

1.0 SUMMARY OF RECOMMENDATION

- 1.1 It is recommended that Members **agree** to the variation of the existing Section 106 Agreement.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is before Members as it relates to amendments to the Section 106 Agreement (s106) attached to planning permission 10/18/1116, which was previously considered and approved at the June 2019 meeting of the Planning & Highways Committee.
- 2.2 Planning permission 10/18/1116 related to a hybrid application seeking full permission for the remediation of the site, alongside an outline planning permission (with all matters reserved except access) for redevelopment of the site for up to 450 residential units, along with associated new access, landscaping, parking and associated works.
- 2.3 The approval was subject to a s106 dated 5th July 2019, that secured commuted sum payments totalling £3,606,000 for the following matters;
- (a) £350,000 as a contribution towards Green Infrastructure. This will be spent on Green Infrastructure / Public Open Space and associated community facilities within the West Blackburn area/rural areas.
 - (b) £750,000 as a contribution towards the provision of affordable housing in the borough.
 - (c) £26,000 as a contribution towards road safety improvements on Stockclough Lane.
 - (d) £2,480,000 as a contribution towards additional primary school places in West Blackburn.
- 2.3 The agreement allows for phased payments over 6 years, starting at commencement of the development (detailed in section 3.2 of this report). The current proposal is to amend the payment phasing to allow for the entire Green Infrastructure contribution to be received as part of the first instalment on commencement, to fund works to enhance and improve the play areas within Witton Park. In addition, the revisions include the removal of the £26,000 off-site highways contribution towards road safety improvements along Stockclough Lane, as this route is no longer proposed to be used as a vehicular access point. Therefore the Stockclough Lane contribution cannot be sought because it is not necessary to make the development acceptable in planning terms, as required by the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site covers an area of approximately 46 hectares and is effectively divided into two by Stockclough Brook and a linear belt of woodland

Proposed Revised Phasing of Payments:

	Commencement	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Education	101,000	425,000	501,000	501,000	501,000	451,000	2,480,000
Affordable Housing	150,000	150,000	100,000	100,000	100,000	150,000	750,000
Green Infrastructure	350,000						350,000
Road Safety							
Total	601,000	575,000	601,000	601,000	601,000	601,000	3,580,000

3.3 Development Plan

3.3.1 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal, the following are considered to be the most relevant policies:

3.3.2 Core Strategy

- CS8 - Affordable Housing Requirements
- CS19 – Green Infrastructure
- CS21 – Mitigation of Impacts/Planning Gain

3.3.3 Local Plan Part 2

- Policy 7 – Sustainable and Viable Development
- Policy 12 – Developer Contributions
- Policy 38 - Green Infrastructure

3.4 Other Material Planning Considerations

3.4.1 Community Infrastructure Levy Regulations 2010 (as amended)

The regulations set out the statutory tests for when planning obligations can be applied.

3.4.2 National Planning Policy Framework (NPPF) – 2021:

The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development, which is the “golden thread” running through both plan-making and decision-taking.

3.5 Assessment

3.5.1 The Council's Environment Department has identified that the large adventure play area for older children known as “The Wits”, and the play area for younger children, situated in Witton County Park (refer to image 1) are in need of upgrades in anticipation of the increased usage resulting from the new development.



Image 1: Google image of play areas within Witton Park.



Image 2: Adventure play area – The Wits.

- 3.5.2 If the funds are not received in one early instalment, on the commencement of development, the play areas will not be upgraded until many of the homes have been constructed. The early instalment will enable upgrades to the play areas in 2023/24, for the enjoyment of new and existing residents in West Blackburn.
- 3.5.3 The play areas identified within Witton Country Park fall within the boundary of West Blackburn associated with the original S106 – refer to Image 3, and therefore the proposed spend is in accordance with the terms of the original agreement.

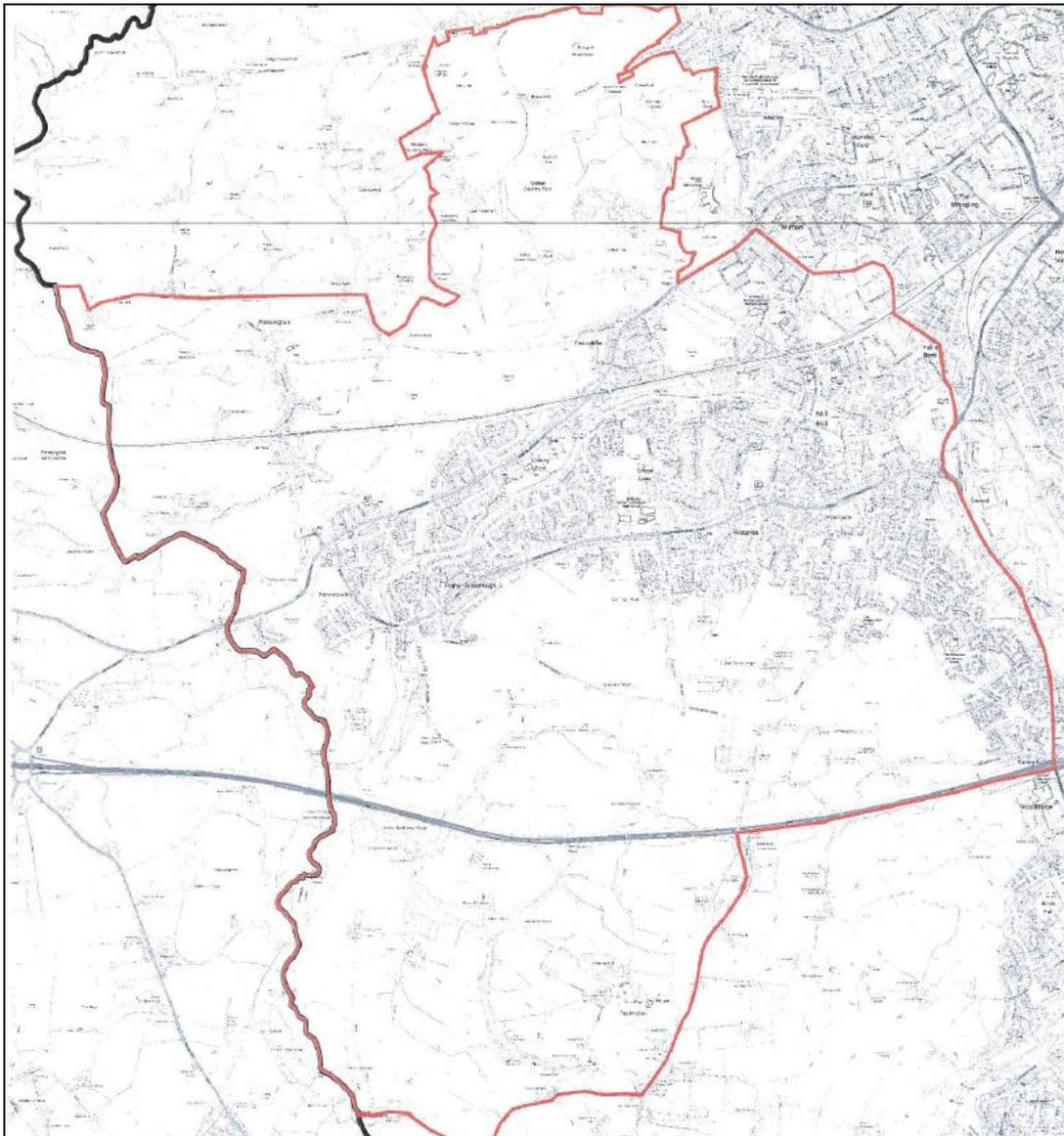


Image 3: Plan 2 – Identifies the extent of the boundary referred to as “West Blackburn” in the S106 Agreement.

3.5.4 Members are advised that the proposed variation still provides for the future needs of the development and its occupants, as well as strengthening provision for the established community. Accordingly the proposed change remains consistent with the requirements of *Policy 40: Green Infrastructure* of the Local Plan Part 2.

4.0 RECOMMENDATION

4.1 **APPROVE** – variation of the s106 Agreement pursuant to planning application 10/18/1116.

5.0 PLANNING HISTORY

5.1 10/18/1116 – Hybrid planning application seeking full planning permission for remediation and means of access, along with outline planning permission

(with all matters reserved except access) for redevelopment of the site to include over 28ha of open space, paddocks and landscaping and up to 450 residential units (use class C3), along with any ancillary parking, amenity, and all other associated public, semi public and private realm, soft/hard landscaping, infrastructure and highway works, access and a new internal road network connecting with the existing road network – approved 5th July 2019.

- 5.2 10/21/1083 - Approval of reserved matters for the appearance, landscaping, layout and scale of 450 residential units, pursuant to planning application 10/18/1116 'redevelopment of the site to include over 28ha of open space, paddocks and landscaping and up to 450 residential units (use class C3), along with any ancillary parking, amenity, and all other associated public, semi public and private realm, soft/hard landscaping, infrastructure and highway works, access and a new internal road network connecting with the existing road network' – approved 20th January 2022.

5.0 CONSULTATIONS

None

6.0 CONTACT OFFICER: Gavin Prescott, Planning Manager

7.0 DATE PREPARED: 7th October 2022