

Cabinet Report



Listening Learning Leading

Report of Head of Planning and Head of Development and Regeneration

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To: CABINET

Date: 18 December 2018

S106 Request – Thame Town Council – towards the replacement cricket pavilion

Recommendation(s)

That Cabinet recommends to Council;

(a) to create a budget for £168,915.00 for the replacement cricket pavilion project in Thame

(b) to agree to pay Thame Town Council £148,951.72, subject to completion of building regulations

(c) to agree to pay Thame Town Council the balance of £19,963.28, once equivalent funds have been received from developers under the S106 agreements

(d) to agree to secure a legal agreement with Thame Town Council for the use of these S106 monies

Purpose of Report

1. We received an original application from the Thame Town Council to request funds for a total of £79,828.22 from three S106 contributions (14S31, 15S12, 15S46) on 14 March 2018. The application for funds has since been amended, 25 October 2018, to include a total of seven S106 contributions (additional 15S31, 15S13, 15S32 & 14S17) for a total of £168,915.00 arising from the following developments:

2. The S106 contributions

i)Development: Angus House, Thame Park Road

Address: Thame Park Road, Thame. OX9 3RT

Planning Ref: P14/S1156/FUL

S106 Ref: 14S31

Date of agreement: 17 December 2014

Decision: Delegated

Obligation: The "Outdoor Sport" contribution is defined in the third schedule of the agreement as the sum of £15,719.74 Index Linked (£16,217.20) towards outdoor sports facilities serving the site.

The S106 agreement is not 'clear and unambiguous' about how the contributions are to be used and the sum requested is less than £20,000.

ii)Development: Land East of Thame Park Road

Address: Thame Park Road, Thame. OX9 3RT

Planning Ref: P14/S1619/FUL

S106 Ref: 15S12

Date of agreement: 18 March 2015

Decision: Delegated

Obligation: The "Sport" contribution is defined in the third schedule of the agreement as the sum of £153,196.18 Index-Linked (£160,286.35) towards outdoor pitches and indoor sports facilities serving Thame and the surrounding area.

The S106 agreement is not 'clear and unambiguous' about how the contributions are to be used and the sum requested is in excess of £20,000 but less than £100,000.

iii)Development: Thame Service Station, 67-68 Park Street

Address: Thame Service Station, 67-68 Park Street, Thame

Planning Ref: P15/S2782/FUL

S106 Ref: 15S46

Date of agreement: 22 December 2015

Decision: Delegated

Obligation: The "Sports" contribution is defined in the first schedule on page 10 of the agreement as the sum of £25,814.22 Index-Linked incorporating;

Replacement of the new cricket pavilion in Thame (£5,000) Index-Linked (£5,521.02)

The S106 agreement is 'clear and unambiguous' about how the contributions are to be used and the sum requested under £20,000.

iv)Development: Land North of Oxford Road

Address: Land North of Oxford Road, Thame

Planning Ref: P14/S3841/FUL

S106 Ref: 15S31

Date of agreement: 30 July 2015

Decision: Delegated

Obligation: The "Clubhouse" contribution is defined in the third schedule of the agreement as the sum of £12,816.00 Index-Linked (14,436.00) towards the cost of replacing the cricket Club House at Thame Cricket Club.

The S106 agreement is clear and unambiguous about how the contributions are to be used and the sum requested is under £20,000.

v)Development: Land East of Thame Road

Address: Land East of Thame Road, Thame

Planning Ref: P14/S1619/O

S106 Ref: 15S13

Date of agreement: 18 March 2015

Decision: Delegated

Obligation: The “Sport” contribution is defined in the third schedule of the agreement as the sum of £205,202.36 Index-Linked (£224,439.69) or Higher the sum calculated by applying the District Matrix to the Composition of Development as identified in the Notification (Initial) towards outdoor pitches and indoor sports facilities serving Thame. The S106 agreement is not ‘clear and unambiguous’ about how the contributions are to be used and the sum requested is in excess of £20,000 but less than £100,000.

vi)Development: Land at The Elms

Address: Land at The Elms, Upper high Street, Thame, OX9 2DX

Planning Ref: P14/S2176/FUL

S106 Ref: 15S32

Date of agreement: 05 August 2015

Decision: Area Committee

Obligation: The “Indoor and Outdoor Sport” contribution is defined in the third schedule of the agreement as the sum of £74,770.00 Index-Linked incorporating; Replacement of cricket club pavilion in Thame (SFS3) (£14,770)
The S106 agreement is clear and unambiguous about how the contributions are to be used and the sum requested is under £20,000

vii)Development: Land West of Thame Park Road

Address: Land West of Thame Park Road, Thame

Planning Ref: P13/S2330/O

S106 Ref: 14S17

Date of agreement: 10 June 2014

Decision: Area Committee

Obligation: The “Sport” contribution is defined in the third schedule of the agreement as the sum of £268,834.61 Index-Linked or Higher the sum calculated by applying the District Matrix to the Composition of Development as identified in the Notification (Initial) towards outdoor pitches and indoor sports facilities serving Site.
The S106 agreement is not ‘clear and unambiguous’ about how the contributions are to be used and the sum requested is less under £20,000.

3. The obligations set out below have a ten year spend by date which is calculated from the date of receipt of the contributions therefore;
 - the “Outdoor Sports” contribution of £16,217.20 expires on 13 May 2026.
 - the “Sport” contribution of £160,286.35 expires on the 10 January 2027.
 - the “Sports” contribution of £5,521.02 expires on the 23 January 2028.
 - the “Clubhouse” contribution of £14,436.40 expires on 30 July 2028.
 - the “Sport” contribution of £ 54,687.50 expires on 18 May 2028.

4. The obligations set out below have been secured. The developments have not yet commenced and thus the contributions have not yet been received but will become available in due course.
 - the “Indoor & Outdoor Sports” contribution of £14,770 was signed on 05 August 2015.
 - the “Sport” contribution of £5,193.28 part of £268,834.61 was signed on 10 June 2014.

5. The CIL regulations limit the pooling of S106 contributions, as follows;
 - a) Pre 06 April 2010 – these do NOT count towards pooling
 - b) Post April 2010 and Pre 06 April 2015 - contributions can be pooled into two categories – an infrastructure type and / or a specific project. There is no upper limit on the number in each category provided these categories do not have additional contributions post April 2015 and the total number exceeds 5.
 - c) Post April 2015 the limit is 5 per infrastructure type and 5 per project (contributions post April 2010 are counted)
6. In this case there are 3 contributions (15S46, 15S31 & 15S32) post April 2015 that are for this specific project. The other 4 contributions are pre-April 2015. There is no pooling issue with these S106 monies for this project.
7. The figures for the Cricket Pavilion sums requested by Thame Town Council are set out in the summary table below.

S106 14S31 - Development of Angus House, Thame Park Road – Thame Town Council application for funds

| Infrastructure category | Contribution towards (extracts from S106 agreement) | Amount in Agreement | Contributions Received (incl indexation) | Amount requested | Balance |
|--------------------------------|--|----------------------------|---|-------------------------|----------------|
| Outdoor Sport | the sum of £15,719.74 Index-Linked towards outdoor sports facilities serving the site. | £15,719.74 | £16,217.20 received on 13 May 2016 | £16,217.20 | £0 |

S106 15S12 - Development of Land East of Thame Park Road – Thame Town Council application for funds

| Infrastructure category | Contribution towards (extracts from S106 agreement) | Amount in Agreement | Contributions Received (incl indexation) | Amount requested | Balance |
|--------------------------------|--|----------------------------|---|-------------------------|----------------|
| Outdoor Sport | the sum of £153,196.18 Index-Linked towards outdoor pitches and indoor sports facilities serving Thame and the surrounding area. | £153,196.18 | £160,286.35 received on 10 January 2017 | £58,090.00 | £102,196.35 |

S106 15S46 - Development of Thame Service Station, 67-68 Park Street – Thame Town Council application for funds

| Infrastructure category | Contribution towards (extracts from S106 agreement) | Amount in Agreement | Contributions Received (incl indexation) | Amount requested | Balance |
|--------------------------------|--|----------------------------|---|-------------------------|----------------|
| Outdoor Sport | Replacement of the new cricket pavilion in Thame (£5,000) Index-Linked (£5,521.02) | £5,000 | £5,521.02 received on 23 January 2018 | £5,521.02 | £0 |

S106 15S31 - Development of Land North of Oxford Road – Thame Town Council application for funds

| Infrastructure category | Contribution towards (extracts from S106 agreement) | Amount in Agreement | Contributions Received (incl indexation) | Amount requested | Balance |
|-------------------------|--|---------------------|--|------------------|---------|
| Outdoor Sport | the sum of £12,816.00 Index-Linked towards the cost of replacing the cricket Club House at Thame Cricket Club. | £12,816.00 | £14,436.00 received on 30 July 2018 | £14,436.00 | £0 |

S106 15S13 - Development of Land East of Thame Park Road – Thame Town Council application for funds

| Infrastructure category | Contribution towards (extracts from S106 agreement) | Amount in Agreement | Contributions Received (incl indexation) | Amount requested | Balance |
|-------------------------|--|---------------------|--|------------------|-------------|
| Outdoor Sport | the sum of £205,202.36 Index-Linked or Higher the sum calculated by applying the District Matrix to the Composition of Development as identified in the Notification (Initial) towards outdoor pitches and indoor sports facilities serving Thame. | £205,202.36 | £224,439.69 received on 18 May 2018 | £54,687.50 | £169,752.19 |

S106 15S32 - Development of Land at The Elms – Thame Town Council application for funds

| Infrastructure category | Contribution towards (extracts from S106 agreement) | Amount in Agreement | Contributions Received (excl indexation) | Amount requested | Balance |
|-------------------------|--|---------------------|--|---|---------|
| Outdoor Sport | Replacement of cricket club pavilion in Thame (SFS3) (£14,770) | £14,770.00 | £0 not yet received | £14,770.00 Total amount to include indexation portion of monies received | £0 |

S106 14S17 - Development of Land West of Thame Park Road – Thame Town Council application for funds

| Infrastructure category | Contribution towards (extracts from S106 agreement) | Amount in Agreement | Contributions Received (excl indexation) | Amount requested | Balance |
|-------------------------|---|---------------------|--|--|-------------|
| Outdoor Sport | the sum calculated by applying the District Matrix to the Composition of Development as identified in the Notification (Initial) towards outdoor pitches and indoor sports facilities serving Site. | £268,834.61 | £0 not yet received | £5,193.28 Total amount to include indexation portion of monies received | £263,611.73 |

Background

1. The town council is seeking funding following the demolition of the existing cricket pavilion and its replacement with a new pavilion including changing facilities that complies with the English Cricket Board's (ECB) guidelines and recommendations. This includes improved disabled access to the facilities. This project has been identified in the Thame Sport Facility Strategy (SFS).
2. The planning, design and access statements, which accompanied the full planning applications (P16/S1048/FUL & P17/S1296/FUL) identified that the existing pavilion building is inadequate especially given the facilities are utilised by a number of groups – men's, ladies and children's cricket teams. The specific issues relate to poor quality changing rooms and inadequate showering facilities. The shower room was not linked to the changing rooms and therefore players had to walk through public spaces in order to access them. This is unsuitable for sports players, who require privacy when changing and showering. The original facilities do not comply with the English Cricket Board's (ECB) standards and did not cater for children's & ladies' showering and changing needs. The new layout gives maximum privacy to suit all users of the facilities and comply with ECB's minimum standards.
3. The redevelopment allows the use of the pavilion all year round and can be used at the same time as cricket, hockey and netball which can take place on the ground floor. The facility is now fully accessible and completely self-contained in the ground and first floor areas for the community of Thame. It also accommodates the Thame & District Day Centre plus other community groups.
4. The new clubhouse benefits the residents of Thame and surrounding communities including new/existing members of all ages, both male and female;
 - Our All Stars cricket section for Age 4-8
 - Junior teams for U9, U11, U13 and U15
 - 4 Men's Saturday league teams plus friendly teams
 - A recently formed Women's team
 - The Thame & District Day Centre needed of a new facility. Providing day care support and friendship to older people living in Thame and the surrounding villages. They have 60 members who can enjoy the first-floor community room 3 days a week from 9am to 4pm

- Thame Music Groups: Music lessons for piano, violin, singing and acoustic guitar. Choir and choral practice and music recording on the first floor during the week in the evenings and at the weekend
 - Local charities, businesses and groups that require a space to hire for fund raising events, conferences, business meetings, team building days and charity events. Over 30 local organisation or companies are currently connected to the club and have expressed interest in being able to use the new facility. This would enable them to interact and develop their businesses in an environment which allows physical activity.
5. The works for the cricket pavilion commenced in mid-January 2018 with all work now completed and the new cricket pavilion was handed over on 26 October 2018. The application requesting funds was made earlier this year, however due to various application amendments, the application is now retrospective for requesting the funds.

Options

6. Thame Town Council strategy presents a framework for the development of high quality and accessible sports facilities for the community for the period to 2028. The rebuilding of the cricket pavilion was a recommendation of the Thame Sports Facility Strategy (SFS) which was written based on community input. The provisional allocation of S106 funds to SFS projects has been discussed in various public meetings. There was wide public consultation on the rebuild itself, via the two planning applications P16/S1048/FUL approved in May 2016 and the amendment P17/S1296/FUL approved in May 2017. The need to rebuild the pavilion is mentioned repeatedly in SODC's own Sports and Leisure Strategy. The facilities are crucial for the continued progress and sustainability of the club in the efforts to deliver a wider range of cricketing, social and sports development opportunities to the local community in the Thame and surrounding area. There have been no other proposals for the use of the outdoor sport contributions. Thame Town Council consulted with our Leisure Services who are in agreement for Thame Town Council to apply for the contributions.

Financial Implications

7. The financial implications of this request can be accommodated by the secured S106 contributions.

Legal Implications

8. A legal agreement is recommended between the Council and Thame Town Council to ensure the s106 funds are used to cover the costs of this project.

Risks

9. The project was completed and on 26 October 2018 Thame Town Cricket Club were handed over the keys. A legal agreement will be secured with Thame Town Council before any payment up to £168,915.00 is made. This will reduce risks to the council regarding inappropriate use of the funds. An amount of £148,951.72 will be paid by Council to Thame Town Council, subject to completion of building regulations. The balance of £19,963.28, will be paid by Council to Thame Town Council once the equivalent funds have been received from developers under the S106 agreements

Conclusion

10. Thame Town Council has shown that the proposed project will further support the outdoor sports facilities in the parish. The new pavilion is essential to the continued use of the cricket club and particularly for the promotion of cricket amongst young people. The proposal seeks vital improvements and is critical to the maximisation of the cricket club and those who use it.
11. The now demolished pavilion was built 40 years ago by members and players from an old barn. While it had character and memories it had reached the end of its usable life and did not meet the needs of over 200 playing members and 100 social members. There is a large demand in Thame for Sports clubs and community facilities. The new homes being built in the town over the next 5-10 years will increase this need further. The proposed project conforms to the spending parameters of the S106 agreement and is a suitable use of the funds and is supported by our Leisure Services.