



## **Planning Obligations Supplementary Planning Document**

### **SUMMARY**

- 1.1 As part of the Local Development Framework, a Supplementary Planning Document (SPD) has been prepared to cover all aspects of Planning Obligations. It sets out the Council's approach, policies and procedures for securing Planning Obligations.
- 1.2 A summary of the levels of contributions to be sought is in Appendix 2. The full SPD can be found on CMIS.
- 1.3 In line with the regulations, a Sustainability Report and a Statement of Consultation have also been prepared. Both these documents can be found on CMIS.
- 1.4 These three documents will need to be the subject of public consultation. This consultation should take place in December/ January and last for six weeks.
- 1.5 The comments will be incorporated, where appropriate, into the final version of the SPD. This will be reported back to Cabinet for final approval in due course.
- 1.6 Once the final document has been approved it will be a material consideration in determining planning applications.

### **RECOMMENDATION**

2. To approve the Supplementary Planning Document and supporting documents, as set out in Appendix 3, 4 and 5, for consultation.

### **REASON FOR RECOMMENDATION**

3. The SPD and supporting documents must be subject to public consultation for it to be a material consideration in determining planning applications.



## **Planning Obligations Supplementary Planning Document**

### **SUPPORTING INFORMATION**

- 1.1 New development creates a need for additional or improved infrastructure and community facilities. Planning obligations are used to secure these facilities. There is also a requirement for new development to provide an element of affordable housing. The Supplementary Planning Document (SPD) has been prepared to comprehensively set out the Council's approach, policies and procedures in respect of planning obligations.
- 1.2 Once adopted the SPD will be a material consideration in determining planning applications and if development proposals do not comply, the Council may use the SPD as a reason or reasons for the refusal of planning permission.
- 1.3 The SPD has been prepared in line with the Local Development Framework requirements set out in the Planning and Compulsory Purchase Act 2004.
- 1.4 The SPD provides details of specific contributions in the following subject areas:
  - Affordable Housing
  - Public Open Space
  - Highways and Transportation
  - Public Realm
  - Public Art
  - Community Facilities, which includes;
    - Education
    - Community centres
    - Libraries
    - Sports facilities
    - Health
  - Lifetime Homes
  - Employment Initiatives
  - Natural and Built Environment which includes measures to help mitigate climate change.
- 1.5 Some of these contributions are already being secured. Others are new contributions which we are proposing to seek. The new contributions are public realm, libraries, sports facilities, health and employment initiatives.

- 1.6 All contributions that are sought must conform to the tests set out by the Government in Circular 05/05. Importantly, they must be directly related to the development.
- 1.7 Not all developments will be able to provide everything that the Council is seeking. As the SPD covers a long list of contributions that the Council may seek from developments, there will inevitably be conflicts over which contributions get priority. The specific priorities on any given site will vary depending on local circumstances. However, weight will be given to corporate priorities, local plan policy and the community strategy.
- 1.8 Having the SPD in place will help to ensure that developments make a positive contribution to sustainable development providing social, economic and environmental benefits to the community as a whole.
- 1.9 The SPD will help to deliver on the three Government objectives for planning of transparency, certainty and speed.

## OTHER OPTIONS CONSIDERED

2. None.

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<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications Appendix 2 – Summary of contributions sought Appendix 3 (CMIS only) – Planning Obligations Supplementary Planning Document Appendix 4 (CMIS only) – Statement of Consultation Appendix 5 (CMIS only) – Sustainability Appraisal Report

<b>IMPLICATIONS</b>
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**Financial**

1. Section 106 requirements are often in the form of financial contributions. These contributions are held in separate S106 accounts and must be ring fenced and spent on what they have been secured for.

**Legal**

2. Once adopted the SPG will be a material consideration in the determination of planning applications. Whilst the SPG will help secure planning obligations relevant to the development it must be considered in conjunction with all other material matters, particularly the policy guidance of Circular 05/05 which requires all planning obligations to be relevant to planning; necessary to make the proposed development acceptable; directly related to the development; fairly and reasonably related to scale and reasonable in all respects.

**Personnel**

3. None

**Equalities impact**

4. None

**Corporate Priorities**

5. Making us proud of our neighbourhoods; Creating a 21<sup>st</sup> Century city centre; Leading Derby towards a better environment; supporting everyone in learning and achieving; helping us all to be healthy, active and independent.

<b>Summary of Contributions sought</b>
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## Financial Contribution Matrix

**Table 7: Residential Development Contributions**

	10 Units	15 Units	25 Units	50 Units	75 Units	100 Units
Highways and Transportation	✓	✓	✓	✓	✓	✓
Affordable Housing	x	✓	✓	✓	✓	✓
Lifetime Homes	✓	✓	✓	✓	✓	✓
Incidental Public Open Space	✓	✓	✓	✓	✓	✓
Major Public Open Space	x	✓	✓	✓	✓	✓
Public Realm	✓	✓	✓	✓	✓	✓
Public Art	x	x	x	x	x	✓
Education	x	x	✓	✓	✓	✓
Community Centres	x	x	x	✓	✓	✓
Libraries	x	x	x	✓	✓	✓
Sports Facilities	x	x	x	✓	✓	✓
Health	x	x	x	✓	✓	✓

## Highways and Transportation

- Any works that are required by the Transport Assessment will need to be secured.
- Reference should be made to the Local Transport Plan Corridors Location Plan in Appendix E, and the transport corridor table below:

Corridor	Housing	Flats	Food Retail	Non-Food Retail	Office B1	Industrial B2	Warehouse B8
A61 Sir Frank Whittle Road	£960	£360	£9,000	£1,200	£1,000	£580	£230
A6 London Road	£1,000	£390	£9,500	£1,300	£1,200	£620	£240
A514 Osmaston Road	£1,100	£410	£10,000	£1,400	£1,200	£650	£260
A6 Duffield Road & Kedleston Road	£1,100	£430	£11,000	£1,600	£1,200	£730	£290
A52 Nottingham Road	£1,200	£460	£11,000	£1,600	£1,200	£730	£290
A516 Uttoxeter Road/Burton Road	£1,300	£480	£12,000	£1,600	£1,200	£760	£300
A52 Ashbourne Road	£1,300	£500	£12,000	£1,700	£1,200	£800	£320
Stenson Road	£1,400	£550	£13,000	£1,900	£1,500	£870	£340

## Affordable Housing

- 30% of total number of dwellings of which 80% will be affordable housing for rent and 20% affordable housing for shared ownership

## Lifetime Homes

- 10% of total number of units
- Built to the City Council's Lifetime Homes Standards

## Incidental Public Open Space

- Where adequate provision cannot be met on site a financial contribution will be sought at £405,000 per hectare
- For on-site provision, annual maintenance costs for public open space will be sought at £1.57 per sqm
- For on-site provision, 30 year commuted maintenance sums for public open space will be sought at £22 per sqm

## Major Public Open Space

- Financial contribution at £332,000 per hectare
- For on-site provision, annual maintenance costs for public open space will be sought at £0.73 per sqm
- For on-site provision, 30 year commuted maintenance sums for public open space will be sought at £22 per sqm

## **Maintenance of Play Areas**

- £12.50 per sqm annual maintenance costs for a toddlers area (LEAP)
- £15 per sqm annual maintenance costs for a junior area
- Sums include all the routine inspection and repair costs

## **Public Realm**

- £100 per house of any size
- £75 per flat of any size

## **Public Art**

- Scheme of public art up to the value of 1% of the total development costs

## **Education**

- £9,646 per primary school place generated by the development
- £14,739 per secondary school place generated by the development

## **Community Centres**

- £250 per person, therefore;
  - 1-Bed flat = £375
  - 2-Bed flat = £500
  - 3-Bed flat or 1-4 Bed house = £625
  - 5-Bed house = £750

## **Community Cohesion Pot**

- £5,000 per 500 dwellings.

## **Libraries**

- £69 per person, therefore;
  - 1-Bed flat = £103.50
  - 2-Bed flat = £138
  - 3-Bed flat or 1-4 Bed house = £172.50
  - 5-Bed house = £207

## **Sports Facilities**

- Fitness Suites - £169 per dwelling
- Swimming Pools - £224.04 per dwelling
- Sports Courts - £427.53 per dwelling

## Health

- £222.85 per person, therefore;
  - 1-Bed flat = £334.28
  - 2-Bed flat = £445.70
  - 3-Bed flat or 1-4 Bed house = £557.13
  - 5-Bed house = £668.55

## Employment Initiatives

- A Recruitment and Training Agreement will be required for residential development of 100 units and above.

**Table 8: Commercial Development Contributions**

	1,000 sqm	2,500 sqm	5,000 sqm	10,000 sqm	25,000 sqm	50,000 sqm
Highways and Transportation	✓	✓	✓	✓	✓	✓
Public Art	✓	✓		✓	✓	✓ □
Employment Initiatives	25 or more new employees	25 or more new employees	25 or more new employees	25 or more new employees	25 or more new employees	25 or more new employees

## Highways and Transportation

- Any works that are required by the Transport Assessment will need to be secured.
- The following thresholds for developments will be applied:
  - A1 - Food Retail/Non Food Retail - 1,000 sqm or more floor space
  - B1 - Including Offices - 2,500 sqm or more floor space
  - Cinemas and Conference facilities - 1,000 sqm or more floor space
  - D2 - Including Leisure - 1,000 sqm or more floor space
  - Hospitals - 2,500 sqm or more floorspace
  - Higher and Further Education 2,500 sqm or more floorspace
  - Stadia - 1,500 or more seats
  - This list should not be considered to be totally inclusive and there may be other types of development that will need to be considered on a case by case basis.



- Reference should also be made to the transport corridor table below:

Corridor	Housing	Flats	Food Retail	Non-Food Retail	Office B1	Industrial B2	Warehouse B8
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Stenson Road	£1,400	£550	£13,000	£1,900	£1,500	£870	£340

### Public Art

- A scheme for art that will be to the value of 1% of the total development costs.

### Employment Initiatives

- £4.00 per square metre on commercial development that generates 25 or more new employees
- A Recruitment and Training Agreement will be required for development which provides 25 or more new employees.