

## **PLANNING STATEMENT**

### **Proposed Modification of s106 Planning Obligations, The Millfields, Lamplugh, Cumbria**

#### **1. Introduction**

1.1 This Statement supports an application for the modification of s106 Planning Obligations in relation to development at The Millfields, Lamplugh. Primarily these modification relate to the proposed removal of obligations to build a Village Hall on site and to provide a financial contribution towards the building of a new Village Hall by the Lamplugh Village Hall Committee on a site adjacent to the existing Village Hall.

#### **2.0 Planning History**

2.1 Planning Permission was granted in 2018 (4/17/2182/0F1 refers) for 26 dwellings and a Village Hall. Planning Permission was subject to obligations contained in an Agreement under S106 of the Town and Country Planning Act 1990 relating to:

- (a) the construction of a Village Hall;
- (b) the management and maintenance of common areas and facilities.

2.2 Following the grant of planning permission development has commenced, a number of changes have been made to individual house designs, the S106 Agreement has been amended requiring the Village Hall to be made available for community use before the occupation of the thirteenth unit.

### **3.0 The Village Hall**

3.1 The Village Hall element of the scheme was unilaterally proposed by the Applicant as part of application 4/17/2182/0F1. The Applicant had conducted pre consultation enquiries with members of the Village Hall Committee. These consultations revealed the following:

- The Village Hall was well used by a range of community groups. The Village Hall Committee had concluded that due to the age and disrepair the existing hall was no longer fit for purpose and was in need of complete redevelopment.
- The Village Hall Committee had taken steps towards securing grant funding for a new Village Hall.
- The Applicant considered that there were constraints relating to the development of the new Village Hall on the existing site which would prevent or delay its delivery.
- The proposed development of 26 houses (initially submitted as 27) would to some degree increase demand for the Village Hall and that some form of mitigation was appropriate. At the point of submission the provision of a new Village Hall site was considered to be the most certain, sustainable and deliverable means of providing a new Village Hall.

3.2 Following submission of the planning application there were a substantial number of objections. A number of the objections related to the inclusion of the Village Hall. Significantly, this included objections from Lamplugh Village Hall Committee, Lamplugh Parish Council and local residents. The members of the

Lamplugh Village Hall Committee who supported the proposed Village Hall on the development site resigned from the Committee at a very early stage of the Application process.

3.3 Lamplugh Village Hall Committee and Lamplugh Parish Council advocated that the new Village Hall should be developed on the existing site. The Applicant retained the Village Hall in the proposal, effectively to provide a contingency that the uncertainties relating to the re-development of the existing Village Hall could not be resolved.

3.4 Notwithstanding the inclusion of the Village Hall in the approved scheme, the Lamplugh Village Hall Committee have continued with their proposal to redevelop a Village Hall on its existing site. It is understood the status of the proposal on the existing site is as follows:

- Planning permission has been granted for the redevelopment of the Village Hall site to include the erection of a new Village Hall on the land to the rear of the existing building.
- The transfer of land acquired from the adjoining landowner is agreed and is at a relatively advanced stage.
- A significant proportion of the build costs have been secured. It is understood that a shortfall exists and the Village Hall Committee is currently engaged in fundraising to secure the shortfall.

3.5 The Applicant recognises that the overwhelming wishes of the majority of the community is that the new Village Hall should be provided on the existing site. It is understood that this is supported by the main stakeholders including

Lamplugh Village Hall Committee (LVHC) and Lamplugh Parish Council. The Applicant does not in any way wish to frustrate the community's wishes. It appears that the majority of the constraints of developing on the existing site have been overcome and that it is highly likely the new Village Hall will be delivered on the existing site.

3.6 The status of the LVHC project as at November 2019 is set out on their website ([www.lamplughvillagehall.org.uk](http://www.lamplughvillagehall.org.uk)) under the heading "Developments. The proposal has planning permission and it is claimed that they now own the necessary land to build and have 90% of the funding. A spring 2020 start was anticipated. It is accepted that there is likely to have been some slippage due to COVID-19 and that the website includes a level of positive marketing. Notwithstanding, the LVHC project appears to be capable of being delivered in the short term.

3.7 There appears to be concern from all parties that continuing with both proposals may result in a number of adverse effects. This includes;

- The failure to deliver a Village Hall on the site of the community's choice.
- If both Village Halls are delivered there would be serious issues of viability. There is potential that the universal wish to provide a new Village Hall could result in two competing facilities and unintended consequence of two charities in the parish with the same objectives.

3.8 It is important that the new Village Hall is viable and delivers the desired outcomes for the community. Some consideration has been given to the Charity

Commission's advice relating to Village Halls and Community Centres. It is logical that support is given to the existing charity and its objectives.

3.9 The Applicants proposal is to delete the Village Hall element from the scheme and to replace it with a financial contribution towards offsite provision. It is necessary to consider the legal and planning policy framework of this proposal. Paragraph 56 of the National Planning Policy Framework (NPPF) provides a summary of the tests to be followed by a Planning Authority when seeking a planning obligation. Planning obligations must only be sought where they meet the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

3.10 Policy SS4 of the Copeland Local Plan 2013-2028 (CLP) relates to community and cultural services. The policy anticipates that some development proposals will increase demand of certain community facilities and services. In these cases the Council will expect developers to contribute to their provision, enlargement, improvement or enhanced maintenance in accordance with CLP Policy ST4 and Local Development Documents.

3.11 Policy ST4 anticipates that the Council would bring forward a Supplemental Planning Document (SPD) relating to developer contributions for infrastructure. This would set the range and level of contributions which may be sought and this document may be the basis of a future Community Infrastructure Levy (CIL). It should be noted that neither an SPD relating to developer

contributions or CIL has been introduced. It is therefore necessary to make a balanced judgement based on paragraph 56 to determine:

- (a) whether a contribution should be made towards community services.
- (b) the amount of the contribution in order that it is fairly and reasonably related in scale and kind to the development.

3.12 It is accepted by all parties that the existing Village Hall is very well used and provides a range of community services. Due to the age and repair of the existing building its replacement with a modern building is considered to be the most economical means of providing a Village Hall with a sustainable long term future. It is considered that the standard for a modern rural Village Hall would be as follows:

- A facility which offers extended access to all community groups at competitive rates.
- As a high quality main hall suitable for a variety of uses with the possibility of a smaller separate meeting space.
- All facilities including toilets should be fully accessible and compliant with the Disability Discrimination Act.
- Includes a sizeable kitchen/catering area. It is designed with significant energy efficiency measures in place.
- Where possible future management/revenue costs are kept to a minimum.

#### **4.0 Developer Contributions**

4.1 The development of 26 houses as approved by Planning Application 4/17/2182/0F1 would have some impact on the need for community services and

in this sense the obligation can be considered directly related to the development. It is then necessary to relate any mitigation of this impact fairly and reasonably in relation to the scale of development. This revised proposal will provide for a total development of 28 houses. This should be set proportionately in the context of the existing need for Community Services and the potential increased need for Community Services in Lamplugh.

4.2 In the absence of a developer contribution SPD it is necessary to formulate a methodology which is reasonable to calculate the contribution. This Planning Statement provides two possible methods for consideration.

4.3 The models are based on common formulas employed to determine developer contributions. These are arrangements adopted by other Local Planning Authorities including Cumbria County Council in its Planning Obligations Policy. This approach should be caveated by the fact that there is no detailed evidence base for community facility provision in Copeland. It is based on the assumption that a new Village Hall is needed in Lamplugh in accordance with the criteria set out in 3.12 of this statement.

4.4 If Copeland Borough Council had adopted a policy for community facility provision it is likely to have followed the following methodology to establish a fair and reasonable contribution.

1. An evidence base to establish the need for Community Centre and Village Hall provision within the borough
2. The level of existing provision

3. The amount of the existing provision would be deducted from the assessed need and would establish the shortfall in provision. To be effective this need would be established on a Parish, Ward or Settlement basis.
4. The estimated cost of providing new Community Centre and Village Hall provision based on a justifiable m<sup>2</sup> build rate.
5. The quantified need would then be related to either population or households in order that a fair and reasonable contribution could be applied to new development.

In this case points 4 and 5 have been used to give alternative calculations based on either population or households.

#### **Population/Floor Area Model**

4.5 The calculation is based on the following assumptions:

1. The need exists for a new Village Hall in Lamplugh Parish.
2. The size of the Village Hall is the approved Lamplugh Village Hall Committee Scheme of 271.5m<sup>2</sup> Gross Internal Area (GIA).
3. Current population of Lamplugh Parish **805** <sup>1</sup>
4. Average rural household occupancy is 2.27 persons.
5. The number of additional dwellings to be created is 28. The estimated population of new development 28 dwellings x 2.27 = **63.56**.
6. A reasonable build rate for the Village Hall building is £1,800.00 per/m<sup>2</sup>. <sup>3</sup>

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Paragraph 5.2.42 Cumbria County Council Planning Obligations

2. Policy Census 2011 (table KS102EW)

3. Appendix 1



### **Population Model Calculation**

$$271.5\text{m}^2 \times \text{£}1,800.00 = \text{£}488,700.00$$

Total estimated population 868.56

Floor area per person  $271.5\text{m}^2 \div 868.56 = 0.312\text{m}^2$  per person.

$$0.312 \times 63.56 \text{ (new population)} = 19.86\text{m}^2$$

$$\text{Amount of contribution } 19.86\text{m}^2 \times \text{£}1,800.00 = \text{£}35,748.00$$

4.6 An alternative method of calculating the contribution is to use a household model. This is a common alternative method of calculating contributions and is also used in Cumbria County Council's Planning Obligations Policy. The household model adopts similar assumptions to the above in terms of estimated build cost and the calculation is as follows:

### **Household Model Calculation**

Number of current households in Lamplugh Parish = **345**

Number of proposed dwellings = **28**

Total dwellings = **373**

Estimated cost of Village Hall  $\text{£}488,700.00 \div 373 \text{ dwellings} = \text{£}1,310.19$  per dwelling

Contribution calculation – 28 dwellings  $\times \text{£}1,310.19 = \text{£}36,685.32$

4.7 The Applicant considers that it is reasonable for the Council to adopt either the population or household model in calculating the contribution. It is the Applicants proposal that the sum of £36,685.32 is a fair and reasonable contribution to the provision of the Village Hall and community facilities in the Parish of Lamplugh (“the Contribution”).

4.8 The Applicant proposes to pay the Contribution on completion of the new Planning Obligation (effectively the grant of planning permission). This removes any uncertainty regarding timing of payments or delivery of the Village Hall relative to the occupation of a set number of dwelling (thirteen in the case of current planning permission).

4.9 In order to ensure that the Contribution is applied for its planning purpose it will be paid in escrow. The Contribution will be held in escrow for the relevant period and paid to the Lamplugh Village Hall Committee on receipt of confirmation in writing by the Local Planning Authority that the new hall has reached damp proof course level. This approach will ensure the planning purpose is achieved and will allow Lamplugh Village Hall Committee to plan the financing of the project.

## **6.0 Conclusion**

6.1 The modification of the planning obligations will assist the delivery of the Village Hall in the location of the community's choice. The proposed financial contribution relates fairly and reasonably to the scale and type of development. With the approval of planning application 4/17/2182/0F1 the Lamplugh Village Hall Committee has continued to bring forward the proposed redevelopment on the existing site. It is highly likely that the Lamplugh Village Hall Committee Scheme will progress in the short term. The financial will fairly and reasonable mitigate any impact of the proposed development on community facilities.