

## AGENDA MANAGEMENT SHEET

<b>Name of Meeting</b>	Planning Committee
<b>Date of Meeting</b>	19 February 2014
<b>Report Title</b>	Rugby Radio Station
<b>Ward Relevance</b>	All
<b>Prior Consultation</b>	None
<b>Reporting Director</b>	Head of Planning and Cultural Services
<b>Contact Officer</b>	Sarah Fisher, Tel: 01788 533 752
<b>Report Subject to Call-in</b>	This report is not subject to Call-In.
<b>Report En-Bloc</b>	No
<b>Forward Plan</b>	No
<b>Corporate Priorities</b>	N/A
<b>Statutory/Policy Background</b>	Planning and Local Government Legislation. National and Local planning policy.
<b>Summary</b>	This report outlines the representations that were made by the NHS during the determination of the Rugby Radio Station outline planning application (reference R11/0699), confirms the details of the healthcare provision that has been approved on the site and recommends that the Planning Committee continue to support the development of the Rugby Radio Station.
<b>Risk Management Implications</b>	There are no risk management implications arising from this report.
<b>Financial Implications</b>	There are no financial implications arising from this report.
<b>Environmental Implications</b>	There are no environmental implications arising from this report.
<b>Legal Implications</b>	The report minimises the risk of a legal challenge although such risk cannot be removed completely due to subject matter of the report and nature of the planning decision taken.

***Equality and Diversity***

No new or existing policy or procedure has been recommended.

***Recommendation***

That the representations made by the NHS as detailed in this report are noted and considered and the resolution of the Planning Committee made on 8 January 2014 remains unchanged.

**Planning Committee - 19 February 2014**

**Rugby Radio Station – R11/0699**

**Report of the Head of Planning and Cultural Services**

**Recommendation**

That the representations made by the NHS as detailed in this report are noted and considered and the resolution of the Planning Committee made on 8 January 2014 remains unchanged.

**Introduction**

The outline planning application for the development of the Rugby Radio Station (RRS) (reference R11/0699) was determined by the Planning Committee on 8 January 2014. The Planning Committee unanimously approved the following recommendations:

*That outline planning permission be granted subject to:*

- i. The applicants entering into a Section 106 Agreement to secure those elements comprising the Heads of Terms, and appropriate conditions and any other S106 requirements; and*
- ii. The Head of Planning and Culture being granted delegated powers to authorise the final draft of the conditions and issue the decision.*

Officers, the applicant and third parties are continuing to work on the S106 agreement and planning conditions and a decision has therefore not yet been issued for the Rugby Radio Station.

Concerns have been raised by GVA on behalf of the NHS Property Services and NHS England (“the NHS”) in relation to how representations made by the NHS had been communicated to the Planning Committee in advance of the meeting on the 8 January 2014. These concerns were outlined in a letter to Andrew Gabbittas dated 28 January 2014. Officers have undertaken investigative work since the receipt of this letter and it has become apparent that not all representations made by the NHS regarding health provision on the RRS that were received by the Council or referred to within the report to the Planning Committee. It is necessary therefore for the Planning Committee to be made aware of these representations.

This report outlines the representations that were made by the NHS during the determination of the outline planning application, confirms the details of the healthcare provision that has been approved on the site and recommends that the Planning Committee continue to support the development of the Rugby Radio Station.

## **Representations made by the NHS**

Several meetings were held between officers of RBC and the NHS and these meetings resulted in a letter of 2 September 2013. This letter was sent to Development Strategy team instead of the RRS case officers which led to its omission from the Committee Report. A summary is provided below:

- Healthcare facilities should be provided on site
- The population of the site should be served by 8 GPs and associated staff including Practice Nurses.
- An 8 GP practice should extend to 1,005 sqm together with onsite car parking and servicing areas.
- Anticipated build cost is £2,154,896 (excluding land acquisition cost).
- Running cost will ultimately be borne by the NHS but because of uncertainty about this funding the developer should provide an equivalent of three years running costs. This would amount to £4,668,600. The NHS would endeavour to cover these costs and make funding applications at the earliest opportunity.
- Need for the full GP practice would not be triggered until, the development is complete and the NHS preference is that this is located within the main District Centre. Delivery could take place after perhaps 12 years of development meaning people have had to travel into Rugby for healthcare where existing facilities would be over-burdened. A solution that deals with the needs arising in the early phases should be discussed between the NHS, applicant and RBC.

## **Health facilities proposed on site at Rugby Radio Station**

As stated within the report to the Planning Committee, Policy CS4 states that the development of the Rugby Radio Station would include the provision of on-site health facilities.

As detailed in the report, it has been agreed by the Developer that an 8 GP practice should be delivered at a total of 1005 sqm floor space and this is reflected in the requirement to deliver 2,900 sqm of D1 use, which GP falls within, within the Development Specification. The draft Heads of Terms appended to the report identifies a trigger for implementation of this requirement at 3400 homes, not completion of the entire site, and a land value of £1.5 million.

## **New Information received following resolution to grant:**

The Council has been supported by Atlas, the Homes and Community Agency Advisory Team for Large Applications, throughout the processing of the outline planning application. Atlas were communicating with the NHS on RBCs behalf and assessing the evidence that was to be put forward in support of infrastructure provision. There was an error in communication and a letter of the 20 November was received by Atlas but not forwarded to RBC. This letter provides elaboration on points set out in the 2 September letter, as summarised below.

- NHS funding is uncertain because there is no ability to apply for public sector funding in anticipation of increases in population as a result of housing growth.
- The NHS does not have sufficient funding to meet the current requests it receives for the construction of new premises.

- Examples of S106 agreements providing revenue funding have not been identified but the NHS consider this request remains reasonable.
- If funding via S106 was not available due to financial viability constraints the NHS would object to the planning application.
- The assumption remains that the developer will meet the capital costs associated with the provision of healthcare facilities and the start-up revenue costs.
- There are no existing GP facilities adjacent to the Rugby Radio Station. There is also no scope to accommodate the future residents of the Radio Station site in town centre facilities.
- Health facilities are required on site by the Core Strategy.
- The figure in the Core Strategy Infrastructure Delivery Plan was not provided by the NHS.

Officers have considered this further information since receipt of this letter in January 2014 and remain of the view that the provision outlined within the Heads of Terms, referred to above, continues to be sufficient.

As described above, the Heads of Terms provides £1.5 million for the provision of healthcare facilities. This is less than the amounts requested by the NHS for two reasons. Firstly, Officers do not consider it reasonable the development provides revenue funding or start-up costs as requested. The NHS has not been able to provide any evidence of S106 obligations of this nature within this sub-region and the Council has not agreed to this type of funding when approached by other infrastructure providers. Instead, all obligations relate to capital funding for infrastructure provision.

Secondly, Officers do not consider it necessary for the developer to provide the building within which the practice will operate. The Council is aware of new GP practices that are currently being set up in Rugby, the building of which has been privately funded. Atlas have also advised that health centre buildings such as that proposed on the RRS are privately funded on other large scale sites in the country.

It is understood that NHS England is responsible for the provision of adequate health facilities to serve the needs of the population. In some circumstances, NHS England will provide funding for build costs although as indicated in their letters, funding is limited. Ultimately, with the removal of primary care trusts, GP practices are businesses and it is for the practice to fund and build its own facility.

Officers are confident that the £1.5 million included within the Heads of Terms is a sufficient financial quantification of the cost there will be to the developer in providing land for such a facility at no cost to the NHS.

As detailed in the report to the Planning Committee, the viability of the site is constrained and it is necessary for the Council to consider infrastructure provision on the site as a whole, balancing requirements against each other and the need to ensure the development is viable and deliverable. If the cost of health infrastructure was to increase the delivery of affordable housing on site would be impacted. This is an area of social infrastructure that has already been affected by the constrained viability of the site. It is considered by Officers that, on balance, the obligations detailed in the Heads Terms will deliver the health facilities required by the residents on site whilst not damaging the viability of the site to the extent that other required infrastructure cannot be delivered.

## **Recommendation**

That the representations made by the NHS as detailed in this report are noted and considered and the resolution of the Planning Committee made on 8 January 2014 remains unchanged.

Name of Meeting: Planning Committee  
Date of Meeting: 19 February 2014  
Subject Matter: Rugby Radio Station  
Originating Department: Head of Planning and Cultural Services

#### **LIST OF BACKGROUND PAPERS**

There are no background papers relating to this item.