

CIL Compliance Statement

Site: 2, 4, 6 And 8 Danson Road, Bexleyheath, Kent, DA6 8HB

Proposal: Demolition of the existing dwellings and erection of a part 1/2/3 storey building to provide a 70 bedroom nursing home, with associated access alterations, car and cycle parking, landscaping and amenity space.

PINS Ref: APP/D5120/W/22/3293225

LBB Ref: 19/03072/FULM

1. FRAMEWORK

1.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) ('Regulations') states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- 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.

1.2 Paragraph 56 of the National Planning Policy Framework ('NPPF') reiterates the Regulation 122 test.

1.3 The policies of the development plan relevant to the planning obligations to be secured, that would constitute a reason for granting planning permission, are as follows:

1.4 A 20-year commuted sum of £6,464.27 towards the maintenance of the proposed hedge to be planted in Danson Park

- Core Strategy Policy CS19 - Heritage and archaeology
- Unitary Development Plan Policy ENV35 - Trees and hedges-planting, protection, and retention

1.5 Carbon offset payment of £55,470.50

- London Plan Policy SI 2 - Minimising greenhouse gas emissions
- Core Strategy Policy CS08 - Adapting to and mitigating the effects of climate change, including flood risk management

1.6 NHS health contributions of £130,235

- London Plan Policy DF1 - Delivery of the Plan and Planning Obligations
- Core Strategy Policy CS21 - Supporting community infrastructure and services

1.7 Highway works and a contribution of £7,697 to cover the cost to the Council of additional highway mitigation measures

- London Plan Policy T4 - Assessing and mitigating transport impacts
- Core Strategy Policy CS15 - Achieving an integrated and sustainable transport system

1.8 Restriction of nursing home use and requirement to provide minimum number of beds for the care of dementia patients

- London Plan Policy H13 - Specialist older persons housing

2. OBLIGATIONS

2.1 As set out above planning obligations are expected to be agreed with the Appellant in respect of:

- Payment towards maintenance of the proposed hedge to be planted in Danson Park
- Carbon offset payment
- NHS health contributions
- Highway works and contribution towards highway mitigation measures
- Restriction of nursing home use and requirement to provide minimum number of beds for the care of dementia patients

2.2 A legal agreement pursuant to S106 of the Town and Country Planning Act 1990 has been agreed with the London Borough of Bexley but remains unsigned. The Appellants are in the process of having the agreement signed by the relevant parties.

3. COMPLIANCE WITH REGULATION 122

Payment towards maintenance of the proposed hedge to be planted in Danson Park:

3.1 Core Strategy Policy CS19 states that the Council will manage its heritage and archaeological assets by conserving and enhancing the significance of heritage assets, their setting, and the wider historic environment. Unitary Development Plan Policy ENV35 states that the Council will, in appropriate cases, will require new tree and hedge planting as part of a landscaping scheme for development proposals.

3.2 A hedge is proposed to be planted along the boundary of the land shown indicatively on Plan 2 within the draft legal agreement. This hedge would act to screen the development and reduce its impact on Danson Park. The hedge would be within Danson Park and would be planted and maintained by the Council. The commuted sum would therefore contribute towards the Council's cost of maintaining the hedge.

Carbon offset payment:

3.3 London Plan Policy SI 2 states that a minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, through a cash in lieu contribution to the borough's carbon offset fund.

3.4 Core Strategy Policy CS08 sets out that all development should contribute to the delivery of sustainable development by planning for, adapting to, and mitigating the impacts of climate change, by reducing the carbon emissions related to the construction and operation of all development.

3.5 The obligation for a cash in lieu contribution to the borough's carbon offset fund is necessary in this instance to comply with the above London Plan policy and to make the development acceptable in planning terms.

NHS health contribution:

3.6 Paragraph 11.1.37 of London Plan Policy DF1 states that across London, developer contributions are used to fund the capital costs of new or expanded primary and community care facilities in order to meet the

increasing demand for services which arise from population growth in new developments. Boroughs should use the London Healthy Urban Development Unit Planning Contributions Model (HUDU Model) to calculate the capital cost of the additional health facilities required to meet the increased demand.

3.7 The HUDU Model has been used in this instance to calculate the NHS health contribution.

3.8 Core Strategy Policy CS21 sets out that the Council will ensure the identification, development, completion, safeguarding and monitoring of infrastructure and services that are required to support housing and employment growth in the borough. This will be achieved by ensuring developers contribute to the reasonable costs of new services and infrastructure made necessary by their development proposals through the use of planning obligations.

3.9 The financial obligation will contribute towards mitigating the additional pressures of the development on the National Health Service within the vicinity of the site.

Highway works and contribution towards highway mitigation measures:

3.10 London Plan Policy T4 sets out that where appropriate, mitigation, either through highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified. The policy also states that development proposals should not increase road danger.

3.11 Core Strategy Policy CS15 states that the Council will work to achieve a comprehensive, high quality, safe, integrated and sustainable transport system which makes the most of existing and proposed transport infrastructure within the borough and seeks to ensure a much improved

and expanded role for public transport through effectively maintaining and managing the existing highway network to ensure the free flow of traffic, improve the environment, in particular air quality, and promote safety, health and wellbeing.

3.12 The proposed highway works and financial contribution would make the development acceptable and enable the implementation of the highway mitigation measures. This would ensure that the proposal does not increase road danger and ensure the safe free flow of traffic.

Restriction of nursing home use and requirement to provide minimum number of beds for the care of dementia patients:

3.13 London Plan Policy H13 recognises the need to increase accommodation that is suitable for people with dementia and requires boroughs to consider the need for accommodation for people with dementia within specialist older persons housing developments.

3.14 The supporting text of London Plan Policy H13 recognises that care home accommodation is an important element of the suite of accommodation options for older Londoners and sets out that boroughs should consider the need for accommodation for people with dementia within specialist older persons housing developments.

3.15 Bexley's SHMA (2021) cites data which estimates that there are 78 people with early onset dementia and 3,628 people aged 65 and over with dementia. By 2038 the number of people aged 65 and over with dementia is projected to increase by 37.6%, with an increase of 45.7% amongst the 85+ age group. The number with early onset dementia is expected to increase slightly. The report concludes that there needs to be a broader housing offer for older people across the Borough and this includes the need for "accommodation which is sensitive to the needs of those with dementia and early onset dementia."

3.16 The submitted information, including the need assessment, from the applicant/appellant is based on a nursing home with dementia-care. Other uses within the same use class has not been considered and therefore any differential impacts have not been considered.

3.17 It is also the case the Council's most acute need is Nursing accommodation and, in particular, dementia focussed Nursing beds (as opposed to general older person care home accommodation).

3.18 The Council's view was that the proposal causes less than substantial harm to the setting of the heritage assets. That harm being at the lower end of the spectrum. Nevertheless, significant weight should be attached to that harm. It is the Council's view that with this obligation the public benefits of the proposal outweighs the harm to the heritage asset (in accordance with paragraph 202 of the NPPF) and is, therefore, necessary to make the application acceptable.

3.19 The obligations set out above are considered to be directly related to the proposed development given the policy context, fairly and reasonable related in scale and kind to the development, and necessary to make the scheme acceptable in planning terms.

4. CONCLUSION

4.1 The planning obligations sought are compliant with the Regulations for the reasons set out above.