

AGENDA NO.

**REPORT TO PLANNING
COMMITTEE**

DATE: 12th December 2007

**CORPORATE DIRECTOR OF
DEVELOPMENT AND
NEIGHBOURHOOD SERVICES**

**PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT,
SUSTAINABILITY APPRAISAL AND CONSULTATION STATEMENT.**

SUMMARY

1. This report relates to the adoption of the Planning Obligations Supplementary Planning Document (SPD) Sustainability Appraisal and Consultation Statement, attached as Appendix A, B and C respectively.

RECOMMENDATION

2. Members are recommended to: -
 - i) Note the content of this report;
 - ii) Be minded to adopt the Planning Obligations SPD.
 - iii) Delegate to Officers minor amendments to the content of the document prior to formal adoption of the document.

BACKGROUND

3. The Council's Local Development Scheme (LDS) requires the production of a Planning Obligations Supplementary Planning Document (SPD). The purpose of the Supplementary Planning Document (SPD) is to set out the Council's approach to Planning Obligations (also known as S 106 agreements) within the Borough. Government Guidance (Circular 05/2005 'Planning Obligations') states that Planning Obligations are *'intended to make acceptable development which would otherwise be unacceptable in planning terms.'*
4. SPDs are documents intended to expand on existing higher-level policies, such as those in the Adopted Local Plan, Alteration Number 1, and be consistent with national and regional policies. Policy within this SPD is also based on circular 05/05 which states that when a Council has a gap in planning policy an SPD can be based on advice within that document. SPDs do not form part of the statutory development plan, but they are a material consideration in determining planning applications.
5. A planning obligation may:
 - Be prescriptive i.e. require the developer to provide x amount of affordable housing;
 - Secure a financial contribution from a developer to compensate for loss or damage as a result of the proposal i.e. the loss of open space; or
 - Ensure the developments impacts are mitigated, i.e. through a travel plan, increased public transport, etc.

6. Government guidance (Circular 05/2005 'Planning Obligations') sets out five tests for a planning obligation to satisfy. They must be:
 - Relevant to planning;
 - Necessary to make the proposed development acceptable in planning terms;
 - Directly related to the proposed development;
 - Fairly and reasonably related in scale and kind to the proposed development; and
 - Reasonable in all other respects.
7. The guidance also describes how it is not '*legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.*'
8. Typically, obligations are secured through negotiation between the developer and the Council; however, developers may wish to submit a 'Unilateral Undertaking' alongside a planning application. This is an obligation offered by the applicant in support of an application (or appeal), as opposed to agreeing an obligation following negotiation with the Council.
9. The SPD aims to provide clarity to developers, development control officers, stakeholders and local residents as to the Council's expectations concerning developer contributions in appropriate circumstances. Areas where it is intended to seek obligations are affordable housing, education, employment and skills, open space and recreation, landscape, biodiversity, highways and transport, social and community infrastructure. However, it must be noted the list is not exhaustive, and there may be circumstances where other provisions are sought.

THE CURRENT POSITION

10. Members will be aware that the draft SPD and its associated documents were approved for consultation by Planning Committee and Cabinet earlier this year. This consultation took place between the 30th July and the 10th September 2007.
11. A number of comments were received from interested parties including amongst others, public bodies (Natural England, Sport England etc), representatives of developers (Home Builders Federation, Consultants). The attached consultation statement provides a list of comments received, the Council's response and notes on any changes made to the document.
12. Since the end of the consultation period Council officers have been preparing changes to the document. The majority of the changes involve minor wording changes with the most significant change involving the removal of the 'two strand approach' from the Highways and Transportation section and the inclusion of an appendix relating to public realm contributions. One further change to the document which requires confirmation relates to paragraph 8.9 where the percentages quoted may be subject to change. Officers will be able to report the final agreed change verbally to members at the planning committee meeting.

RECOMMENDATION

16. Members are recommended to: -

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- iii) Delegate to Officers minor amendments to the content of the document prior to formal adoption of the document.

Corporate Director of Development and Regeneration.

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Background Papers -

Circular 05/2005 'Planning Obligations'

Planning Obligations: Practice Guidance

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 12: Local Development Frameworks

Financial Implications – The production of the document can be made within existing budgetary provisions

Environmental Implications- N/A

Community Safety Implications - N/A

Human Rights Implications - The provisions of the European Convention of Human Rights 1950 has been taken into account in the preparation of this report.

Ward and Ward Councillors – N/A