

Record of Decisions

Planning Contributions and Affordable Housing Supplementary Planning Document

Decision Taker

Cabinet on 13 December 2022.

Decision

1. That the Planning Contributions and Affordable Housing Supplementary Planning Document as set out in Appendix 1 to the submitted report be approved by Cabinet for adoption. Planning applications received after 1 January 2023 will be assessed in terms of this updated SPD.
2. That the Divisional Director for Planning, Housing and Climate Emergency be authorised to make minor editorial amendments to the Planning Contributions and Affordable Housing Supplementary Planning Document in consultation with the Cabinet Member for Infrastructure, Environment and Culture.
3. That the Divisional Director for Planning, Housing and Climate Emergency be authorised to update the planning contributions sought in line with inflation on an annual basis in consultation with the Cabinet Member for Infrastructure, Environment and Culture.
4. That the Divisional Director for Planning, Housing and Climate Emergency in consultation with the Cabinet Member for Infrastructure, Environment and Culture be authorised to update the 'CIL Accompanying Policies' document to maintain consistency with the Planning Contributions and Affordable Housing Supplementary Planning Document.
5. That the Local Development Scheme be updated to reflect the adoption of the Planning Contributions and Affordable Housing Supplementary Planning Document as set out in Appendix 1 to submitted report.

Reason for the Decision

The reasons for this decision were:

- To ensure that new development in Torbay contributes fairly towards the provision of infrastructure and other matters that development creates a need for;
- To provide affordable housing;
- To update guidance on tackling climate change, reducing poverty and improving education outcomes; and
- To update guidance on key ecological sites in Torbay.

Implementation

This decision will come into force and may be implemented on 28 December 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Planning Contributions and Affordable Housing Supplementary Planning Document sets out how Section 106 planning obligations are to be used in Torbay to meet the infrastructure needs created by developments, including providing affordable housing. The Supplementary Planning Document provides guidance on (amongst other things) the kinds of planning obligations sought, the circumstances in which they are to be sought, how financial contributions are calculated, and the relevant Local Plan and Neighbourhood Plan policies which provide the basis for seeking planning obligations. The main purpose of this update is to ensure that planning obligations adequately cover the costs of infrastructure at 2022 prices (which rose by 25.6% between 2017 and May 2022).

During the meeting and prior to Members considering the submitted report, the Chief Executive informed Members of correspondence that had been received on the afternoon of 13 December 2022 from solicitors acting on behalf of Devon and Cornwall Police. The correspondence requested that the Planning Contributions and Affordable Housing Supplementary Planning Document include the collection of developer contributions to mitigate the increased demand that housing development and the associated population growth would place on policing resources. The Chief Executive reported that the Council's Monitoring Officer had reviewed the position (as set out in paragraph 2.10 of the submitted report) and advised that the Planning Contributions and Affordable Housing Supplementary Planning Document had to be in accordance with the approved Local Development Plan. The Local Development Plan was part of the Council's Policy Framework, therefore the Planning Contributions and Affordable Housing Supplementary Planning Document could not go beyond that within the Local Development Plan. Concluding that the outcome Devon and Cornwall Police seek was beyond that tiered approach. The Monitoring Officer was satisfied that the Cabinet could proceed and approve the Planning Contributions and Affordable Housing Supplementary Planning Document if they were minded to do so.

At the meeting Councillor Morey proposed and Councillor Long seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

The alternative option would be to not update the Supplementary Planning Document and to continue using the adopted 2017 version. This would result in planning contributions being sought at 2017 prices rather than at 2022 prices. Uncertainty would remain from the (2017) Supplementary Planning Document being inconsistent with new national planning policy and guidance. The 2017 Supplementary Planning Document also restricts the pooling of no more than 5 obligations towards the same item of infrastructure, when this restriction is no longer required by planning legislation. Therefore this option was discounted.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

16 December 2022

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet