

SUPPLEMENTAL REPORT OF THE DIRECTOR

Plan No: 10/20/0265

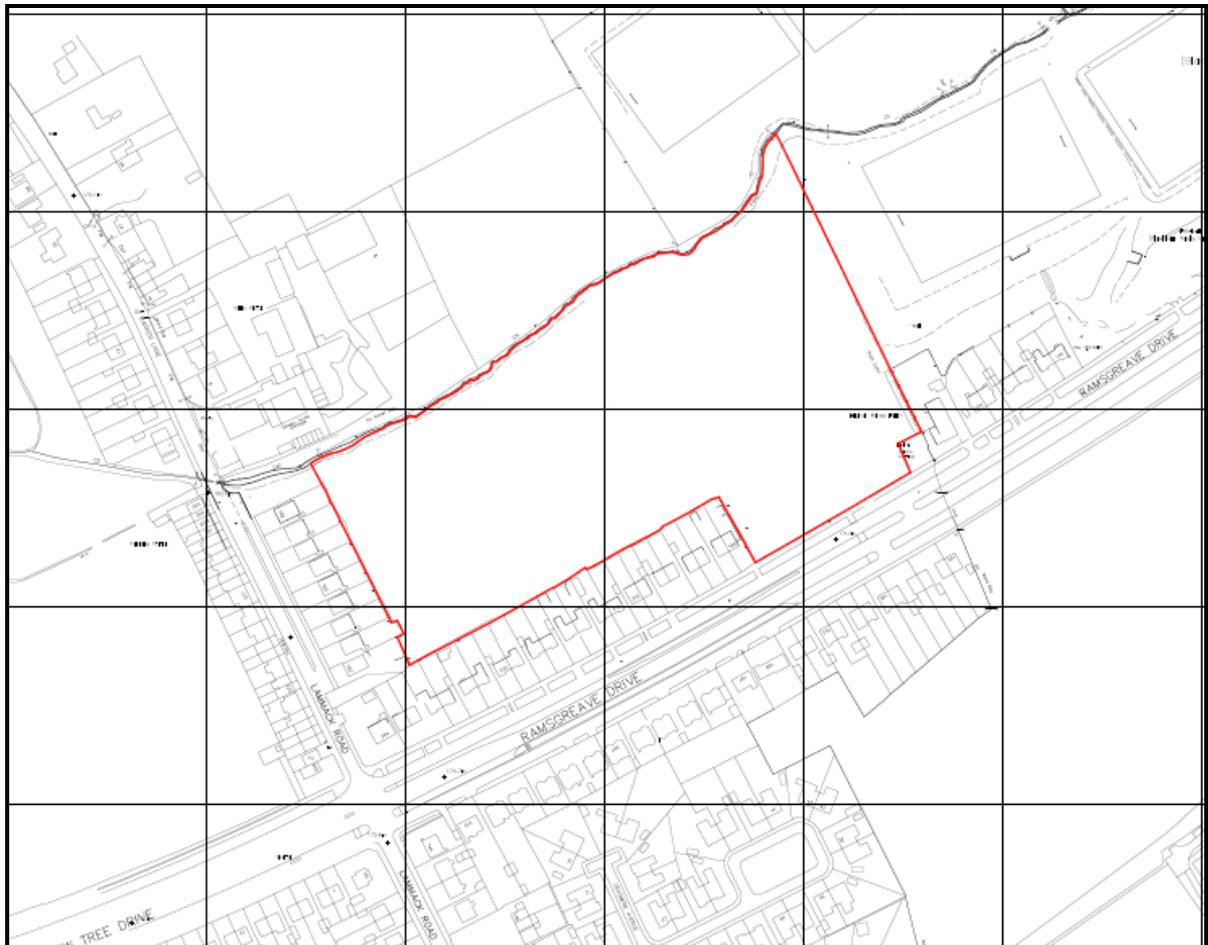
Proposed development: Full planning application - Construction of 63 dwellings and associated infrastructure

Site address: Land off Ramsgreave Drive, Blackburn

Applicant: Landway Properties Ltd

Ward: Billinge and Beardwood & Roe Lee

Councillors: Cllrs Tasleem Fazal, Julie Daley, Jackie Floyd; Phil Riley, Sylvia Liddle and Ron Whittle



1.0 SUMMARY OF RECOMMENDATION:

1.1 APPROVE – Subject to a Section 106 Agreement relating to the provision of off-site highway works to facilitate the development, affordable housing contribution for off-site provision and education.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

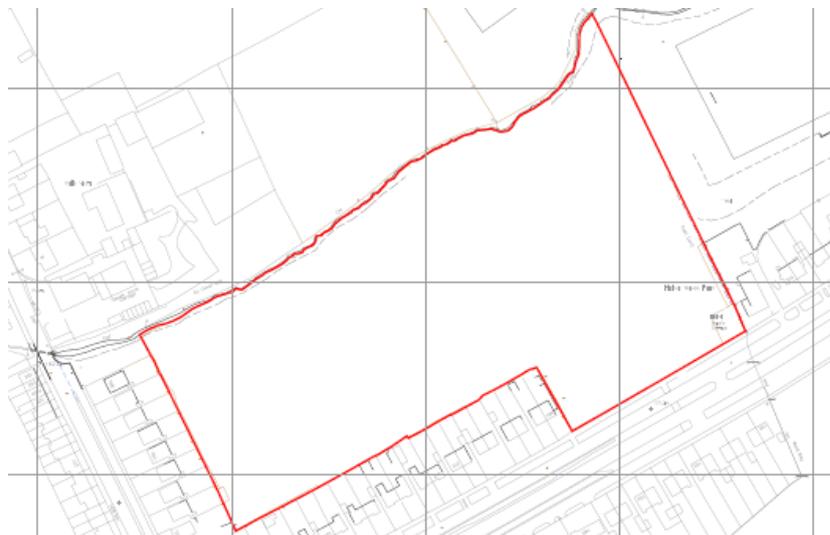
2.1 Members supported the resolution to approve this application at the 18th June 2020 meeting of the Planning & Highways Committee. Members agreed with the recommendation that the proposal would deliver a high quality bespoke housing development which widens the choice of family housing in the Borough. The proposed development supports the Borough's planning strategy for housing growth as set out in the Core Strategy, and delivering housing at a site which is allocated for housing development in the Local Plan Part 2 and consistent with the objectives identified within the North Blackburn Masterplan. The proposal was also deemed to be satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

2.2 The application has been returned to the Committee in order that (i) a minor amendment to the location plan be agreed and (ii) to address submissions from the NHS Trust in relation to a request for commuted sums to be secured through a s106 planning obligation towards local provision.

3.0 DISCUSSION

3.1 Amended Location Plan

3.1.1 The application supported by Members at the June 18th 2020 meeting of the Planning & Highways Committee was accompanied by the following location plan;



“As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will put too much strain on the said service infrastructure, putting people at significant risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable.

One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) a social objective – to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being:” NPPF paragraph 8. There will be a dramatic reduction in safety and quality as the Trust will be forced to operate over available capacity as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with Council's Adopted Local Plan”.

3.2.4 Members are advised that the submitted evidence to justify the proposed commuted sum is currently insufficient to implement a consistent and justified developer tariff, which meets the statutory tests for securing planning obligations which requires them to be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

3.2.5 The Council will work with local health partners, and other key infrastructure stakeholders, to update the Borough’s Infrastructure Delivery Plan alongside our emerging new Local Plan. Any proposed health services tariff will be considered as part of the Local Plan process and via our Duty to Co-operate. In order to meet the statutory tests for planning obligations, the health funding data requires thorough

review to ensure matters such as the number of new residents yielded by a development compared to those moving within the area is correctly accounted for, no other central funding alternative is available, the suggested population multiplier per dwelling is accurate, the activity rate is correct (the whole Trust area is used rather than the BwD area), if the principle of using planning obligations for the costs identified is appropriate, and development build rates are fully taken into account.

3.2.6 Notwithstanding this, the proposed development has been assessed in terms of viability, and evidence has been received to justify a significantly reduced developer contribution. Despite identified s106 development plan requirements for highways, education and affordable housing contributions totalling £1,129,968, in addition to the East Lancs Hospitals NHS Health Trust request for healthcare gap-funding contributions of £87,192 (a material consideration); in this case the confirmed total viable contribution is reduced to £450,000. This figure has been established following a thorough viability appraisal and review.

3.2.7 The recommended priorities are to improve highway infrastructure in the area (both vehicular and non-vehicular), and to provide additional primary school places and affordable housing contributions because these are essential works identified in the adopted Local Plan which are fundamental to the acceptability of the proposal in accordance with Local Plan Policy 12. Therefore, the viable developer contributions are to be directed to these priority areas, leaving no viable development funding to provide 1-year gap finance for the East Lancashire Hospitals NHS Trust.

3.2.8 The Local Plan clearly states that the Council is committed to ensuring that an appropriate balance is struck between securing necessary infrastructure investment from new development, and maintaining the financial viability of high quality development that will lead to growth. Therefore, in this case the benefits of allowing the proposal to proceed in terms of developing an allocated housing site to provide growth of new family housing is considered to outweigh the waived developer contributions.

3.2.9 Summary:

Members are advised the amended location plan does not offer any material change to the scheme previously considered at the June 18th 2020 meeting of this Committee.

3.2.10 Furthermore, the s106 request submitted by the NHS is not considered to meet the statutory tests for securing planning obligations. Notwithstanding that position, the proposal has been demonstrated as having limited financial viability and the monies available have been prioritised for highway infrastructure, additional primary school provision and off-site affordable housing contributions, with no funding

remaining to provide a one year gap finance for the East Lancashire Hospitals NHS Trust.

3.2.11 Subject to the conditions and planning obligations previously agreed at the June meeting – and again set out within section 4 of this report – the proposal remains in accordance with the Local Development Plan and National Planning Policy Framework’s requirements

4 RECOMMENDATION

4.1 Approve subject to:

- (i) **Delegated authority is given to the Head of Service for Growth and Development to approve planning permission subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of a commuted sum of £450,000 towards: off-site highway improvements; contribution towards off-site affordable housing provision; and contribution towards education infrastructure in the North Blackburn locality.**

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Head of Service for Planning and Infrastructure will have delegated powers to refuse the application.

- (ii) Conditions which relate to the following matters:
- Commence within 3 years
 - Materials to be submitted prior to construction of any dwelling, agreed and implemented
 - Siting and appearance of boundary treatment submitted prior to construction of any dwelling, agreed and implemented.
 - Landscaping scheme, including play provision, to be agreed and implemented
 - Landscaping management and maintenance plan to be agreed and implemented
 - External lighting scheme to be agreed prior to construction of first dwelling
 - Visibility splays to be protected
 - Site preparation works in accordance with the submitted Construction Management Plan
 - Prior to construction of roads or dwellings, construction management plan to be agreed for that phase of works
 - Drainage scheme to be submitted and implemented, including maintenance and management proposals
 - Development not to be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.
 - Foul and surface water to be drained on separate systems

- Tree protection during construction
- Site clearance works outside bird nesting season, unless absence of nesting birds confirmed by suitable qualified ecologist
- Permitted development rights to be removed (Part 1, Classes A to E)
- Noise and vibration monitoring and control scheme to be agreed should pile driven foundations be required
- Unexpected contamination
- Provision of external car charging
- Maximum boiler emission levels
- Limitation of construction site works to:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays

5.0 CONTACT OFFICER: Martin Kenny, Principal Planner - Development Management.

6.0 DATE PREPARED: July 2nd 2020