

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	13 SEPTEMBER 2017	5
STAINING PUBLIC REALM SCHEME			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

As part of the planning permissions granted for the residential developments within Staining a number of commuted payments were made under Section 106 of the Town and Country Planning Act. These amount to £40,000. Discussions have taken place with the Parish Council and the preferred location for the capital spend is based around the Memorial Garden on Chain Lane. The funding is included within the Council's capital programme for 2017/18.

A scheme has been prepared following discussions with the Parish Council and follows on from previous enhancements within this location. The scheme put forward overall, meets the definition of public realm improvements within the intentions of the Section 106 Agreements.

The scheme proposes enhancements to paving, seating, a rationalisation of features and soft landscaping and is to be completed in a number of phases.

RECOMMENDATIONS

1. That Committee authorise the approval of the sum of £40,000, secured by way of Section 106 Agreements, specifically to be used for public realm enhancements within Staining from the implementation of the residential developments within the village including the specific works to enhance the Memorial Garden at Chain Lane as illustrated on the plan at Appendix 1.
2. That, subject to the Parish Council entering into a legally binding agreement to return the funding should it not be utilised in accordance with the agreed terms set out in the Section 106 agreement Committee release the aforesaid sum of £40,000 to Staining Parish Council who are to commission the scheme(s), on the basis that the works relate to specific proposals within the approved plan or at variance as otherwise agreed, but relates specifically to public realm enhancement works, as required by the Section 106 Agreement.
3. That in order to ensure that the funds are spent in accordance with the terms of the Sn 106 agreement, authority be delegated to officers to agree details of any proposed scheme prior to the Parish Council entering into any agreement to procure the said works.

SUMMARY OF PREVIOUS DECISIONS

Planning application 9/5/905 et al. Planning permissions for residential development within Staining.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

1. Details of the Scheme and its objectives

As outlined in the Summary section, a contribution of £40,000 was secured through Section 106 of the Town and Country Planning Act 1990, as part of the planning permissions 5/09/505 – land at Baines Farm, Staining. The contribution was justified as a scheme for environmental improvements for the village centre is contained within the Council's adopted Regeneration Framework.

The Memorial Garden which fronts onto Chain Lane is prominently located on the main road through the village close to the cross roads by the Plough Public House. The garden has been enhanced over the years and is well maintained. The Parish Council, however, are of the opinion that as a focal point within the village it could be enhanced further as a civic space through the use of introducing high quality materials, enhanced street furniture, planting and a general improvement to the space. The funding involved, amounting to £40,000 is a relatively modest amount and it is considered reasonable to utilise it to maximise its impact by enhancing this focal point.

The space is used for specific events as well as a place for relaxation and contemplation. It also adjoins an area of general public open space. It is well maintained as a memorial garden and the effort of the community in this regard is to be applauded. The Parish Council have, over the years, enhanced this area and wish to continue with its improvement.

A series of meetings have been held with the Regeneration Team and a scheme drawn up in conjunction with the Parish Council. This includes new areas of paving, planting and general refurbishments. The full plans for the site will utilise the funding but it is proposed that this be undertaken in a series of phases.

Given the relatively small amount of funding involved, through discussions with the Parish it seems sensible that the funding be released such that it is able to commission the improvements on a phased basis and undertake the necessary consultation it sees fit. The Parish has also commissioned works to this site previously and wishes to use specially sourced stone to match what has been used up and until now and bespoke benches. The Parish would use the funding to continue to improve the site but, on the basis that the funding would be used for enhancements to the public realm, then there would seem little merit in continually referring the matter back to Committee to release small amounts of funding in relation to the development and implementation of the overall scheme.

2. Value for Money and Procurement

In the normal course of events, a number of the larger public realm schemes have been designed in house and implemented by way of a partnership agreement with Lancashire County Council. However, in this case, and given the relatively modest scope of the scheme it is suggested that the funding be released to Staining Parish Council to be used to fund the public realm works. In doing so, this would be conditional upon the Parish Council applying its own procurement processes and rules to obtain best value, bearing in mind that certain specialist materials and amenity features including paving and seating are bespoke items.

For this reason it is recommended that the Council's own procurement procedures would not need to be applied in view of the particular circumstances. This of course would be conditional upon the specific works being agreed.

3. Financing of the scheme

The total projected cost of the scheme is around £40,000. The Council approved Capital Programme for 2017/18 includes this scheme in the sum of £40,000.

4. Risk Assessment

There are no risks associated with the scheme itself. The Section 106 payment will be a transfer to the Parish Council as a contribution to the overall scheme. The Section 106 agreement includes provision to return the funds to the developer in the event that they are not used for the purposes set out in the agreement or not committed within a specified period. If the funds are transferred to the Parish Council, in order to guard against any claim from the developer to return the funds, it would be necessary to require the Parish Council to enter into a legally binding agreement to repay the funds in the event that they are not used in accordance with the terms of the agreement.

5. Alternatives

There have been a number of meetings with the Parish Council to consider how this funding might be utilised. The community wish, as expressed through the Parish Council, is to use the funding to enhance the Memorial Garden and its environs. Improvements within Staining have taken place over time but it was agreed that it would be most appropriate to utilise this funding for maximum effect, rather than spread it too thinly, potentially not making a discernible difference. Officers support the use of funding for the area proposed as it acts as a focal point of open space and is well used by the community. Taking these matters into account, no other alternatives have been considered suitable that would maximise to best effect the funding available.

6. Conclusion

The scheme as proposed is supported and is considered to fulfil the objectives of the Section 106 contribution. The release of the funding to the Parish Council will allow it to implement the improvements to better effect than it would using traditional procurement methodologies engaged with the implementation of larger schemes. This is of course on the basis that the funding is used for the purposes of public realm enhancement and that the scheme is implemented by the Parish using its own procurement procedures relevant to the development of the scheme. This would take account of its wish to use particular bespoke items appropriate to Staining and/or those that follow on from previous enhancements.

IMPLICATIONS	
Finance	The proposed expenditure in the sum of £40,000 is included within the approved Capital Programme for 2017/18.
Legal	None directly applicable
Community Safety	None directly applicable
Human Rights and Equalities	The scheme relates directly to enhancements to the public realm would, therefore, benefit and support equality within the community.
Sustainability and Environmental Impact	The scheme will have a positive impact of the character and appearance of this part of Staining
Health & Safety and Risk Management	Matters dealt with by the contractor appointed to undertake the works.

LEAD AUTHOR	CONTACT DETAILS	DATE
Paul Drinnan	01253 658434	20 th August 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Regeneration Framework		Town Hall

Attached documents

1. Plan of the extent of works/ landscape scheme.