

**Planning application number: 21/00953/FUL**

**Village: Girton**

**Settlement category: Minor Rural Centre**

**Date: 27 June 2022**

**Produced by: James Fisher (S106 officer South Cambridgeshire District Council)**

**1. Introduction**

- 1.1 This statement has been prepared to set out the nature and the level of planning obligations sought respect of the proposed demolition of existing buildings and erection of a care home (Use Class C2) with external amenity space, access, parking, landscaping and other associated works at Former Hotel Felix Whitehouse Lane Cambridge Cambridgeshire CB3 0LX.
- 1.2 In respect of this application, planning obligations are sought in relation to the following:
  - a) **Burial provision** an offsite contribution of £16,800
  - b) **Monitoring Fees** being a contribution of £500

- 1.3 Planning obligations, more commonly known as section 106 agreements, are legally enforceable obligations entered into under section 106 of the Town and Country Planning Act 1990. They are agreements made between a developer and the Local Planning Authority designed to meet the concerns the Authority may have about meeting the cost of providing new infrastructure for an area<sup>1</sup>.
- 1.4 A planning obligation may only constitute a reason for granting planning permission if it is (i) necessary to make the development acceptable in planning terms (ii) directly related to the development; and (iii) fairly and reasonably related in scale and kind to the development<sup>2</sup>.
- 1.5 The first CIL test requires all obligations to be articulated through the local, regional or national planning policies (Local Plan, Supplementary Planning Documents, National Planning Policy Framework and any Neighbourhood Development Plan). The second CIL tests requires there to be a functional or geographical link between the development and the item being provided as part of the developer's contribution. The third CIL test requires establishes that developers are only expected to pay for or contribute to the cost of all infrastructure provision proportionate to the impact of that development.

## **2 Burial provision**

- 2.1 All housing developments will include or contribute to the provision of the services and facilities necessary to meet the needs of the development. The scale and range of this provision or contribution will be appropriate to the level of need generated by the development and will address the specific needs of different age groups, of people with disabilities, and faith groups and will be adaptable to population growth and demographic changes. The full range of services and facilities are likely to be required in new settlements and similar developments. The community facilities and services to be provided include provision for burials<sup>3</sup>.
- 2.2 Girton has a traditional churchyard, which is almost completely full, with some 'family graves' which surviving relatives wish to fill.
- 2.3 In 1996 a new churchyard was opened located in a field adjacent to the current one. This field had been donated to the church some time ago. At that stage it was expected to last 50 years, however, in 2014 the then Rector estimated another 25 years before it would be full owing to the increased pressure caused by the opening of the Abbeyfield care home at Wellbrook Way. Since then, the village has also seen the new Arlington Manor care home be built further diminishing the availability of burial space.
- 2.4 In planning for the future, the village has already considered the possibility of expanding the graveyard by purchasing an adjoining field. Given the changing demographic, the plan was that this would remain unconsecrated ground and therefore welcome our increasing non-Christian population. In doing so the land would also be available as a woodland burial site.

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<sup>1</sup> House of Commons Briefing Paper Number 7200, 24 May 2016 Planning Obligations (Section 106 Agreements)

<sup>2</sup> Community Infrastructure Levy Regulations 2010 and paragraph 56 National Planning Policy Framework

<sup>3</sup> South Cambridgeshire Local Plan Policy SC/4 Meeting Community Needs

- 2.5 The methodology for £210 per dwelling, which is supported by a planning appeal<sup>4</sup>, is set out in table 5 below. A contribution of £16,800 is necessary to mitigate the impact of an 80 bed care home.

A	Purchase price per acre of land (£250,000)	£250,000
B	Cost of laying out each acre of land, car parking, fencing, benches, footpaths, landscaping etc (£100,000)	£100,000
C	Total cost of purchasing and laying out 1 acre of burial land (A + B)	£350,000
D	Number of single burial plots than can be achieved per acre of land (1250)	1250
E	Cost of providing each burial plot (C / D)	£280
F	Burial/cremation 'demand' per house over 100 year period (2.5 per property)	2.5
G	% of people likely to be buried rather than cremated (assume 30%) source: Constitutional Affairs Select Committee Eighth Report, 2006.	30%
H	Burial plots needed per house (F x G)	0.75
I	Cost of providing burial space on a per house basis (E x H)	£210.00

Table 5: Calculating the cost of offsite burial provision

## 5 Monitoring Fees

- 5.1 To ensure the proper and timely provision and perpetual usage of onsite infrastructure and to cover the cost associated with reporting to Government on section 106 matters, the District Council requires a monitoring contribution of £500.
- 5.2 Local planning authorities are required to keep a copy of any planning obligation together with details of any modification or discharge of the planning obligation and make these publicly available on their planning register.
- 5.3 In accordance with the Community Infrastructure Levy Regulations any authority that receives a contribution from development through the levy or section 106 planning obligations must prepare an infrastructure funding statement. To collect data for the infrastructure funding statement, it is recommended that local authorities monitor data on section 106 planning obligations and the levy in line with the government's data format. This data should include details of the development and site, what infrastructure is to be provided including any information on affordable housing, and any trigger points or deadlines for contributions. Local authorities should also record when developer contributions are received and when contributions have been spent or transferred to other parties.
- 5.4 Government guidance now confirms that Authorities can charge a monitoring fee through section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of that section 106 obligation. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. Government guidance confirms that fees could be a fixed percentage of the total value of the section 106 agreement or individual obligation; or could be a fixed monetary amount per agreement obligation (for example, for in-kind contributions). Authorities may decide to set fees using other methods. However, in

<sup>4</sup> APP/W0530/W/17/3187048 Para 48 and 51

all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring. Authorities could consider setting a cap to ensure that any fees are not excessive.

- 5.5 A contribution of £500 covers the cost of 10 hours officer time to publish the agreement, undertake several site visits, record and publish information on compliance of the agreement and produce an infrastructure funding statement.