

**STROUD DISTRICT COUNCIL**  
**ENVIRONMENT COMMITTEE**

**AGENDA  
ITEM NO**

**6 APRIL 2017**

**7**

<b>Report Title</b>	<b>PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)</b>
<b>Purpose of Report</b>	To adopt the Planning Obligations SPD.
<b>Decision(s)</b>	<b>Committee resolves to:-</b> <b>(a) adopt the Planning Obligations document set out in Appendix A as a Supplementary Planning Document.</b> <b>(b) approve the responses to the consultees set out in Appendix B .</b>
<b>Consultation and Feedback</b>	A six week period of public consultation has taken place. Feedback from consultees and a recommended Council response is set out in Appendix B.
<b>Financial Implications and Risk Assessment</b>	There are no direct financial implications arising from the adoption of the Planning Obligations document. However where a development requires more complex monitoring the Council may seek a contribution towards future costs.  Adele Rudkin, Accountant Tel 01453 754109, Email <a href="mailto:adele.rudkin@stroud.gov.uk">adele.rudkin@stroud.gov.uk</a>  The main risks relate to the ability to deliver affordable housing and infrastructure efficiently and effectively. The adoption of the SPD and the implementation of CIL will minimise these risks.
<b>Legal Implications</b>	There are no significant legal implications which are not dealt with in the report and the SPD.  Mike Wallbank, Solicitor Tel: 01453 754362 Email: <a href="mailto:mike.wallbank@stroud.gov.uk">mike.wallbank@stroud.gov.uk</a>
<b>Report Author</b>	Mark Russell, Planning Strategy Manager Pippa Stroud, Policy Implementation Manager Tel: 01453 754305/01453 754099 Email: <a href="mailto:Mark.Russell@stroud.gov.uk">Mark.Russell@stroud.gov.uk</a> <a href="mailto:Pippa.Stroud@stroud.gov.uk">Pippa.Stroud@stroud.gov.uk</a>
<b>Options</b>	Options are: 1. approve the draft SPD; or 2. amend the contents of the draft SPD, or 3. decide to determine applications without the preparation of guidance

<b>Performance Management Follow Up</b>	The document will be a material planning consideration in assessing future planning applications. The delivery of affordable housing and infrastructure will be subject to regular monitoring.
<b>Background Papers/ Appendices</b>	Appendix A – Planning Obligations SPD Appendix B – Consultation report

## **1. BACKGROUND**

- 1.1 The Stroud District Local Plan contains policies relating to the delivery of affordable housing (Policies CP9 Affordable Housing and HC4 Local Housing Need (exception sites). It also contains various policies relating to the delivery of infrastructure, including Policy CP6 Infrastructure and Developer Contributions.
- 1.2 The delivery of affordable housing and infrastructure can be secured through planning obligations that are agreed when planning permission is granted. Planning obligations can be secured under S.106 of the Town and Country Planning Act 1990 or S.278 of the Highways Act 1980.
- 1.3 The Council is introducing a Community Infrastructure Levy (CIL) which will replace many current planning obligations with a single non-negotiable “roof” tax. However, affordable housing cannot be secured under CIL and planning obligations will remain as a way of paying for site specific infrastructure necessary to make development acceptable in land use terms.
- 1.4 The purpose of this Supplementary Planning Document (SPD) is to explain to developers, stakeholders and local neighbourhoods how policies relating to affordable housing and infrastructure provision set out in the Local Plan will be delivered, including through the use of planning obligations.

## **2. SUMMARY OF DOCUMENT**

- 2.1 The document is in two parts. Part 1 sets out the general policies and procedures which will operate in relation to seeking planning obligations, including the process from pre-application to post decision stages, legal and financial administration, the timing and phasing of provision, monitoring and viability matters.
- 2.1 Part 2 sets out the guidance relating to affordable housing and to different types of infrastructure. The affordable housing section of the SPD will replace the Council's existing SPD Affordable Housing Guidance which was last revised in November 2008. While Local Plan policies secure a proportion of affordable housing in new housing developments through the planning process, the affordable housing SPD seeks to ensure that the mix, type, tenure, design, size and location of affordable homes provided are in line with local requirements, and help to create integrated and sustainable communities.

- 2.2** Guidance relating to transport and education matters reflects guidance set out in the Local Developer Guide (Gloucestershire County Council, March 2017). Guidance relating to drainage and the use of SuDS reflects detailed guidance in the Gloucestershire SuDS Design & Maintenance Guide (Gloucestershire County Council, November 2015). Whilst the SPD refers to certain types of infrastructure, other site specific measures may be necessary and the guidance states that requirements will be assessed on a case by case basis.

### **3. PUBLIC CONSULTATION**

- 3.1** The draft Planning Obligations SPD was subject to six weeks of public consultation on its contents. Consultation included:
- Publishing documents on the Council website for comment
  - Documents available at libraries, town and parish council offices open to the public
  - Letters to all, town and parish councils, statutory consultation bodies, agents and developers and other local bodies
  - Press release leading to articles in local newspapers
- 3.2** 19 organisations and individuals responded to the consultation. A summary of their comments, together with recommended responses are set out in Appendix B.

### **4. RECOMMENDED CHANGES TO THE PLANNING OBLIGATIONS SPD**

- 4.1** The final SPD reflects recent clarification by the Planning Inspectorate on the status of a written ministerial statement (WMS) regarding affordable housing thresholds issued in 2014 and subject to a Court of Appeal decision in May 2016. The SPD makes clear that whilst the WMS is a material consideration it does not automatically outweigh Local Plan policies. The SPD therefore provides guidance on when the Council will continue to seek affordable housing from smaller sites and when it will not.
- 4.2** A number of areas were highlighted by consultees where improvements could be made. A series of other changes are therefore proposed to the document. The main changes proposed are:
- Clarification of definitions to reflect the NPPF and national Planning Practice Guidance (PPG);
  - Changes to sections on triggers and monitoring fees;
  - Updates to reflect the current position regarding starter homes;
  - References to minimum dwelling sizes to be identified as best practice;
  - References to Vacant Building Credit added;
  - Enhancements and clarification made to Green Infrastructure section;
  - References to travel planning and technology based “smart” solutions added to transport section.