

# REPORT FOR DECISION



<b>DECISION MAKER:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>10 JUNE 2015</b>
<b>SUBJECT:</b>	<b>ADOPTION OF REVISED SUPPLEMENTARY PLANNING DOCUMENT 1: OPEN SPACE, SPORT AND RECREATION IN NEW HOUSING DEVELOPMENT</b>
<b>REPORT FROM:</b>	<b>CABINET MEMBER – RESOURCES AND REGULATION</b>
<b>CONTACT OFFICER:</b>	<b>Michael Whitehead – Senior Planning Officer</b>
<b>TYPE OF DECISION:</b>	<b>CABINET - KEY DECISION</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>This report brings forward a revised version of the existing Supplementary Planning Document 1 (SPD 1) on open space, sport and recreation provision in new housing developments which will replace the existing SPD1 advice once adopted.</p> <p>Members previously approved the draft version of SPD1 on 11 February 2015 for a 4-week public consultation. Minor changes have been made to the document following consultation, and therefore approval is sought for the adoption of the revised SPD1 which will then apply to all relevant planning applications determined from the date of adoption.</p>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<p><b>Option 1 (Recommended Option)</b> That Members adopt the attached revised SPD1.</p> <p><b>Option 2</b> That Members seek revisions to SPD1 before adoption. Members to specify the nature of any revisions to be sought.</p> <p><b>Option 3</b> That Members do not adopt the revised SPD1 and specify reasons for their decision.</p> <p><b>Reasons</b> Option 1 would ensure that the SPD1 is up-to-date and is afforded weight in the consideration of all planning applications determined from the date of adoption.</p>

<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	<p>Do the proposals accord with the Policy Framework?     Yes</p> <p>The SPD1 supplements Saved Policy RT2/2 of the Bury Unitary Development Plan and takes account of national planning guidance.</p>
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	<p>This report formalises the Council's Supplementary Planning Document in light of recent consultation.</p> <p>New Government Planning guidance restricts the Council's ability to apply "s106" agreements to small scale developments, and new Community Infrastructure Levy regulations will further limit the extent to which agreements can be pooled.</p> <p>These changes potentially mean a loss of resources and reduced flexibility for the Council.</p>
<b>Statement by Executive Director of Resources:</b>	<p>Adoption of this policy will ensure that the Council's approach will be in line with national guidance and legislative requirements.</p>
<b>Equality/Diversity implications:</b>	<p>No</p> <p>An initial screening has been undertaken (see attached assessment) which did not identify any negative impacts on equality.</p>
<b>Considered by Monitoring Officer:</b>	<p>The SPD will, upon adoption, be a material consideration in the determination of planning applications. The Council is required under the Town and Country Planning (Local Planning) (England) Regulations 2012 to consult on the SPD and to take into account all consultation responses received before adopting the SPD.</p>
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	

**TRACKING/PROCESS**

**DIRECTOR: STEPHEN KENYON**

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
Scrutiny Committee	Cabinet/Committee	Council	
	<b>10<sup>th</sup> June 2015</b>		

## **1.0 BACKGROUND & ISSUES**

- 1.1 Supplementary Planning Documents expand on and provide further details on policies contained in the Council's Unitary Development Plan (UDP). UDP Policy RT2/2 on Recreation Provision in New Housing Development provides the policy basis for requiring development proposals for housing development to make an appropriate contribution for recreation provision for the prospective residents – either on site or as a financial contribution. The Policy is supported by SPD1, which provides additional guidance on the contributions required and how the policy will be implemented.
- 1.2 The current version of SPD1 was formally adopted on 1 February 2012 and the need has arisen to review and update it.

### **Draft SPD1 consultation**

- 1.3 Members approved the draft version of the revised SPD1 for a 4-week public consultation at Cabinet on 11 February 2015. It was advised that the revisions to SPD1 were required to provide updates to take account of changes to Government guidance on seeking developer contributions for small-scale developments of 10 dwellings or less and to respond to new Community Infrastructure Levy Regulations which introduced pooling restrictions on Section 106 contributions from 6 April 2015. As such, the draft SPD included advice on how future legal agreements would operate within the new pooling restrictions and set out that the guidance would only apply to developments of 10 dwellings with a maximum combined floorspace of more than 1,000 square metres and developments of 11 dwellings or above.
- 1.4 The consultation draft of SPD1 was made available for comment at deposit points and on the Council's website from 20 February to 20 March 2015.

### **Representations received and changes made**

- 1.5 A total of 10 formal representations were made during the consultation from a range of respondents including statutory bodies such as English Heritage and Natural England and from the development industry such as Barratt Homes. There was general support for the SPD and its content with some suggested minor amendments to the wording, a number of which have been incorporated within the final document. Some of the issues raised include the spending of Section 106 monies on ensuring safe and secure access, the Council's evidence on recreation and the need for clarity on the approach towards green infrastructure.

- 1.6 Three minor changes were made to the document following the consultation to respond to representations from ARCON Housing Group and Sport England and to provide more clarity at Appendix 2. The Statement of Consultation is appended to this report and sets out a summary of the main issues that were raised and how the issues have been addressed within the SPD.

### **Adoption**

- 1.7 Once adopted, SPD1 will replace the existing advice which has been in place since 1 February 2012. The Council's guidance will consequently be in line with national guidance and latest legislation on pooling restrictions. The costs for establishment, enhancement and maintenance of open spaces will also be up-to-date and reflective of modern prices.
- 1.8 Should Members resolve to adopt revised SPD1, it will apply to all relevant planning applications to be determined from this date forward.

## **2.0 CONCLUSION**

- 2.1 Members are asked to adopt the attached revised SPD1.

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### **List of Background Papers:-**

- Supplementary Planning Document 1: Open Space, Sport and Recreation in New Housing Development (February 2012)
- Bury Unitary Development Plan
- National Planning Policy Framework (March 2012)
- National Planning Practice Guidance (March 2014) – Section on 'Planning Obligations' recently updated on 28 November 2014.

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