

	<b>Decision of Cabinet Member for Regeneration &amp; Planning</b>
	<b>Report from the Operational Director of Regeneration, Growth and Employment</b>
<b>PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT</b>	

<b>Wards Affected:</b>	All, excluding parts of the borough where the Old Oak and Park Royal Development Corporation are the Local Planning Authority.
<b>Key or Non-Key Decision:</b>	Key
<b>No. of Appendices:</b>	Two Appendix A Consultation Statement Appendix B Planning Obligations Supplementary Planning Document
<b>Background Papers:</b>	<a href="#">Brent Local Plan 2019 – 2041</a> <a href="#">London Plan 2021 – 2041</a> <a href="#">Brent Cabinet 17<sup>th</sup> January 2022 Draft Planning Obligations Supplementary Planning Document – Approval for Consultation.</a>
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## 1.0 Purpose of the Report

- 1.1 This report considers the representations received on the draft Planning Obligations Supplementary Planning Document (SPD), together with officer comments and where appropriate recommended changes to the SPD. The SPD sets out a range of non-financial and financial planning obligations required to mitigate potential adverse impacts that would otherwise make development requiring planning permission unacceptable. The report recommends adoption of the amended SPD. When adopted, this will replace

a 2013 Planning Obligations SPD which also is recommended to be formally revoked.

## **2.0 Recommendation(s)**

- 2.1 That the Cabinet Member for Regeneration and Planning in consultation with the Strategic Director of Regeneration and Environment:
- a) considers the consultation representations received, officer responses and recommended changes to the draft Planning Obligations Supplementary Planning Document (SPD) as set out in Table 1 of the Consultation Statement in Appendix A;
  - b) Approves the adoption of the Planning Obligations SPD as set out in Appendix B; and
  - c) Revokes the 2013 Planning Obligations SPD.

## **3.0 Detail**

- 3.1 The SPD is a key document in setting out a range of non-financial and financial planning obligations required to mitigate potential adverse impacts that would otherwise make development requiring planning permission unacceptable. The document has been produced to support the implementation of the Brent Local Plan 2019-2041, in addition to the strategic aims of the London Plan 2021-2041.
- 3.2 On 17<sup>th</sup> January 2022, Cabinet considered a report to progress with the draft Planning Obligations SPD. The report recommended the draft SPD be approved for public consultation, and to delegate authority to the Lead Member for Regeneration, Property and Planning, in consultation with the Strategic Director for Regeneration and Environment, to consider representations made during consultation and adopt the Supplementary Planning Document as part of the Council's suite of Local Plan related documents, and provide authority to revoke the existing 2013 Planning Obligations SPD once superseded. Cabinet approved the recommendations.
- 3.3 Subsequently, the draft SPD was issued for public consultation. Further detail regarding this consultation process can be found in section 7 of this document and also in the Consultation Statement; Appendix A of this report. 14 responses were received, including from statutory consultees, residents and developers. These were generally supportive of the SPD's capacity to provide clarity on the Council's S106 requirements. Some requirements were not received so positively by developers. An example is the small sites affordable housing contribution, which was not previously included within the 2013 equivalent SPD. This reflects new Local Plan policy so has to be included within the SPD. Some representations required further clarification on the SPD's contents. This included for example what qualifies as 'exceptional

circumstances' in the event that delivering affordable workspace on-site is not feasible. This is accepted and where necessary, some additional supporting text will be included in the SPD. Others required the identification of additional social infrastructure requirements, such as for healthcare, policing, and recreation. To take account of this, some additional categories such as policing will be included in the SPD.

- 3.4 In accordance with the approved Cabinet recommendation, the representations received during this public consultation have been summarised, considered and responded to by officers. Where appropriate, changes to the draft SPD have been recommended. A full schedule is set out in the Consultation Statement in Appendix A of this report. Proposed changes as a result of these representations are considered to be minor in their scope and do not warrant additional consultation. They generally seek to provide further clarity on the Council's approach. In the few cases where new requirements are included, they are reflective of the Council's current S106 planning obligations practices supported by information provided by infrastructure providers. They were not previously included largely for the reason of ensuring brevity of the SPD, being considered limited in their likely occurrence. On reflection however, their inclusion in response to the representations will provide clarity and may help the Council and other bodies secure much needed social infrastructure going forward. One proposed change includes a financial contribution toward the delivery of healthcare infrastructure through a method supported in the London Plan.
- 3.5 The Cabinet Member in association with the Strategic Director is recommended to consider the contents of Appendix A and approve the officer responses and proposed changes to the SPD. The proposed changes to the draft SPD have been incorporated into a revised version of the Planning Obligations SPD. The revised SPD is set out in Appendix B. The Cabinet Member in association with the Strategic Director is recommended to approve the revised SPD for adoption.
- 3.6 Following adoption of the SPD it will be necessary to clarify the status of the Planning Obligations SPD, which the Council adopted in 2013. It is recommended that it is formally revoked by the Cabinet member in association with the Strategic Director. This will remove its weight as a significant material consideration in the determination of planning applications.

#### **4.0 Financial Implications**

- 4.1 The adoption process will require a small amount of expenditure associated with notifying relevant parties. This is accounted for within the existing planning policy budget.

#### **5.0 Legal Implications**

5.1 The document's content is in accordance with national, regional (London Plan), and Brent Local Plan (2019-2041) policies. Consistent with legislation, it does not seek to make new planning policy. Adoption processes as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) will be followed. The adopted status of the document will mean that it is a significant material consideration in the determination of planning applications. Similarly the revocation of the 2013 SPD will follow the necessary processes as set out in the Regulations. Revocation will remove its status as a material consideration.

## **6.0 Equality Implications**

6.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

6.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary. The draft SPD was subject to Equality Analysis. This identified no likely negative impacts on those with protected characteristics and several positive impacts, particularly for the young, women, ethnic minorities, those with a disability, same sex relationships, transgender and mothers, principally related to affordable housing and social infrastructure provision.

## **7.0 Consultation with Ward Members and Stakeholders**

7.1 The draft SPD was subject to 6 weeks of formal consultation from 11 February to 25 March 2022. This was in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement (SCI). The Consultation Statement, found in Appendix A, provides further detail on the consultation process and response. It sets out the comments received, the Council's response and, where appropriate, consequential changes made to the SPD.

7.2. In accordance with the Council's SCI, during the consultation period, the Council publicised the SPD by:

- emailing consultees on the planning policy consultation database and the Regeneration Team's database of approved workspace operators;
- publicising via the Council's online consultation portal;
- making hard copies available in the Brent Civic Centre at Wembley library;
- making documents available on the Council's website.

## **8.0 Human Resources/Property Implications (if appropriate)**

8.1 N/A

## **9.0 Public Services (Social Value) Act 2012**

9.1 N/A

**Report sign off:**

***Alice Lester***

Operational Director of Regeneration, Growth and Employment