts Close)	Subject of this claim	60,000
4	NHC planning obligations funding (remaining unallocated)	As discussed with NHC, March 2020	45,078
5	NHC Community Facilities Capital Grant Funding Scheme / planning obligations	Confirmed March 2018	26,929
6	Financing	To be met by a 10-year loan funded from future precepts	225,196
Total			437,991