

## **Karen Pell-Coggins**

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**From:** Matthew Shellum <Matthew.Shellum@planningissues.co.uk>  
**Sent:** 15 June 2022 11:00  
**To:** Karen Pell-Coggins  
**Subject:** RE: Great Shelford Inquiry  
**Attachments:** Appendix 6 Copy of ALL occupation stats\_2022.pdf

Morning Karen,

Thanks for the email. I am minded to have the S106 drafted to include a number of the contributions being sought but with a 'blue line clause' that the Inspector could draw a line through them if she felt that they do not meet the tests of Reg 122 of Community Infrastructure Regulations. I would look to provide evidence on whether the contributions meet the relevant tests.

That being said if any of them are agreeable between us now then we can set that out in the SoCG and reduce evidence to be produced.

I am taking the consultation response from James Fisher of the 10<sup>th</sup> February 2022 as the contributions that are currently being sought by the Council if this has changed then please do let me know.

### **Public Open Space**

A figure of £27,275.13 is being towards outdoor sports and going towards the Great Shelford Sport Pavilion. Reference is made to the Open Space in new developments SPD in January 2009.

Firstly, I don't think it meets the test of 'necessity' paragraph 2.7 of the consultation response identifies that Great Shelford has a surplus of sports space so there is no need for further contribution towards outdoor sports provision. Secondly, what the Council are seeking is the same quantum if this was open market mainstream apartments when clearly the outdoor sports needs are going to be greatly different between occupants of mainstream housing and residents of specialised accommodation for older persons. Residents of Churchill schemes are on average 80 years of age on first moving into the development and often move because their existing property and grounds have become too much to manage. These are not people with a sports needs for football, rugby or cricket pitches and therefore the quantum of any contribution sought should be of a reduced scale to reflect their reduced sporting needs. Thirdly, and perhaps most significantly the contribution is being sought towards infrastructure that has already been delivered. Planning obligations should only be sought based on the needs for new infrastructure required to serve the needs arising from the development. You can't seek contributions towards infrastructure already delivered. I would also note that the basis of the formula behind the contribution does not reflect occupancy rates for specialised apartments of older persons accommodation which I attach from Churchill's existing developments. Using the table at 2.7 within the SPD arrives at a figure that would not be 'in scale and kind' even if the contribution was considered necessary.

The Outdoor Sports contribution does not meet the CIL tests and is not agreed.

### **Allotments and Community Orchards**

Given the nature of the residents and that many are downsizing because of the gardens and property are too much to manage they are not looking to take up allotments. Indeed, I have never had a contribution sought from

specialised accommodation for older persons towards allotments for this reason. I have recently been asked for one in Worcestershire but we were able to provide evidence from existing Churchill developments that none of the residents leased an allotment from the Council and the Council dropped the request.

However, I note that the contribution being sought here is to plant some fruit trees to create a community orchard, para 2.18 of consultee response. I think probably the contribution does not meet the test of 'necessity' as I can see it could be argued that such a contribution is needed to make the development acceptable. However, I am open to giving this further consideration. A figure of £3,900 is being sought but I cannot see how this figure has been calculated, I would welcome this figure being reviewed and explained to how it has been arrived at.

### **Indoor Community Space**

The proposed residents of the development are likely to use community space and I am happy that the request is meets the test of necessity and being directly related to the development. However, the figure being sought does not meet the test of being 'in scale and kind' based on the occupancy rates of Churchill developments. Appendix B provides the calculation being used in the consultation report based on the housing mix being proposed but the figure for occupancy for two persons units is not reflected of occupancy rates at Churchill schemes. The attached table identifies an average occupancy of apartments ( 1 and 2 beds) as 1.32 persons for this part of the country. I am happy given the similarity to use the 1.34 persons per unit figure used for 1 beds for all 39 units. This would result in a contribution of £11,079.12 which I consider would be in scale and kind.

### **Green Infrastructure**

Again happy to accept the request for the contribution being necessary and directly related. The request for a figure of £20,226 is not in scale and kind given it has been based on Council's population multipliers (para 4.13) and not average occupancy rates for Churchill developments. It is not clear from the consultation response what population multipliers that have been used but I have no reason to think that it was not the same ones used in the open space contributions. Using that same basis I would be content to agree the £464 figure used for 1 bed apartments for all 39 proposed apartments and therefore reaching a total contribution of £18,096 as being in scale and kind.

### **Burial Plots**

A contribution of £8,190 is required for burial plots. I can't see there is a planning policy basis to seek the contribution. I also don't think it meets the CIL 122 tests of necessity. The contribution is not necessary to make the development acceptable in planning terms and fails the tests. I am likely to include this figure in a legal agreement but will probably challenge the obligation with a blue line clause in the legal agreement for the Inspector so the appeal does not become determinative on this issue.

### **Indoor Sports Facilities**

A figure of £10,237 towards indoor sports courts and £11,406 is requested towards indoor swimming pool improvements at Sawston Sports Centre.

The swimming pool figure has been based on the occupancy of 58 residents, the likely occupancy based on Churchill's average occupancy would be for 52 residents. The difference is negligible in terms of the calculation of the commuted sum and we can agree the £11,406 towards indoor swimming pool improvements.

The indoor sports contribution is being requested to go towards sports hall flooring in a gymnasium, improvements to squash courts and indoor cricket nets. Given the average age of occupants is 80 I don't feel that the contribution being requested is directly related to the development and does not meet the CIL tests.

**Monitoring Fee**

£500 is fine.

**Conclusion**

Appellant's position.

Outdoor Sports Facilities – Nil. Does not meet any of the Reg 122 tests

Community Orchard – Probably does not meet test of necessity but will consider further on receipt of more information on how the requested figure has been calculated.

Indoor Community Facilities - £11,079

Green Infrastructure - £18,096

Burial Plots – Nil. Does not meet the test of being 'necessary to make the development acceptable in planning terms.

Indoor Sports Facilities - £11,406 for swimming pools. Sports courts contribution does not meet the test of being directly related to the proposed development having regard to the nature of the occupants and their amenity needs.

Could you come back to me once reviewed and confirm which contributions are agreed based on my position and which ones are contested and need evidence to be provided.

Kind regards

*Matthew*

**Matthew Shellum**  
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