

CABINET

Coastal Road, BLS, Public Open Space Section 106 Monies August 2018

Individual Cabinet Member Decision (Cllr Hughes) Report of Public Realm Development Manager

PURPOSE OF REPORT				
To seek approval from the Cabinet Member for the allocation of section 106 monies received from the Coastal Road residential development, for parks and gardens; and young people's facilities.				
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>	Referral from Cabinet Member
Date of notice of forthcoming key decision	N/A			

RECOMMENDATIONS OF Cllr Hughes

- (1) That the Cabinet Member approves £9,276 Section 106 monies for parks and gardens to be spent at Happy Mount Park towards the delivery of the masterplan and that the General Fund Revenue Budget is updated accordingly.
- (2) That the Cabinet Member approves £14,920 Section 106 monies for young people's facilities to be spent by Bolton-le-Sands Parish Council as detailed in the report and that the General Fund Capital Programme is updated accordingly.

1.0 Introduction

- 1.1 When Planning applications for residential developments are submitted for approval they are assessed to ensure they meet planning policy and requirements. This includes the requirements for public open space as set out in Development Management Policy DM26 and Lancaster Open Space Provision within New Residential Developments, Planning Advisory Note.
- 1.2 Where required monies can be used to contribute to off-site provision through a legal section 106 agreement where the National Planning Policy Framework

tests for planning conditions and obligations are met (see appendix A);

- 1.3 Oakmere Homes, Coastal Road, Bolton-le-Sands; were required to provide two public open space off site section 106 contributions - £14,920 towards young people's facilities and £9,276 towards parks and gardens. These contributions have been paid to Lancaster City Council.
- 1.4 As the legal agreement did not specify a specific project or delivery organisation a decision is required to ensure the monies are spent in accordance with requirements.
- 1.5 Parks and Gardens; £9,276 this is proposed to be spent at Happy Mount Park on works towards the implementation of the masterplan for the park, currently expected to be undertaken during the next financial year, i.e. 2019/20. The new development falls within the catchment area for Happy Mount Park and the proposed works will help mitigate any additional demand which the new development may bring.
- 1.6 Young People Facilities £14,920; as the new housing development is situated within the Village of Bolton-le-Sands, officers have been working with the parish council to approve an appropriate scheme. The parish have proposed a nine piece fitness trail with safety matting and signage around the village football pitch. Quotes have been received and this comes to a value of £14,365.50. The parish has also agreed to replace the popular large basket swing and wet pour safety surfacing using remaining s106 monies and the remainder from their own funds.

2.0 Proposal Details

- 2.1 That approval be given for the £9,276 parks and gardens to be spent at Happy mount Park towards the delivery of the masterplan.
- 2.2 That approval be given for £14,920 Young people's facilities monies be spent by Bolton-le-Sands (BLS) Parish Council on the project approved by officers.

3.0 Details of Consultation

- 3.1 Officers have consulted with BLS Parish Council.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Approve the recommendations	Option 2: Reject the recommendations	Option 3: Approve only one of the recommendations
Advantages	The recommendations have met the planning obligations tests and meet identified deficits within the public open space typologies.	Existing staff resources can be utilised elsewhere.	Existing staff resources can be utilised elsewhere.
Disadvantages	Some staff time involved in administering the s106 monies, albeit manageable within existing resources.	Not meeting any of the identified need. Negative impact with parish council and S106 funder. Future project may not meet planning obligation tests.	May not meet identified need in full. Negative impact with parish council and s106 funder. Future project may not meet planning obligation tests.
Risks	Potential challenge to proposal, mitigated by proposed sites being closest in proximity to the new housing development in terms of best fit with identified space needs for the area.	Developer can reclaim the funds if they are not spent within five years. Reputational risk with public and potential future s106 negotiations.	Developer can reclaim the funds if they are not spent within five years. Reputational risk with public and potential future s106 negotiations.

5.0 Officer Preferred Option (and comments)

- 5.1 That approval be given for the £9,276 parks and gardens to be spent at Happy Mount Park towards the delivery of the masterplan.
- 5.2 That approval be given for £14,920 young people's facilities monies to be spent by BLS Parish Council on the project approved by officers.

6.0 Conclusion

- 6.1 The report seeks a decision from the Cabinet Member for the allocation of section 106 monies received from the Coastal Road residential development, for parks and gardens; and young people's facilities.

RELATIONSHIP TO POLICY FRAMEWORK

Community Leadership and Clean and Green Places – Community group leading on the future of a green space;

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing):

None

LEGAL IMPLICATIONS

Legal have been consulted and have no comments to make

FINANCIAL IMPLICATIONS

There are no additional financial implications arising directly from this report as the grant payment to BLS Parish Council (2018/19) and improvements to HMP (expected during 2019/20) will be 100% funded from external monies held in the s106 reserve.

It is not expected that there will be any ongoing liabilities falling on the City Council for the 'young people's facilities' as the Parish Council will be wholly responsible for the new facility in terms of future maintenance / replacement cycles, etc., noting that as it's in close proximity to the current play area for which the City Council already undertakes maintenance inspections for, this will also be included within existing resources going forward.

Ongoing maintenance liabilities for the 'parks and gardens' falling upon the City Council will be managed from within existing resources / proposals for the HMP master plan overall.

It should be further noted that the income from Oakmere Homes was invoiced for and fully paid by them in 2017/18 as per the s106 Agreement dated 31st March 2016.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:

The young people facilities will help to address a deficit within the area. They will be maintained by BLS Parish Council

The monies for parks and gardens will be used to enhance and develop Happy Mount Park as identified within the masterplan.

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Section 106 agreement

POS assessment of planning application

Equipment quote X 2

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Appendix A

NPPF: Planning conditions and obligations

203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Related guidance:

- [Determining a planning application](#)
- [Use of planning conditions](#)

204. Planning obligations should only be sought where they meet all of the following tests:

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

205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

206. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.