

PAPER NO. 8

REPORT TO THE EXECUTIVE MEETING OF JUNE 15TH 2015

Meeting: Executive

Date: 15 June 2015

Subject: Planning Obligations – Draft Supplementary Planning Document

Report of: Stephen Pointer
Local Planning Executive Advisory Panel

Portfolio Holder: Cllr Philip King

Status:
Consultation

Relevant Ward(s): All

1 Purpose of the Report

- 1.1 To seek approval to refer to Council for the publication of a Draft Supplementary Planning Document to relating to Planning Obligations.

2 Recommendations:

- 2.1 **That the Executive approve the Draft Supplementary Planning document, attached as Appendix A, and refer to Council for approval to release for public and stakeholder consultation.**

3 Summary of Reasons for the Recommendations

- 3.1 To enable the Executive to consider a draft Supplementary Planning Document and to issue it for a period of public consultation.

4 Key Facts

- 4.1 In July 2013, the Executive approved a report setting out proposals to improve the Council's approach to Planning Obligations following an internal review of processes relating to managing Planning Obligations. Within the resulting Action Plan was a commitment to update the Councils Planning Obligation Developer Guidance Note (2009) in order to improve the level of advice and information to prospective applicants for planning permission, stakeholders together with associated and the wider local community. In light of the adopted Core Strategy, the opportunity needs to be taken to position the

document as a Supplementary Planning Document to the Core Strategy development plan – and thus afford it this status which enables weight to be accorded to the document in determination of planning applications.

- 4.2 The system for making and assessing planning obligations has become more restricted since 2011 with the introduction of the Community Infrastructure Regulations which specify that obligations must meet specified tests (referred to in the draft document).
- 4.3 An updated document was prepared at the end of 2013, but further work was deferred owing to the ongoing Government consultation on potential changes to the thresholds for seeking planning obligations from small residential sites (usually sites of less than 10 dwellings), particularly to deliver affordable housing. Revised guidance was issued in September 2015 and the document takes account of this.
- 4.4 The Local Development Scheme 2014-2017 as updated (January 2015) includes a commitment to prepare a Supplementary Planning Document (SPD) relating to Planning Obligations and Affordable Housing in order to help facilitate the process of making planning obligations.
- 4.5 The draft SPD is attached for the comment and response of the Executive. It consolidates and updates all previous guidance issued in respect of affordable housing including the use and application of commuted sums. The document also incorporates a protocol developed on behalf of local authorities in Leicester and Leicestershire to help ensure that there is a common approach to determining whether obligations are CIL compliant.
- 4.6 Appended to the draft SPD will be two documents
 1. A Protocol on Planning Obligations prepared by Leicester and Leicestershire local authorities which provides a guide on how authorities will assess and liaise over planning obligations, especially with those agencies which request them;
 2. A document prepared by Leicestershire County Council and adopted by them in December 2014 concerning planning obligations which are sought in respect of County Council services.
- 4.7 The draft SPD document was presented to the Local Planning Executive Advisory Panel on April 22nd and members of the Panel made observations, all these have been considered resulting in a slightly amended document.
- 4.8 The document is intended to be issued for public consultation to allow others to comment on its contents – notably infrastructure providers, developers and parish councils. Illustrations and diagrams will be added to improve readability prior to publication.

5. Member involvement in planning obligations

5.1 In presenting the document to Local Planning Advisory Panel, the issue of member involvement and notification in respect of planning obligations was raised. In summary, councillors are involved in the following stages

1. Agreeing the policy on infrastructure delivery and a list of infrastructure required to support development together with a policy for delivery of affordable housing in the Local Plan;
2. Making representations on planning applications submitted and on applications reported to Planning Committee for determination often as ward councillors;
3. Considering planning obligations required to make development acceptable as members of Planning Committee in relation to applications which are determined by the Committee
4. Members are notified via the Member Information Service prior to the final Agreement being executed by the Council.

6 Legal Issues

6.1 A Supplementary Planning Document carries significant weight when considering planning proposals and mitigation measures.

7 Resource Issues

7.1 The development of the Draft Supplementary Planning Document and planned consultation are contained within existing budgets

8 Equality Analysis Implications/Outcomes

8.1 The SPD will be subject to equality analysis as it progresses through consultation and implications/outcomes will be taken into account in considering the final draft.

9. Risk Management Implications

9.1 The publication of this document assists in negotiating planning obligations by clearly setting out requirements which decision makers will take into account. It reduces the risk of appropriate community infrastructure not being provided in association with development because the Council has not published a comprehensive guidance document to enable this.

10 Consultation

10.1 District Council officers and Members of the Local Planning Executive Advisory Panel have commented on the drafts of the document prepared to date.

11. Options

11.1 Not to publish the SPD. This is not recommended for the reasons set out in paragraph 8.1.

12 Background Papers

12.1 None

Previous report(s): Executive July 2013

Information Issued Under Sensitive Issue Procedure: N

Ward Members Notified:

Appendices:

A. Draft SPD document

Appendix 2: Planning Obligations: Leicestershire County Council policy

Appendix 3: Leicester & Leicestershire Protocol on Planning Obligations

(Appendix 1 to document at the end of the document itself)