

CIL COMPLIANCE SCHEDULE

Appeal by Marden Homes

LPA REF: 190647

APPEAL REF: APP/A1530/W/21/3278575

REQUIRED OBLIGATION	POLICY BACKGROUND	CIL COMPLIANCE Reg.122	LPA COMMENTS
<p>Affordable housing:</p> <p>30% affordable housing provided on site. No less than 80% to be for affordable rent and no more than 20% to be shared ownership.</p>	<p>NPPF (2021) Core Strategy policy SD2 & H4 Development Policy DP3 Draft Local Plan DM8 and DM12 Affordable Housing Supplementary Planning Document Adopted 2011</p>	<p>Necessary The provision of affordable housing is a key Central and Local government objective as detailed in the NPPF and Local Development Plan. There is an identified affordable housing need and the provision of affordable housing will contribute towards meeting this need.</p> <p>Directly Related The provision of affordable housing as a proportion of the number of housing units proposed means the obligation is directly related to the development.</p> <p>Fair and Reasonable The level of affordable housing requested (30%) is in compliance with the Section 2 Local Plan, and as such it is fair and reasonable.</p>	<p>The affordable units would be required to proportionately reflect the overall scheme in terms of dwelling types and sizes.</p> <p>The tenure mix of the affordable housing would be expected to be no less than 80% affordable rent and no more than 20% intermediate.</p> <p>All affordable dwellings would be expected to comply with the accessibility requirements as set out in DM12, meaning thirty per cent (30%) of the Dwellings all provided in accordance with the Affordable Housing Scheme without reliance on public subsidy with and with all ground floor accessed Affordable Housing Dwellings complying with Building Regulations 2015 Part M4 Category 2 (“the Cat 2 Dwellings”). One dwelling will be a fully wheelchair accessible, Part M4 Category 3 dwelling.</p> <p>This is not a pooled contribution.</p>
<p>Archaeology:</p> <p>A contribution of £348 to update the Historic Environment Record (HER) with archaeological data from site (report)</p>	<p>NPPF (2021) Core Strategy Policy UR2 Development Policy DP14. Supplementary Planning Document Adopted 2015 Managing Archaeology in Development</p>	<p>Necessary The NPPF states that evidence and archive generated by the process of mitigation/recording should be made publicly accessible.</p> <p>Directly Related The HER will be updated with information related to this site.</p> <p>Fair and Reasonable Development Policy DP14 requires that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest.</p>	<p>A contribution of £348 is required be required to update and enhance the HER with the various evaluation reports that will need to be undertaken.</p> <p>This is not a pooled contribution.</p>

		The contribution sought is considered to be a fair and reasonable amount to enable the management and interpretation of heritage assets that would be affected by the proposal.	
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<p>Community Contribution A contribution of £352,659.53</p>	<p>NPPF (2021) Core Strategy policy SD2 & SD3 Development policy DP3 Community Facilities Supplementary Planning Document adopted July 2013 Section 2 Local Plan Policy DM2: Community Facilities</p>	<p>Necessary The development will result in additional demand for facilities and an appropriate financial contribution is required to offset that demand.</p> <p>Directly Related The contribution will be used to fund a new Scout and Guides hut within Tiptree Village.</p> <p>Fair and Reasonable The contribution is based on adopted SPD and will be used at existing community facilities which are already well used but require improvement. The new residents will impose an increased demand and usage on community facilities.</p>	<p>The 352,659.53 has been calculated on the following basis, taken from the SPD Communities Facilities SPD July 2013.pdf (windows.net) :</p> <p>The Council has adopted a simple formulaic approach to the calculation of this contribution, which reflected the average build costs for new community centres at the time which was £2400 per square metre, (provided by BCIS technical indices 2020). The standard community floorspace to be provided by each new dwelling (0.75 square metres), and household size (expressed as the number of bedrooms).</p> <table border="1" data-bbox="1466 747 2407 1159"> <thead> <tr> <th>No. Bedrooms</th> <th>Minimum estimated household size</th> <th>Total Contribution</th> </tr> </thead> <tbody> <tr> <td>Studios and 1 bedroom</td> <td>1</td> <td>£772.53</td> </tr> <tr> <td>2 bedrooms</td> <td>2</td> <td>£1,545.06</td> </tr> <tr> <td>3 bedrooms</td> <td>3.5</td> <td>£2,703.85</td> </tr> <tr> <td>4 bedrooms</td> <td>5</td> <td>£3,862.65</td> </tr> <tr> <td>5 bedrooms</td> <td>6</td> <td>£4,635.18</td> </tr> </tbody> </table> <p>Minimum estimations on household size as shown in the above table.</p> <p>12 x Studio and 1 beds: 12 x 772.53 = 9270.36 18 x 2 bedrooms: 18 x 1,545.06 = 27,811.08 63 x 3 bedrooms: 63 x 2,703.85 = 170,342.55 34 x 4 bedrooms: 34 x 3,862.65 = 131,330.10 3 x 5 bedrooms: 3 x 4,635.18 = 13,905.54</p> <p>This equals a contribution of 352,659.53</p> <p>The build cost of community facilities is reviewed every April to reflect changes in the capital costs of providing community buildings in line with the BCIS classification CI/SfB 532. This means the figures on the Councils website are now higher than as was requested above.</p> <p>Tiptree Community Facilities Background</p> <ul style="list-style-type: none"> In the 2011 census the population of Tiptree was 7,583 and the total number of households was 3296 with an average household of 2.3 residents. The current population of Tiptree according to the 2020 midyear population estimates is 9308. Assume an average of 2.3 residents per household this equates to 4047 household. 	No. Bedrooms	Minimum estimated household size	Total Contribution	Studios and 1 bedroom	1	£772.53	2 bedrooms	2	£1,545.06	3 bedrooms	3.5	£2,703.85	4 bedrooms	5	£3,862.65	5 bedrooms	6	£4,635.18
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- Calculating that each household requires 0.75sq metres of Community space there is a requirement of 3035.25sq meters of space in Tiptree.
- The existing community space in Tiptree is 1029sq meters. This includes the current scout hut which is currently not fit for purpose and is not repairable.
- This means there is currently a 2006sq meters shortfall of community space.
- The increase in population due to this development will no doubt cause further pressure on existing sites, so it is integral that a contribution is agreed to sustain the local services and to mitigate the impact of the proposed development.

The Existing Scout Hut

The Scout hut at 108sq meters and sits on a 500sq meter site with dirt/grass parking in need of levelling and re-surfacing.

- The building is a second-hand wooden site hut, built on a 2ft brick plinth on a concrete foundation. The exterior walls are finished in plaster render, painted and the interior walls are painted plasterboard, the floor is compressed wood plank and varnished. The roof is simply felt covered. The building has storage space, a small office, two toilets with a sink in each and one fitted out as a disabled toilet. There is a small kitchen with a washing up sink and oven. The main useable activity space is 78sq m. There is no ramp into the building

- There is significant root damage to the concrete foundations and numerous cracks have developed in the exterior walls which need repairing every couple of months

- A structural engineering firm conducted an investigation on the site in 2016 and concluded that the foundation damage could only be solved long term by two solutions –the first was the need for an extra underpinning, but this would not save the building which is nearly 40 years old from further deterioration the second option was to redesign and complete new rebuild.

Spend Purpose

The Parish Council and the Scouting association believe that a new multi-use youth facility/ community building is necessary to both support current residents, along with future populations. It is proposed that the Scouts could be the anchor tenant, however, other youth groups, uniformed groups, community groups and residents of all ages, would have access, creating a community hub.

Additional community space is needed not just for youth groups but the wider population.

Over the last year, but especially through the COVID lockdown period, it has become apparent that the Youth Club for the village has expired. The previous location (Wilkin's Canteen is no longer suitable, as the direct access to the Factory Floor created a H&S hazard that could not be mitigated). The Parish Council are in expanded talks with

			<p>Essex Youth Services regards where to provide a Youth Group in Tiptree.</p> <p>Pre pandemic all community facilities in Tiptree were recording high levels of usages and finding a location for the youth club will be problematic once the flow of bookings return to pre-COVID levels. This Youth Club facility is considered essential to prevent the anti-social behaviour issues currently ongoing.</p> <p>Suggested location of the facility are either</p> <ul style="list-style-type: none"> • (1) Windmill Green (site of current Scout Hall. A 6 min walk – 0.3 miles away from the development • or (2) Nine Acres, the Crest Development on Factory Hill, on land owned by the Parish Council. 5 min drive 1.6 miles from the development • It will more than likely be used by new residents of the development. <p>The Parish are looking at about 300sqm so cost would be around £750,000 at the very minimum.</p> <p>This is a pooled contribution with the Barbrook Lane Section 106 that secured £330,000 for the new Scout Hut.</p>
<p>Open Space and Recreation</p> <p>Borough Contribution of £157,500</p> <p>Ward Contribution of £292,500</p> <p>And:</p> <p>A financial contribution of £93,588 for the maintenance of on site</p>	<p>NPPF (2021) Core Strategy policy SD2 & PR1 Development Policy DP 3 15 & 16 Supplementary Planning Document adopted 2006 Provision of Open Space, Sport and Recreational Facilities Playing Pitch Strategy Play Strategy Section 2 Local Plan Policy DM4: Sports Provision</p>	<p>Necessary Responds to the additional demand that will be created by the new residents, who it is reasonable to anticipate will have expectations of access to suitable open space, sport and recreational facilities.</p> <p>Directly Related The contribution will be used to improve local facilities; namely Improvement works to the existing playground at Victoria Esplanade</p> <p>Fair and Reasonable – The contribution is based on adopted SPD and will be used at existing facilities which are already well used but require improvement. The new residents will impose an increased demand and usage on recreational facilities</p> <p>It is both fair and reasonable for a development of this scale to provide on-site open space facilities.</p>	<p><u>Spend Purpose</u></p> <p><u>Borough</u> – 157,500 for Tiptree Leisure World which will be spent on:</p> <p>Improvement works to resurface the courts and provide flood lighting; and/or</p> <p>The provision of an outreach site for a tennis/coaching operator; and/or</p> <p>The provision of a gated access system;</p> <p>Whilst a borough Spend Purpose, this is also closely rated to the site as residents of the appeal site would use Tiptree Leisure World as their nearest sport centre.</p> <p><u>Ward</u> – £292,500 which will be spent on:</p> <p>Warriors Rest local open space, to include the provision of woodland footpaths, a seating/picnic area and the provision of an informal recreation area that will be free to the residents of the appeal site (and other residents of Tiptree). This contribution is doubly important as no on site SANG's are provided within the scheme as would usually be expected for a development of 100 or more dwellings. Therefore, the applicants have requested the upgrades go on a site that is very local to the appeal site and will enable dog walkers (for example) to exercise their dogs without visited protected areas nearby.</p> <p><u>Maintenance</u></p> <p>Schedule 5 of the agreement deals with maintenance.</p>

			<p>A financial contribution of £93,588 will be required to cover the cost of maintaining the open space if the space is passed to CBC.</p> <p>Maintenance costs are based on 25 years and agreed SPD Rates. The open space of 0.516ha x £61,966 (SPD Rate) = £31,974.47. Additional maintenance costs for the playground are £61,614 (SPD Rate)</p> <p>Without this the open space and the LEAP would be a long-term financial burden on the Council due to the need for the upkeep of both.</p> <p>If the open space is not passed to Council the contribution sums fall away and the clause allows for a Management Company to be put in place if that is the appellants preference.</p> <p>This is not a pooled contribution.</p>
<p>Ecological Mitigation</p> <p>A contribution of £127.30 per dwelling</p>	<p>The Conservation of Habitat and Species Regulations 2017 Essex Coast RAMS Development Policy DP21 (adopted 2010, revised 2014) Policy SP2 of the adopted Section 1 Local Plan, Policy ENV1 (Environment) of the Section 2 Local Plan.</p>	<p>Necessary Without mitigation the development is likely to have a significant adverse effect on Protected sites and the scheme would not comply with the mitigation set out in the Council's Appropriate Assessment.</p> <p>Directly Related The contribution will mitigate the impact of the development on off-site protected areas.</p> <p>Fair and reasonable The contribution is proportionate to the development</p>	<p>This contribution is vital as there is not space on site for suitable alternative space (SANGs) such as 'dog off-lead' areas or dedicated walking routes. Without the contribution and the works proposed to Warriors Rest in the clause above, this scheme would not comply with the Habitat Regulations.</p> <p>This is a pooled contribution that is wholly in line with the Essex Coast RAMS SPD and virtually every new residential unit in the Borough contributes to the RAMS project. The RAMS identifies a detailed programme of strategic mitigation measures which would be funded by contributions from residential development schemes. The SPD contains details of the full mitigation package. The overall cost for the mitigation package is £8,916,448.00 in total from March 2019 until 2038.</p>
<p>NHS</p> <p>A contribution of £79,376</p>	<p>NPPF (2021) Core Strategy SD2 – Delivering Facilities and Infrastructure Development Policies Document DP2: Health Assessments Section 2 Local Plan Policy SG7: Infrastructure Delivery and Impact Mitigation and Policy DM1: Health and Wellbeing</p>	<p>Necessary Without mitigation the development is likely to have a significant impacts on healthcare in the area.</p> <p>Directly Related The contribution will mitigate the impact of the development.</p> <p>Fair and reasonable The contribution is proportionate to the development.</p>	<p>The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Tiptree Medical Centre or through other solutions that address capacity and increased demand. The NHS have calculated that 130 dwellings results in a potential 299 new residents. This results in 20.5sqm of additional floorspace being needed. The NHS confirmed that the surgery is already above capacity. This level of floorspace result in a request of £79,376.</p> <p>This is a pooled contribution in so far as it will go directly to the NHS to fund NHS services in the area and will be combined with other funding streams. The development would give rise to a need for improvements to capacity, in line with emerging NHS Estates Strategy; by way of refurbishment, reconfiguration or extension.</p>
<p>Education</p> <p>A formula based contribution.</p>	<p>Core Strategy SD2 – Delivering Facilities and Infrastructure Adopted Development Policies Document Policy DP3: Planning Obligations and the Community Infrastructure Levy</p>	<p>Necessary Without mitigation the development is likely to have a significant impacts on education provision in the area.</p> <p>Directly Related The contribution will mitigate the impact of the development</p>	<p>The Education Authority, Essex County Council require their contributions to be formula based as set out in detail in schedule 8 of the 106 agreement. This works by multiply the final bedroom mix by the pupil product.</p> <p>One bedroom houses and flats do not count towards the pupil product factors to which the relevant cost-per-places are applied. The pupil product factors are as follows:</p>

	Section 2 Local Plan Policy SG7: Infrastructure Delivery and Impact Mitigation	Fair and reasonable The contribution is proportionate to the development	<table border="1" data-bbox="1469 90 2243 342"> <tr> <td data-bbox="1469 90 1857 149">Education type:</td> <td data-bbox="1857 90 2243 149">Pupil product factor:</td> </tr> <tr> <td data-bbox="1469 149 1857 342">Secondary</td> <td data-bbox="1857 149 2243 342">0.1 per flat of two bedrooms or more; 0.2 per house of two bedrooms or more</td> </tr> </table> <p data-bbox="1469 380 2421 520">The pupil product factors are applied and multiplied by £23,214 and the total pupil product for the development is confirmed. From there, the relevant cost-per-place figure is applied, providing the base sum to which indexation is applied and the contribution is collected.</p> <p data-bbox="1469 552 2421 930">The closest secondary school to this development would be the Thurstable School, which has a Published Admission Number of 210 pupils per year group. As at the last census in May, the school had slightly over this number in three of its year groups. Preliminary figures for the cohort admitted this September suggest that the school was again full and that they are holding a small waiting list. Forecasts of future need, set out in the Essex School Organisation Service's Ten Year Plan, suggest demand for places will remain high with a potential deficit of up to 18 places. GP registration data received from the NHS also confirms that there are already more children - for whom Thurstable is the school closest to their home address - than there are places.</p> <p data-bbox="1469 961 2421 1096">This is a pooled contribution in so far as it will go directly to the Education Authority to fund school places in the area and will be combined with other funding streams, but is not directly pooled with the funds derived from other legal agreements noted above.</p>	Education type:	Pupil product factor:	Secondary	0.1 per flat of two bedrooms or more; 0.2 per house of two bedrooms or more
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