

PLANNING COMMITTEE

28TH JULY 2016

REPORT OF HEAD OF REGULATORY SERVICES

APPLICATION 15/00942/OUT: 15 DWELLINGS AT ALLOTMENT GARDENS, BOYERS ORCHARD, HARBY

VILLAGE HALL CONTRIBUTION OFFER

1. PURPOSE OF THE REPORT

1.1 This report is intended to provide sufficient information to enable the Planning Committee to consider the offer of £5000 towards the provision of a new village hall in Harby, and to consider whether the request is compliant with the CIL Regulations.

2.0 RECOMMENDATION

2.1 The Committee are invited to consider to either:

a) Accept the offer of £5000 towards the cost of a new village hall for Harby

b) Request a different sum towards the cost of a new village hall for Harby

c) Require the full amount requested by the Harby Village Hall Committee of Management to be paid

d) Refuse the planning application on the basis that the impacts of the proposal cannot be fully mitigated

3.0 BACKGROUND

3.1 Members may recall resolving to approve the above outline planning application for a development scheme of up to 15 dwellings, including bungalows, at Allotment Gardens, Boyers Orchard, Harby. The Committee resolved to approve the scheme, subject to:

(a) The completion of an agreement under S106 as set out above to secure:

(i) A contribution to the village hall

3.2 The site lies adjacent to the village of Harby, accessed from Boyers Orchard. The site is at present used by the applicant for livestock grazing and is outside of the designated village envelope. The application presented housing in a quantity and type that satisfied identified local needs and presented a vehicle for the delivery of housing of the appropriate quantity, type and location to meet identified local need. The proposal would provide 6 affordable dwellings (37%). It was considered that there were significant benefits accruing from the proposal when assessed as required under the guidance of the Development Plan and in the NPPF in terms of location, sustainability and meeting housing need in particular.

3.3 Other developments in the vicinity have agreed to make a contribution towards the village hall and playground, on the basis of a calculation used by the Harby Village Hall Committee of Management. This calculation takes into account the amount of dwellings in Harby (415), the proposed number of new dwellings (15), showing that this represents an increase of 3.62% in the number of dwellings in the village. The estimated cost of a new village hall is £625,000.00, therefore 3.62% of the estimated cost would be £22,625.00. The request is therefore for £22,625.00 to be secured by a S106 agreement.

4.0 VIABILITY

4.1 The applicant has not stated that the viability of the proposal would be impacted by the request. No details have been submitted to suggest that a request for £22,625.00 would make the proposal unviable.

4.2 The applicant does not consider that the request for village hall funding is not CIL compliant (discussed below). The applicant also does not agree that the Village Hall Committee's calculation is the only way that the contribution could be calculated. They consider that the funding should be more widely drawn, and include contributions from all of the other dwellings in the village.

4.3 The applicant does not recollect the Committee voting on a resolution to require a S106 legal agreement to control the monetary contribution, and furthermore believes that the Parish Council should be able to obtain part of the funding from the Lottery or other grant organisations.

5.0 KEY ISSUES

5.1 The Committee is invited to decide whether the request for funding for the village hall requires a planning obligation to be entered into that is compliant with the CIL Regulations. The CIL Regulations 122 and 123 place limits on the use of planning obligations. Regulation 122 states that a planning obligation can only be taken into account when determining a planning application for a development, or any part of a development, if the obligation meets all of the following tests:

- 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

5.2 It is considered that the request for developer contributions towards the provision of a new village hall meet the requirements of Regulation 122. The village hall provides a vital community facility which promotes community cohesion, provides a 'sports hall' for the village school, is the home of the pre-school, The Guides, Brownies, youth club, WI and more. It is almost in constant use and the requirement for new facilities has long been established. All these facilities are likely to be used by the future occupants of the site.

5.3 Regulation 123 seeks to ensure that the CIL does not overlap with planning obligations, and that there is a limit to the amount of pooled contributions. Local Planning Authorities cannot take into account a financial contribution for the funding or provision of an infrastructure project where five or more separate planning obligations have already been sought for the funding or provision of that project from other sources. These are commonly referred to as "pooled contributions."

- 5.4 The Harby Village Hall project has so far only been funded through one other S106 agreement, which related to the Long Clawson Dairy site in 2008. Whilst contributions were agreed relating to the Millway Foods site in 2015, the application was refused at Planning Committee on 29th January 2016. Therefore, it is considered that the Harby Village Hall project would, at present, meet the requirements of CIL 123 Regulation regarding pooled contributions.

6 CONCLUSION

- 6.1 The request for funding for a new village hall for Harby is considered to be compliant with CIL Regulations 122 and 123 as detailed above. The method of calculation of the sum requested is considered to be fair and reasonable, and has been agreed as such by previous developers.
- 6.2 The Committee is invited to consider if the benefits of the scheme as outlined in the committee report attached are sufficient to overcome the shortfall in the requested funding by the Committee of Management for a new Village Hall in Harby. The requested sum being £22,625.00 against an offer of £5,000.00 representing a shortfall of £17,625.00
- 6.4 It is considered that the request for £22,625.00 is reasonable, and the applicant has not demonstrated that this would adversely affect the viability of the scheme to the extent that a contribution of this level would make the scheme unviable. As such, it is recommended that the committee request that the applicant enters into a S106 agreement to provide £22,625.00 towards the new village hall upon occupation of the final dwelling.

Background Documents:

- Committee report 15/00942/OUT 26th May 2016
- Minutes of the Committee meeting of 26th May 2016
- Application for S106 provision against the outline planning 15/00942/OUT – submitted by Harby Village Hall Committee of Management