



# Wyre Forest District Local Development Framework

Supplementary Planning Document Planning Obligations

Adopted February 2007



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# 1. INTRODUCTION

1.1 Wyre Forest District, like many other areas, is experiencing increasing pressures from development. In particular, the increase in density of developments and the requirement for the concentration of development on brownfield land has added to the pressure on the District's existing infrastructure.

1.2 The main objective of the planning system is to deliver sustainable development through which key Government social, environmental and economic objectives are achieved. The use of planning obligations provides a means to secure developer contributions towards the provision of infrastructure and services to enable proposed development to proceed. Planning Obligations are used to ensure that new developments contribute towards the objectives of sustainable development as set out in the Adopted Local Plan and can be used to require contributions for the following areas:

- Ensuring affordable housing provision in new development.
- Making provision for sustainable transport and highway improvements.
- Contributions towards open space and play facilities.
- Ensuring that biodiversity and geodiversity are conserved and enhanced.
- Seeking contributions from new residential developments towards the provision of existing educational facilities.
- Improving the public realm and the provision of public art.
- Ensuring flood mitigation measures and Sustainable Drainage Systems are fully considered in new development proposals
- Ensuring appropriate provision is made for waste recycling facilities
- Ensuring developers have fully considered the provision of renewable energy sources within new development.

(The above list is for illustrative purposes to set out the most commonly sought after planning contributions and is not exhaustive)

1.3 The Government issued its consultation proposals for a new system of planning obligations in England in December 2006. This will introduce a Planning Gain Supplement (PGS) which captures a modest portion of the land value uplift resulting from the granting of planning permission. However, a workable and effective PGS will not be introduced earlier than 2009.

- 1.4 The Government's Circular 5/05 on Planning Obligations states that where Local Planning Authorities (LPAs) do not have existing high level policies specifically relating to planning obligations in their Adopted Local Plan, that they should set out the implications for planning obligations of the relevant topic based policies in a Supplementary Planning Document (SPD). This practice should only be followed in the transitional period before policies are in place in the relevant Development Plan Document.
- 1.5 This SPD provides interim guidance on the District Council's requirements for the provision of planning contributions in relation to the topics outlined above. It draws on existing practice and provides detail/clarification for the Adopted Wyre Forest District Local Plan Policies, in particular Policy IMP.1. The SPD will be subject to renewal as and when Local Development Documents are adopted.
- 1.6 The District Council considers that publishing the detailed application of planning obligations policies and the methods for estimating contributions for different types of developments should assist applicants to estimate the likely cost of the planning obligations they will face in relation to their proposed development. Planning obligations will be sought on a site by site basis considering the merits of each proposal. This SPD will help to clarify the following matters:
- Greater clarity for developers and planning applicants.
  - Assist in speeding up the processing of major applications.
  - Providing a clearer framework for assessing requirement and for calculating planning obligation contributions for new developments in the District.
  - Playing an important role in ensuring that community and infrastructure needs are fulfilled as part of new development proposals.
  - Ensuring that the process is fair and transparent to developers, landowners and the general public.
- 1.7 This SPD is structured as follows:
- Section 2 of the document sets out the policy context for the District Council's approach to seeking planning obligations and the types of obligation it will seek.

- Section 3 outlines the District Council's process and procedures for securing planning obligations.
- Section 4 sets out the Planning Obligations procedure for securing affordable housing in new developments.
- Section 5 sets out the planning obligations procedure for securing contributions for leisure and open space.
- Section 6 sets out the planning obligations procedure for ensuring biodiversity is safeguarded and enhanced in new development.
- Section 7 sets out the procedure for securing highway improvements and sustainable transport infrastructure and contributions.
- Section 8 sets out policy on securing education contributions from new developments.
- Section 9 sets out the procedure for securing public art and public realm improvements from new development.
- Section 10 sets out the requirements for Sustainable Development including the provision of waste recycling facilities, renewable energy generation and sustainable drainage systems.
- Section 11 provides details on the status of the SPD and the circumstances for its review.
- Section 12 provides contact details for further advice and guidance on planning obligation requirements.

### Sustainability Appraisal

- 1.8 In accordance with Section 39 of the Planning & Compulsory Purchase Act 2004, a Sustainability Appraisal (SA) Report has been prepared to inform the preparation of this SPD. The SA process has assisted the District Council to assess how its plans and proposals contribute towards the achievement of sustainable development. The key areas covered within the SA report include:

- Collection & presentation of baseline information to establish an accurate picture of the social, environmental and economic trends within the District.
- Predicting the significant adverse effects of the proposals and addressing them during the preparation process.
- Identifying reasonable options and their effects.
- Involving the public and authorities with social, environmental and economic responsibilities in the assessment process.
- Monitoring the actual effects of the proposal during its implementation

The SA Report is available to view at [www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk) or alternatively at the District Council's Duke House and Civic Centre Offices.

### Consultation

1.9 The District Council's Adopted Statement of Community Involvement (SCI), sets out the minimum requirements for community involvement in the preparation of planning documents (including SPDs) and in the determination of planning applications. Facilitating input from communities on issues relating to infrastructure needs within the District, which may be achieved through the improved use of planning obligations is extremely important. The District Council will facilitate consultation through the following methods:

- Consulting interested parties on the formulation of this Planning Obligations SPD including local developers, service providers, community groups and statutory consultees.
- Encouraging developers to undertake pre-application discussions and early community consultation on <sup>1</sup>major and <sup>2</sup>significant applications. This will allow people to become involved in development proposals at the pre-application stage while there is an opportunity to shape the development proposal or approach to impact mitigation. However, it should be noted that pre-application discussions with developers are confidential and it would therefore be the developer's prerogative as to whether they would facilitate consultation on a forthcoming application.

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<sup>1</sup> Major development applications include residential development comprising 10 or more dwellings; or a site area of 0.5 hectares or more where the number of dwellings is not given in the application; and for other uses where the floorspace to be built is 1000m<sup>2</sup> or more; or the site area is 1 hectare or more.

<sup>2</sup> Significant applications include a major application likely to generate significant public interest or controversy; an application likely to have a significant physical impact on the surrounding area, or designated area and could be a potential departure from the Local Development Framework, or applications that could result in large increases in traffic flows on local roads or have the potential for creating major environmental problems.

- 1.10 The District Council will comply with the stages of public consultation set out in the Adopted SCI at paragraphs 6.1 – 6.7 during the SPD preparation process. The Draft SPD and its accompanying SA Report has been published and representations are invited on their content over a 6-week period finishing on the 23<sup>rd</sup> November. The documents have been published on the District Council's website and notification letters and copies of the Draft SPD have been sent out to the list of specific consultees set out at Appendix 1 of the Adopted SCI. The SPD has also been made available for inspection at District Council offices and at the three local libraries.

## **2. National Policy Context**

- 2.1 The legislative framework for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the 1991 Planning & Compensation Act. Circular 05/2005 (which supersedes Circular 1/97), sets out improvements to the current system which the Government would like to make in the interim period before further reforms, perhaps including the introduction of a Planning Gain Supplement.
- 2.2 Planning Obligations can be entered into by means of either a unilateral undertaking by a developer or by agreement between a developer and a Local Planning Authority. They are intended to make acceptable development, which would otherwise be unacceptable in planning policy terms. Section 106 of the Town & Country Planning Act 1990 (as amended) makes provision that any person interested in land in the area of a Local Planning Authority may, by agreement or otherwise, enter into an obligation to:-
- a) Restrict the development or use of the land in any specified way
  - b) Require specified operations or activities to be carried out in, on, under or over the land.
  - c) Require the land to be used in a specified way
  - d) Requiring a sum or sums of money to be paid to the authority on a specified date or dates periodically.
- 2.3 It is a fundamental legal principle that planning permissions should be neither bought nor sold. If a developer passes money or some benefit to the Local Planning Authority or local community when planning permission is granted, then that money or benefit must be directly related to the planning permission. Circular 05/2005 sets out the following tests that all planning obligations should comply with:

- i) They must be relevant to planning.
- ii) They must be necessary to make the proposed development acceptable in planning terms.
- iii) They must be directly related to the proposed development.
- iv) They must be fairly and reasonably related in scale and kind to the proposed development.
- v) They must be reasonable in all other respects.

### **Regional Policy**

2.4 The Regional Spatial Strategy for the West Midlands (RSS) was adopted in 2004. It provides a spatial strategy to guide the preparation of local authority development plans so that they can deliver a coherent framework for Regional Development. The RSS is currently being reviewed and can be downloaded from the website at [www.wmra.gov.uk](http://www.wmra.gov.uk). The policies of the RSS have been fully considered and importantly the policies and proposals of this SPD are considered to be in general conformity with the RSS.

### **Local Policy Context**

2.5 The Wyre Forest District Adopted Local Plan (2004) sets the local policy context for the circumstances under which the District Council will seek planning obligations as part of a planning application. The policies of the Development Plan underpin the requirements for planning obligations and throughout the Plan a number of policies refer to Section 106 Obligations as part of their implementation. Policy IMP.1 sets the general context for the use of Planning Obligations within the District.

A number of Adopted Local Plan Policies provide the framework for securing Planning Obligations. These are summarised in the table set out at Appendix 1, which provides a quick reference guide for the District's planning obligation requirements.

2.6 Further policy guidance for planning obligations within the District can be found within the following documents, which are all available to view online. It should be noted that DC Practice Note No 11 is superseded by this SPD. :



<b>Document</b>	<b>Policy Summary</b>
WFDC Development Control Practice Note No 9 – Dealing with Planning Obligations. <a href="http://www.wyreforestdc.gov.uk/wfdc_html/planning/practicenotes.htm">http://www.wyreforestdc.gov.uk/wfdc_html/planning/practicenotes.htm</a>	Explains the legal context within which obligations can be drawn up and the District Council's procedures for handling such obligations.
WFDC Development Control Practice Note No 11 – The Provision of Affordable Housing: A Guide for Officers & Developers. <a href="http://www.wyreforestdc.gov.uk/wfdc_html/planning/practicenotes.htm">http://www.wyreforestdc.gov.uk/wfdc_html/planning/practicenotes.htm</a>	Sets out the District Council's requirement for affordable housing provision and includes a toolkit for negotiating affordable housing.
WFDC Development Control Practice Note No 15 – The Development Team Approach for major applications. <a href="http://www.wyreforestdc.gov.uk/wfdc_html/planning/practicenotes.htm">http://www.wyreforestdc.gov.uk/wfdc_html/planning/practicenotes.htm</a>	Sets out standard proforma for dealing with major planning applications and places an emphasis on pre application discussions.
WFDC Development Control Practice Note No 17 – Guidance for Developers Submitting Major Planning Applications <a href="http://www.wyreforestdc.gov.uk/wfdc_html/planning/practicenotes.htm">http://www.wyreforestdc.gov.uk/wfdc_html/planning/practicenotes.htm</a>	Designed to help prospective developers prepare their major application to a high standard so that it can be dealt with efficiently.
Wyre Forest District Cycle Strategy – Supplementary Planning Guidance. (2002) <a href="http://www.wyreforestdc.gov.uk/wfdc_html/planning/spg.htm">http://www.wyreforestdc.gov.uk/wfdc_html/planning/spg.htm</a>	To help ensure that the needs of cyclists are provided for in future developments within the District through the use of planning gain to improve cycle infrastructure.
Wyre Forest District Design Quality Supplementary Planning Guidance. (2005) <a href="http://www.wyreforestdc.gov.uk/wfdc_html/planning/spg.htm">http://www.wyreforestdc.gov.uk/wfdc_html/planning/spg.htm</a>	Provides the basis for a more efficient planning system by identifying key design requirements within the District. It outlines what will be expected from developers when designing new developments.
Worcestershire Local Transport Plan 2006-11. (Worcestershire County Council) <a href="http://worcestershire.whub.org.uk/home/wccindex/wcc-transport/wcc-ltp-v2.htm">http://worcestershire.whub.org.uk/home/wccindex/wcc-transport/wcc-ltp-v2.htm</a>	Sets out WCC's Transport Strategy for the District over the next five years.
Draft Worcestershire Transportation & Development Control Guide. (2005)	New guidance taking on board Central Government changes in planning policy. Two broad areas of guidance relating to development control process and procedures including travel plans. Secondly, seeks to provide a basis for design quality.

### **3. Process and procedures for securing planning obligations**

#### **3.1 Types of Planning Obligation**

The District Council will require planning obligations that may fall into any of the categories listed below, where they are applicable to the proposed development. However, it should be noted that each planning application differs and it will be necessary to take into account the individual characteristics of a site and the nature of the proposed development.

**In Kind Contributions** – Developers may be required to build or directly provide the necessary infrastructure to fulfil a Planning Obligation. For example, Planning Policy Statement 3 (November 2006) states a presumption that affordable housing should be provided as part of the proposed development wherever possible. The District Council will ensure that infrastructure is delivered on time and to the desired quality standards. The Section 106 Agreement will specify the standards and timing that such in kind contributions must meet.

**Financial Contributions** – In certain circumstances developers may fulfil planning obligations through a one off financial contribution or as a series of payments phased over time. Where phased payments will be required (particularly where the development is to be phased over a significant period of time) the District Council will make it clear at what stages in the development process the payments will be required. In the case of one-off payments, the District will require payment on, or in some cases prior to, the commencement of the approved development. If the financial contribution has not been spent within any agreed time period, then the monies may be returned to the developer.

**Maintenance Payments** - Where appropriate, for example when the District Council adopts a new play area provided by a developer, a maintenance payment will be required in the form of a commuted sum to contribute towards the physical upkeep of such facilities. The commuted sum required will cover a 20-year period and will be subject to changes in the Retail Price Index.

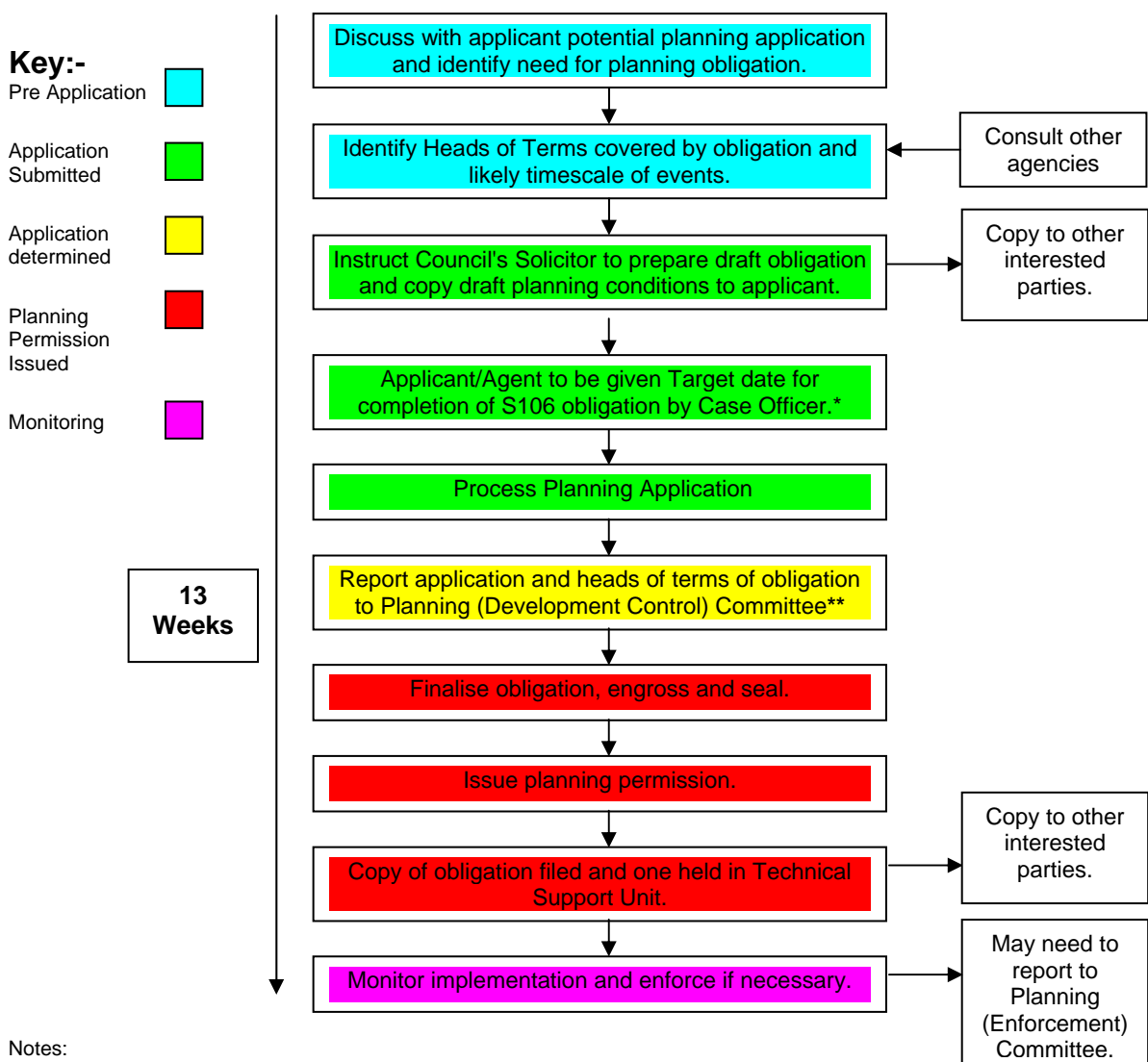
**Pooled Contributions** - The District Council may seek to pool developer contributions from more than one development across the District, in order to address the wider impacts across developments, for example transport infrastructure. Under such circumstances, the District Council will work closely with the relevant public infrastructure providers to agree the need for pooled contributions, the type and level of contributions sought and the mechanism and timeframe for using the contributions for the delivery of the necessary infrastructure. In all cases, the District Council will track such contributions and ensure that information on their expenditure is readily available. If the contributions have not been spent within the agreed timeframe then they will be returned to the developers.

### 3.2 Recovery of Costs

Developers will be required to cover the costs incurred by the District Council in those circumstances whereby the District Council deems it necessary to commission consultants to verify the conclusions of assessments and technical studies submitted in support of planning applications. Developers will also be required to meet the

District Council's legal administrative and technical costs in negotiating, drafting and concluding Section 106 Agreements.

3.3 Detailed advice on the legal context within which planning obligations can be drawn up and the procedures for handling obligations is set out in WFDC Development Control Practice Note No 9: Dealing with Planning Obligations (May 2006). The flow diagram below identifies the key stages in negotiating with developers on planning obligations and the District Council's associated actions. A checklist of the documentation that needs to be submitted with planning applications is set out at Appendix 2.



### 3.4 Section 106 Agreements

A legal agreement under Section 106 of the Planning Act ensures the delivery of agreed planning obligations by the developer. The District Council will require agreements to be completed within 8 weeks of the valid date (or 13 weeks if it is a major application), of the submitted application. It therefore encourages the preparation of draft agreements and Heads of Terms at an early stage, before the application is reported to the Planning (Development Control) Committee. Where a Section 106 Agreement is required the applicant/agent will be given a target date for completing the Section 106 Agreement. If the agreement is not completed by the target date, the application will be refused unless there are exceptional circumstances to justify extending negotiations beyond the statutory 8-week or 13 week period.

3.5 Circular 5/05 encourages Local Planning Authorities to use and publish standard Heads of Terms and Agreements wherever possible in the interests of efficiency. The Department for Communities and Local Government (DCLG) and the Law Society's Planning and Environmental Law Committee, have produced a model Section 106 Agreement that all LPAs are encouraged to use as a basis for drafting individual agreements.

3.6 The Model Section 106 Agreement is available to view and download from the DCLG's website at <http://www.communities.gov.uk> and should be viewed as a template from which the District Council and developers will select the relevant sections to meet the particular circumstances of the planning application. It should be noted that there will inevitably be specific circumstances, which will require changes in the drafting of the Agreement.

3.7 Where it is clear from the scale or nature of the proposed development that a financial contribution will be required for any of the issues identified in this SPD, the applicant/agent will be required to provide a statement of willingness to enter into a Section 106 Agreement for a contribution calculated in accordance with the SPD.

### 3.8 Thresholds

The following table sets out the thresholds for seeking planning contributions from new development. The thresholds are derived from Adopted Local Plan Policies as is the case with affordable housing and children's play facilities. When seeking contributions towards sustainable transport, education provision and open space

improvements, it is considered reasonable to use a threshold of 5 or more units. This encapsulates smaller brownfield developments which add to pressures on existing infrastructure. Where adopted policy has not specified thresholds, the Government's threshold for major development as defined within the District Council's Adopted Statement of Community Involvement has been implemented. It should be noted that the thresholds provide a guide for normal procedure and are indicative only. Each individual planning application will be judged on its own merits. The table's purpose is to act as a guide to facilitate pre-application discussions relating to planning obligations with the appropriate Development Control Officer. It provides a basis for negotiation and will be applied flexibly with the final sum being calculated on the basis of the policy tests set out in Circular 5/05.

Use Class	Planning Obligation	Threshold	Type of Contribution	Exemptions
Residential (C3)	Affordable Housing	15 or more units	Affordable Residential units on site or off site contribution.	<14 units
	Open Space	5 or more units resulting in 5-74 child bed spaces.	Commuted sum for off-site improvements.	Retirement homes or sheltered housing. 50% reduction for affordable housing units.
	Children's facilities play	75 – 200 child bed spaces. >200 child bed spaces.	LEAP (Local Equipped Area for Play) NEAP (Neighbourhood Equipped Area for Play)	Replacement dwellings, granny annexes, sheltered dwellings, rest homes, temporary permissions. 50% reduction for affordable housing units.
	Biodiversity and geodiversity	10 or more units	On site or off site provision.	Householder, advertisement consents, listed building consents, conservation area consents.
	Sustainable Transport	5 or more units	Payment to WCC to implement LTP2 policies and accessibility strategy.	
	Education Provision	5 or more units	Financial Contribution.	Social rented or intermediate housing. 60% reduction for flats
	Public Realm	10 or more units or where	On site or off site provision	

Use Class	Planning Obligation	Threshold	Type of Contribution	Exemptions
		site is 1 hectare or more.		
Office (B1)	Biodiversity and geodiversity	>1000sq.m floorspace, site area > 1 hectare.	On site/off site provision.	
	Amenity Space	>1000sq.m floorspace, site area>1 hectare	Commuted sum for off site provision	
	Sustainable Transport	>200sq.m gfa	Payment to WCC to implement LTP2 policies and accessibility strategy..	
	Travel Plans	>2500sq.m gfa	Bond payment to WCC (refundable if targets met)	
	Public Realm	>1000sq.m gfa or where site is 1 hectare or more.	On or off site provision/improvements.	
Industrial (B2/B8)	Biodiversity and geodiversity	>1000sq.m floorspace, site area> 1 hectare.	On site/off site provision.	
	Amenity Space	>1000sq.m floorspace, site area>1 hectare	Commuted sum for off site provision	
	Sustainable Transport	>200sq.m gfa	Payment to WCC to implement LTP2 policies and accessibility strategy.	
	Travel Plan	>2500sq.m gfa	Bond payment to WCC (refundable if targets met)	
	Public Realm	1 hectare or more	On or off site provision/improvements.	
Retail (A1)	Biodiversity and geodiversity	>1000sq.m floorspace, site area> 1 hectare.	On site/off site provision.	
	Sustainable Transport	>200 sq.m gfa	Payment to WCC to implement LTP2 policies and accessibility strategy..	
	Travel Plans	>1,000 sq.m	Bond payment to WCC (refundable if targets met)	
	Public Realm	>1000sq.m gfa or 1 hectare or	On or off site provision/improvements.	

Use Class	Planning Obligation	Threshold	Type of Contribution	Exemptions
		more		
Community (D1/D2)	Biodiversity and geodiversity	>1000sq.m floorspace, site area> 1 hectare.	On site/off site provision.	
	Sustainable Transport	>200 sq.m	Payment to WCC to implement LTP2 policies. and accessibility strategy..	
	Travel Plans	>2500sq.m, Stadia with >1500 seats, higher & further education> 2,500 sq.m.	Bond payment to WCC (refundable if targets met)	
	Public Realm	>1000sq.m gfa or 1 hectare or more	On or off site provision/improvements.	
Other Development (Agricultural)	Biodiversity and geodiversity	>1000sq.m floorspace, site area>1 hectare	On site/off site provision.	

\* NB sq.m = Square Metres GFA = Gross Floor Area

3.9 In exceptional circumstances, there may need to be a careful balance relating to which contributions are considered necessary in view of the Local Planning Authority's key priorities. In particular, the District Council's Improvement Plan identifies the provision of affordable homes to help address social inclusion. Therefore developers are expected to take full account of the need for affordable housing. This may need to be supported through a financial appraisal of the scheme and the District Council will expect to recover the costs of any appraisal. When determining planning applications the Council will carefully consider the cumulative costs of contributions and will apply the tests of reasonableness.

#### Monitoring

3.10 The District Council closely monitors contributions secured through Section 106 Agreements to ensure that they are spent in accordance with the provision of the relevant agreement. A database, which records details of all Section 106 Agreements is maintained by the Planning Health & Environment Division. This is used by the Financial Services Division to allocate the relevant service budget and is also updated by Legal and Democratic Services.

3.11 A Section 106 Obligation monitoring report is presented to the Planning (Development Control) Committee on a quarterly basis. The report provides details of all planning agreements in process, with details of when agreements were drafted, the amounts negotiated and when the monies were received. The report is included in the Planning (Development Control) Committee Agenda and is therefore a public document. It is available to view at District Council offices and is also on the Council's website.

#### **4. Provision of affordable housing**

4.1 The Government has identified a community's need for affordable housing as a material planning consideration, which will be taken into account by the District Council when determining planning applications. This section provides the basis for the implementation of Policy H.10 of the District Local Plan. It provides clear advice to developers and local residents about how the District Council will negotiate with site developers over the provision of affordable housing. The Council expects developers to take full account of the need for affordable housing and applications will be refused if insufficient affordable housing is offered.

4.2 The District Council has adopted the definition\* of Affordable Housing as set out at PPS3, Annex B as follows:

Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.
- Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.





*Affordable Housing Units at Britannia Gardens, Stourport-on-Severn*

### Policy Background

- 4.3 The Government's key objectives for planning for housing are:
- a) To ensure a wide choice of housing types available for both affordable and market housing, to meet the needs of all the members of the community.
  - b) To deliver a better balance between housing demand and supply in every housing market and to improve affordability where necessary.
  - c) To create sustainable, inclusive, mixed communities.
- 4.4 Advice set out in the Government's consultation on PPS 3 (Housing), states that Local Planning Authorities should set a minimum site size threshold above which affordable housing will be sought.

### Housing Need within the Wyre Forest District

- 4.5 In 2000, the District Council commissioned consultants to undertake a Housing Needs Assessment of the housing needs, preferences and demands within the District over the period up to 2006. A further Housing Needs Study update was undertaken in 2003 to support the District's housing strategy and the Local Plan policy for affordable housing.
- 4.6 In brief, the survey concluded that access to market housing has become more difficult for new households than it was in 2000, increasing the need for subsidised housing. The survey established that the increases in average house prices of between 32% and 67% for flats and terraced houses over the last three years have excluded a large proportion of first time buyers from the owner occupied market. In

view of this scale of need, consultants recommended that affordable units should be negotiated on all suitable sites.

- 4.7 The Council is, along with other Local Authorities in the South Housing Market Area in the West Midlands (Worcestershire District Councils, Stratford-upon-Avon District Council and Warwick District Council), commissioned a Strategic Housing Market Assessment which was completed in January 2007. This will form the basis for assessing local housing need and enable the Council to consider affordable housing needs on a site by site basis. The assessment will be updated annually to ensure that the information continues to be robust.

#### Local Plan Policy

- 4.8 In light of advice set out in Circular 6/98 and the evidence set out within the Housing Needs Assessments, the District Council considers that exceptional local constraints exist such that they justify the adoption of a 15 unit or 0.5 hectare site threshold for the provision of affordable housing, on proposed sites and future windfall sites. The District Council will seek to negotiate up to 30% of the dwellings on sites falling within these thresholds to be affordable housing.
- 4.9 Policy H.10 of the Adopted Local Plan clearly sets out the District Council's requirement for affordable housing on proposed housing sites and unidentified windfall sites. For proposed housing sites 30% of the housing will be required to be affordable. For unidentified windfall sites, or renewal applications on existing committed sites, where the development comprises 15 or more dwellings or the site is 0.5 hectares or more, up to 30% of the dwellings should be affordable.
- 4.10 Policy H.10 also specifies that for residential development including affordable housing for rent or shared ownership, which does not involve development by a Registered Social Landlord (RSL), a planning obligation will be required. The obligation will limit occupancy to people who satisfy the Council's housing need criteria and require the accommodation to be within the Council's affordability criteria.
- 4.11 Details of suggested wording for Section 106 Agreements relating to the provision of affordable housing is contained within Appendix 1 of the Affordable Housing Toolkit set out at Appendix 3 to this SPD. In order to assist in maximising affordable housing provision, Worcestershire Local Authorities are currently considering the possibilities

of using standardised Section 106 Agreements for the provision of Affordable Housing.

#### Affordable Housing Toolkit

- 4.12 To help meet the requirements of Policy H.10 the District Council has produced a toolkit for negotiating affordable housing. The toolkit helps to more efficiently negotiate affordable housing provision on new developments. It also sets out a table of affordable values to form the basis for developers' assessment of land values. The affordable values will be updated regularly as they are likely to increase in the future. The Toolkit is attached at Appendix 3 for reference purposes.
- 4.13 The toolkit sets out a checklist for all residential applications where affordable housing will be required, which will include:
- Basis for calculation of the site area.
  - Commitment to provide affordable housing in accordance with Policy H.10 and any Affordable Housing Brief which has been provided or approved by the Council,
- Or
- Justification for a reduced/alternative provision of Affordable Housing.
- 4.14 The District Council requires developers to submit an Affordable Housing Brief, which sets out all of the objectives and constraints, including the extent and nature of the affordable housing requirements in accordance with Local Plan Policy H.10. The brief will need to include:
- The total number of affordable dwellings.
  - The number and size of each type of affordable dwelling.
  - The maximum price that an RSL would normally be able to pay for each type of affordable dwelling.
  - Any appropriate considerations as to the location of the affordable dwellings within the site and the timing of their delivery.
- 4.15 Further details relating to specific requirements are set out in the Planning Application Checklist at Appendix 2 and also the Affordable Housing Toolkit is attached at Appendix 3 for reference purposes.

### Registered Social Landlords

- 4.16 The District Council has a dedicated partnership agreement in place with Registered Social Landlords (RSLs) who currently operate in the District. The RSLs included are:
- Bromford Housing Group
  - Jephson Housing Association Group
  - Waterloo Housing Association
  - West Mercia Housing Group (Nexus HA)
  - Community Housing Group (Wyre Forest Community Housing)

RSLs are the District Council's preferred vehicles for delivering affordable housing, although it is recognised that other providers may have a role in the future provision of affordable housing.

### Provision of affordable housing within new developments.

- 4.17 The District Council follows the approach to the delivery of affordable housing listed below:

- 1) The provision of up to 30% affordable dwellings on site.
- 2)** In exceptional circumstances the District Council may be prepared to accept a financial contribution towards off site provision of affordable housing in line with the Adopted Housing Strategy.

### On Site Provision

- 4.18 The District Council will normally require on site provision of affordable housing in line with Adopted Local Plan Policy H.10, rather than contributions towards such provision elsewhere.
- 4.19 A Section 106 Agreement will be drawn up to include an outline of the arrangements by which the affordable housing would be transferred to a Registered Social Landlord (RSL) and/or occupied by a person in Local Housing Need, including the sequence and approximate timing of completions. For further details of suggested wording for Section 106 Agreements relating to the provision of affordable housing please refer to Appendix 1 of the Affordable Housing Toolkit. (Attached at Appendix 3)

#### Off site Provision

- 4.20 PPS 3 states that an off-site contribution would not normally be acceptable. Circular 6/98 states that an off-site contribution would be appropriate only where the Local Planning Authority and the developer both consider it would be appropriate. The Council will consider off-site contributions in exceptional circumstances and developers are required to satisfactorily justify in their Affordable Housing Brief any suggestion that on site provision would not be achievable.

#### Financial contribution towards the off site provision of affordable housing.

- 4.21 In very exceptional circumstances, where the applicant has demonstrated in the Affordable Housing Brief that the provision of affordable housing on site or in the vicinity of the new development is not a viable proposition, the District Council will accept a financial contribution towards the off site provision of affordable housing.
- 4.22 The District Council will equate the contribution to the difference between the market value of the number and type of properties that would otherwise have been provided on the site and the price which a Registered Social Landlord (RSL) would be able to pay for them.

#### **Commuted Payment = Open Market Housing Value less its Affordable Value.**

- 4.23 The financial contribution should normally be paid upon implementation of the development and will be secured through the Section 106 Agreement. Any payments received under these circumstances will be held within a ring-fenced account and will be used to fund affordable housing provision in line with the District's Adopted Housing Strategy 2004 – 2007.
- 4.24 Where an applicant feels that there are exceptional constraints which justify a reduced or alternative provision for affordable housing, sufficient evidence needs to be submitted with the application (or ideally at pre-application stage), to justify a departure from normal policy requirements. In order to make this judgement; a Financial Appraisal will need to be carried out by the Local Planning Authority, using a combination of standard cost information and also site specific cost and value information, which should be provided by the applicant. Any confidential financial information provided by the applicant will not be made available for public inspection in accordance with the Affordable Housing Toolkit.

- 4.25 In those circumstances where it is necessary for the District Council to commission a consultant to carry out a Financial Appraisal or to verify the conclusions set out in the Affordable Housing Brief, it will seek to recover the costs of doing so from the developer. The report by the consultant will be treated as confidential information, but the conclusions of the advice will be incorporated in the Case Officer's report to the Planning (Development Control) Committee.

## **5. Open space, outdoor sports & recreation.**

- 5.1 Planning Policy Guidance Note 17 (July 2002) recognises that open spaces, sport and recreation all underpin people's quality of life. In addition to parks, open spaces and recreational areas, the provision of amenity space is an important aspect of the urban environment. It provides opportunity for play, outdoor relaxation and social interaction, as well as providing essential open spaces.
- 5.2 The District has 39 play areas, 18 of which are owned and maintained by the District Council, 15 by Wyre Forest Community Housing, 3 by Parish/Town Councils and 3 are in private ownership. It is important to safeguard this existing open space and play areas from development and to enable the appropriate upgrading of such facilities wherever possible.
- 5.3 New residential development places increased pressures on open space, sport and recreation provision within the District. Planning obligations play a role in ensuring that these facilities can cope with additional demand placed upon them by new development. New housing developments will be expected to secure the provision of an adequate quantity and quality of open space including play space.

### Wyre Forest District Local Plan Policy

- 5.4 Policies in the Adopted Local Plan (ALP) (2004) seek to protect existing open spaces and to ensure that provision is made for additional or improved open space to meet the need created by a new development.
- 5.5 ALP Policy LR.2 sets out the District Council's requirement for the provision of amenity space for new development proposals. It sets the context for the use of Section 106 Obligations for contributions toward the provision and enhancement of amenity areas.

- 5.6 ALP Policy LR.3 sets out the requirements for Children's Play Space within new residential development, which should be designed to meet the NPFA's Six-Acre Standard. It specifies that in instances where there are existing play spaces nearby it may be appropriate to provide a commuted sum for off-site improvements.



*Broadwaters Park, Kidderminster*

#### National Playing Fields Association Standard for Provision

- 5.7 The District Council currently uses the National Playing Fields Association (NPFA) standard of 2.4 hectares (6 acres) per 1,000 persons (The Six-Acre Standard) as a guide for the provision of outdoor playing space. The figure is subdivided into 1.6-1.8 hectares for youth and adult use and 0.6-0.8 hectares for children's play.

This breaks down into 24 sq. metres per person as follows:

- Parks & Gardens – 4 sq. metres
- Active Sport Space – 12 sq. metres
- Equipped Children's Play – 2 sq. metres
- Informal Green Space – 3 sq. metres
- Natural Green Space – 3 sq. metres

- 5.8 The NPFA's six-acre standard specifies that a Local Area for Play (LAP) should be located within 100 metres of new residential development. A Local Equipped Area for Play (LEAP) should be within 400 metres and a Neighbourhood Equipped Area for Play (NEAP) within 1,000 metres.

### Children's Play Space

5.9 The requirements for play area provision as part of proposals for new residential development will be considered in relation to the number of child bed spaces created, which is calculated as follows:

1 bedroom dwellings/sheltered housing etc = no child bed spaces

2 bedroom dwellings = 1 child bed space

3 bedroom dwellings = 2 child bed spaces

4 bedroom dwellings = 3 child bed spaces



*Play Area at Riverside Meadows, Stourport-on-Severn*

### On site provision of play facilities

5.10 Proposals for residential development should include the provision of adequate children's play space. This should be designed to meet the NPFA's Six-Acre Standard. The District Council will require the provision of the following play area standards for those residential developments, which are not served by play facilities within the areas specified by the NPFA:

- Schemes of between 75 – 200 new child-bed spaces (including combinations of two or more adjacent sites) will require a Local Equipped Area for Play (LEAP).
- Schemes of over 200 or more new child bed spaces (including combinations of two or more adjacent sites) will require a Neighbourhood Equipped Area for Play (NEAP):

5.11 Details of the required characteristics of Children's Play Areas are set out in the table below:



<b>Facility</b>	<b>Time</b>	<b>Walking Distance</b>	<b>Minimum Size</b>	<b>Characteristics</b>	<b>Estimated Cost (April 2005)</b>
LAP (Local Area for Play)	1 min	100 m	100 sq.m	Small, low-key games area.	-
LEAP (Local Equipped Area for Play)	5 mins	400 m	400 sq.m	5 types of play equipment, small games area.	£61,800
<b>Facility</b>	<b>Time</b>	<b>Walking Distance</b>	<b>Minimum Size</b>	<b>Characteristics</b>	<b>Estimated Cost (April 2005)</b>
NEAP (Neighbourhood Equipped Area for Play)	15 mins	1000 m	1000 sq.m	8 types of play equipment, opportunities for ball games or wheeled activities.	£103,000

*(Adapted from Appendix D of the NPFA Six Acre Standard)*

- 5.12 Developers should submit detailed plans with the planning application showing the layout of open space. Areas should be fully landscaped and any equipment installed to the Cultural Leisure & Commercial Services specification.

#### Maintenance Payments

- 5.13 The District Council will require a maintenance payment covering a 20-year period, payable upon the adoption of the on-site play area facility. The commuted sum is calculated by the District Council's Parks and Environment Manager. For further details on maintenance costs, contact the District Council's Cultural Leisure & Commercial Services Division.

- 5.14 If developers do not intend to offer the play area for adoption, Council Officers will need to be assured that satisfactory alternative arrangements are in place for the long-term maintenance of the facility.

#### Off site provision of open space facilities and improvements

- 5.15 For developments where there are existing play spaces located within the distances specified by the NPFA, it is considered appropriate for developers to provide a commuted sum payment for off site improvements to be undertaken by the Cultural, Leisure & Commercial Services Division. The District has a number of strategic parks, which require regular upgrading, environmental improvements and maintenance in order to serve the growing local population.

5.16 An increase in smaller scale brownfield residential development within the urban areas of the District has resulted in increased pressures on open space, play and amenity facilities (this includes sports pitches, parks and gardens and informal green spaces). The District Council therefore considers it is reasonable to collect contributions towards the improvement or provision of such facilities from smaller housing developments.

5.17 Developer contributions towards improving the quality of the District's open space will be required for residential developments of 5 or more dwellings, resulting in 5-74 child bed spaces. In addition, contributions may be sought (in appropriate circumstances), towards the provision of, or improvements to the following:

- Sports pitch provision
- Parks & Gardens
- Informal Green Spaces



*Landscaping at Brinton Park, Kidderminster*

5.18 The District Council recognises that it would be unreasonable to expect residential development, which falls into one of the following categories to contribute:

- Residential schemes of less than 5 units
- Replacement dwellings (on a one-to-one basis)
- Extensions and granny annexes
- Sheltered dwellings for the frail and elderly
- Temporary permission for mobile homes or touring caravans
- 1 bedroomed dwellings
- Retirement Housing

Where a scheme includes affordable housing the contribution towards open space/play area provision will be reduced by up to 50% depending on the nature and scale of the scheme.

- 5.19 Commercial uses such as business and retail development generate demand for additional leisure opportunities for both employees and customers within the District. In order to cater for the change in recreational patterns arising from such development proposals, the District Council may require a contribution towards the provision and enhancement of leisure facilities. In appropriate circumstances, the District Council will negotiate provision from significant commercial development proposals.

#### Calculation of financial contributions

- 5.20 The following formula will be used as a basis to calculate developer contributions for residential developments of 5 or more dwellings resulting in 5-74 child bed spaces within the District:

No of bed spaces x 24sq. Metres (NPFA Standard/person) x cost of provision/ sq.m

#### **Worked Example**

New housing development of 30 dwellings:

- 15 of these are three bedroomed, (2 child bed spaces)
- 10 are two bedroomed (1 child bed space)
- 5 are 1 bedroomed (no child bed spaces).

Therefore the development totals 40-child bed spaces.

40 child bed spaces x 24 sq.m x \*£16.17 = £15,523

Therefore developers would be expected to contribute £15,523 towards the provision of or improvements to the District's Play and Open spaces.

*\*The cost of provision per square metre is based on 2006 figures calculated by the Cultural Leisure & Commercial Services Division, which reflect the cost of laying out of new open space per hectare within the District. These costs will be subject to annual inflation costs.*

## **6. Maintaining & enhancing biodiversity and geodiversity.**

- 6.1 Planning Policy Statement 9: Biodiversity & Geological Conservation serves to promote sustainable development through ensuring that biological and geological diversity are conserved and enhanced as an integral part of development. Enhancing

biodiversity in green spaces and among developments so that they are used by wildlife and valued by people helps to contribute towards urban and rural regeneration. Policies should promote opportunities for the incorporation of beneficial geological features within the design of development.

- 6.2 The District Council considers it good practice to address biodiversity and geological conservation as completely as possible in the design of all development approved. However, it will often be necessary to secure further matters through planning obligations. For example, the District Council will require the use of planning obligations to secure mitigation measures, compensatory measures or opportunities to provide new benefits for wildlife through habitat creation or enhancement. Any geological exposures uncovered during development should be recorded and where possible enhanced. Planning Obligations will be implemented where financial payments or the on-going management of a site will be required. Any enhancements may be required either within the application site or off-site.



*Spennells Valley Nature Reserve, Kidderminster*

- 6.3 The District Council will seek to enter a Section 106 obligation for biodiversity and geodiversity enhancement in the following circumstances:
- Major planning applications [where the proposal is likely to have an impact on biodiversity] this includes:
    - Residential development of 10 or more dwellings.
    - The provision of a building or buildings where the floor space to be created is 1,000 sqm or more.

- Where the site area is 1.0 hectare or more.
- All other applications\* including applications for change of use where the site:
- Is within or adjacent to an area designated for its National, Regional, County or Local Importance.
- Is within or immediately adjacent to a Regionally Important Geological or Geomorphological Site (RIGS)
- Is adjacent to or includes elements of habitat of protected species and species identified in the latest Biodiversity Action Plan (BAP) for Worcestershire. (Details of the protected species taken from the BAP and their location within the District are set out at Appendix B to the Sustainability Appraisal Report for this SPD).
- Where the development will have an impact on an existing wildlife corridor. (A wildlife corridor is a feature of linear and continuous structure, for example watercourses and their banks and traditional field boundary systems including hedgerows.)



*Grazing project at Puxton Marsh, Kidderminster*

6.4 \*The District Council will not normally require contributions for the following types of planning applications:

- householder
- advertisement consent
- listed building consent; and
- conservation area consent

## **7. Sustainable transport**

### Policy Background

7.1 Planning Policy Guidance Note 13 (Transport), advocates the use of planning obligations to achieve improvements to public transport, walking and cycling, where

such measures would be likely to influence travel patterns to the proposed development site.

7.2 The West Midlands Regional Transport Strategy provides a strategic framework for transport planning in the region. Its principal aim is to improve accessibility and the performance of the transport system whilst not exacerbating past trends in car traffic.

7.3 The Adopted Local Plan has a number of transport objectives, which include:

- Improving access for everyone.
- Promoting improvements to public transport infrastructure.
- Improving safety and enhance access and facilities for pedestrians, cyclists and vulnerable road users.
- Encouraging travel plans for major new developments.
- Promoting provision of a high quality transport network in rural areas.

7.4 The second Worcestershire Local Transport Plan covers the period 2006-11 (LTP2) and sets out Worcestershire County Council's (WCC) transport strategy for the County. As the Local Highway Authority, Worcestershire County Council has a statutory duty for planning, managing and funding all aspects of transport provision in the County.

#### Transport and Accessibility within the District

7.5 The following paragraphs provide a brief overview of the main transportation issues and problems within the District and set out the policies which address them:

#### Air Quality and Congestion

7.6 An increase in road traffic congestion and emissions within the District is having a major local impact on air quality. The District has two designated Air Quality Management Areas (AQMAs) at Welch Gate, Bewdley and Horsefair, Kidderminster, which have been designated due to the high levels of NO<sub>2</sub> emissions from road vehicles.

7.7 There are also borderline AQMAs within Stourport Town Centre and Kidderminster Ring Road at St Mary's Church. In addition, there is growing concern at the impact of high levels of traffic within the historic centres of Stourport-on-Severn and Bewdley, as well as the main radial routes in Kidderminster.

- 7.8 The District Council will consider the impact of development on local air quality arising from the operational characteristics of the proposed development and the associated traffic generation. Worcestershire LTP2 contains a number of policies to help address declining air quality and increasing traffic congestion within the District.
- Policy WF.1 states that WCC will work with the District Council to identify and implement an appropriate traffic management scheme to reduce traffic emissions on the A451 at Horsefair and to enable the AQMA designation to be removed.
  - Policy WF.4 expresses WCC's intention to implement a package of traffic management measures within Bewdley to enhance the town centre environment, including the improvement of air quality and safety within Welchgate, enabling the AQMA designation to be reviewed.
  - Policy WF.5 states that WCC and WFDC will work with Stourport Forward partners to identify and implement a package of transportation measures to reduce congestion and improve the environment within Stourport town centre.

#### Public Transport

- 7.9 Kidderminster Rail Station is the second most heavily used station within the County and lies to the East of the town centre, although it is separated from the town centre by the Ring Road. Accessibility to the Station is currently poor and needs to be significantly improved. The route for pedestrians and cyclists is not attractive and involves passage through subways under the Ring Road. The Station does not have step free access for the less mobile and the DfT's Railways for All Strategy identified Kidderminster as one of the first stations for which feasibility work will be undertaken to improve accessibility. In addition, interchange between bus and rail modes is poor and improvements are required.





*Kidderminster Rail Station*

- 7.10 LTP2 Policy WF.3 outlines WCC's intention to work with rail industry partners, the District Council and the Severn Valley Railway to undertake improvements at Kidderminster Railway Station to improve accessibility within and to the station, improve the connectivity between the station and the town centre and improve bus/rail interchange.
- 7.11 The current bus service network within the District has a number of shortcomings such as poor reliability due to highway congestion occurring on the radial routes into Kidderminster; irregularity of bus services to the District's outlying housing estates and rural areas and poor interchange with Kidderminster Rail Station.
- 7.12 LTP2 Policy WF.6 supports the work of the Wyre Forest Bus Quality Partnership by helping the development of a fully integrated, affordable public and community transport network for Wyre Forest providing the opportunity for seamless multi-modal journeys.

### Cycling and Walking

- 7.13 The District has an expanding network of cycle routes, which serves residents in making shorter utility and leisure trips. The District Council has an Adopted Wyre Forest Cycle Strategy, which identifies a network of cycle routes.
- 7.14 Policy TR.6 of the District's Adopted Local Plan encourages developers to include cycle facilities in their proposals when submitting applications for planning permission. In addition, in appropriate circumstances Section 106 contributions may be required for contributions towards off site provision of cycle infrastructure. Any new major



developments located on or adjacent to the Proposed Cycle Route Network outlined on the Adopted Local Plan Proposals Map will be required to contribute towards the implementation of the route network.



*Improvements to Canal Towpath outside Tesco Store in Kidderminster*

- 7.15 Wyre Forest District Council's Town Centre Management Strategies for Kidderminster, Stourport-on-Severn and Bewdley include proposals for the improvement of pedestrian links and accessibility. The strategy for Kidderminster is particularly concerned with the pedestrian links between the town centre, rail and bus stations. Further guidance on improving accessibility within the public realm is provided within Section 9 of this SPD.
- 7.16 The District Council requires all new developments to consider accessibility by foot and ALP Policy TR.7 states that where appropriate Section 106 contributions will be sought from developers to enhance pedestrian access to development and its surrounding environment.

#### Traffic Management Measures

- 7.17 There are a number of accident cluster sites within the District, which can be exacerbated by new development within the vicinity, either through increased traffic or by other travel demands generated from the new development. WCC can provide details of the current accident cluster sites within the District.
- 7.18 Policy RS.3 of LTP2 requires developer funding from new development which may affect an identified cluster sites. The funding will be used to implement schemes to tackle specific casualty problems.

7.19 Policy TR.12 of the Adopted Local Plan supports the implementation of traffic management and calming schemes including School Travel Plan Build Schemes and Home Zones where appropriate. The District Council will seek Section 106 Contributions towards development related traffic management and calming schemes.

#### Ensuring appropriate highway improvements and infrastructure on a site specific basis

7.20 WCC is currently producing a Transportation and Development Control Guide, which brings the previous guidance (1994) up to date. It takes on board the Government's changes in planning policy, in particular PPG.3 (Housing) and its companion guide Better Places to Live – By Design, PPG 13 (Transport) and Places, Streets and Movement.

7.21 The guidance will provide the necessary information to developers and officers in relation to the design and construction of residential, industrial, retail and commercial developments within Worcestershire. Guidance on producing detailed travel plans and transportation assessments is included. This will provide a basis for pre-application discussions with developers in relation to the measures needed to ensure appropriate accessibility and highways infrastructure to a proposed site. It should be noted that this SPD does not address matters relating to non-planning legislation, for example those arising under Section 278 of the Highways Act 1980.

#### Securing Developer Contributions

7.22 A prioritisation approach will be taken towards securing developer contributions in relation to the provision of sustainable transport infrastructure within the District. This will be based on the following hierarchy of provision:

1. Site specific works necessary to make the proposed development acceptable in terms of safety and sustainability in accordance with the Tests set out in Circular 5/05.
2. Improvements based on the proposed development's relevance and impact on the policies in the Worcestershire LTP2 as set out in the preceding paragraphs.
3. A contribution towards sustainable transport provision based on the site's relative accessibility ranking as defined by WCC's mapping tool Accession (refer to paragraphs 7.30-7.37). This contribution is based on the established cost of providing public transport from various rural locations multiplied by the number of trips the new development is likely to generate.

Section 106 contributions towards the LTP2 Wyre Forest District Package.

- 7.23 New development has a major impact upon the transportation network through further trip generation. Major developments within the District will therefore be required to contribute towards site-specific improvements based on the LTP2 policies set out above. Both District and County Councils will work with developers during pre-application discussions to ensure that the transport impacts of new developments are fully considered.
- 7.24 The developer will be required to make a financial contribution towards the cost of implementing the local schemes and packages and provide public transport facilities for the development in the following circumstances:
- Where a development will place additional traffic onto any part of the highway network identified as being congested.
  - Where a development will result in additional traffic passing through an identified accident cluster site (a list of cluster sites is annually published by WCC based on the analysis of road accident data and trends.
  - Where a development will generate travel demand that will put additional pressure onto existing passenger transport services, or could link to LTP2 proposals to improve passenger transport services and facilities.
  - Where a development could place greater pressure onto sections of the transportation network identified as being substandard through the WCC Transport Asset Management Plan.
- 7.25 It should be noted that the schemes identified within the LTP2 Strategy may not be immediately adjacent to the proposed development, but will recognise its impact on the wider network.
- 7.26 Contributions may be pooled and will be held by WCC in a ring-fenced account for implementing the LTP2 Area Strategy for Wyre Forest. A clear audit trail will be provided by WCC to the District Council which will include details and dates of project spend.

Contributions towards the Accessibility Strategy for Wyre Forest District

- 7.27 WCC has been instrumental in devising the methodology for developer contributions towards the accessibility strategy. The over riding LTP2 Objective is to create a

transport network that is equitable and fair for all, and offers all sectors of the community genuine opportunities to travel.

- 7.28 Wyre Forest District has mixed urban and rural characteristics, with parts being particularly isolated within the rural areas. New development proposals within the more rural areas of the District are likely to place greater pressures on the passenger transport system. In the urban areas of Kidderminster, Stourport-on-Severn and Bewdley bus services generally cost less as larger numbers of passengers are carried to offset operating costs. However, a number of the outlying housing estates are poorly served by buses and therefore it is difficult for residents to access the town centres by public transport.



*Kidderminster Bus Station*

- 7.29 WCC subsidises certain services to ensure that residents have some form of passenger transport available to access key facilities. In the Wyre Forest District most of the commercially operated services cover the urban areas. New development within the three main towns of Kidderminster, Stourport-on-Severn and Bewdley is more likely to have access either on foot or by bike, to day-to-day facilities. Both WCC and WFDC therefore consider it appropriate that developers will be required to contribute towards sustainable transport based upon the site's relative accessibility.

Methodology for calculating developer contributions towards the Accessibility Strategy.

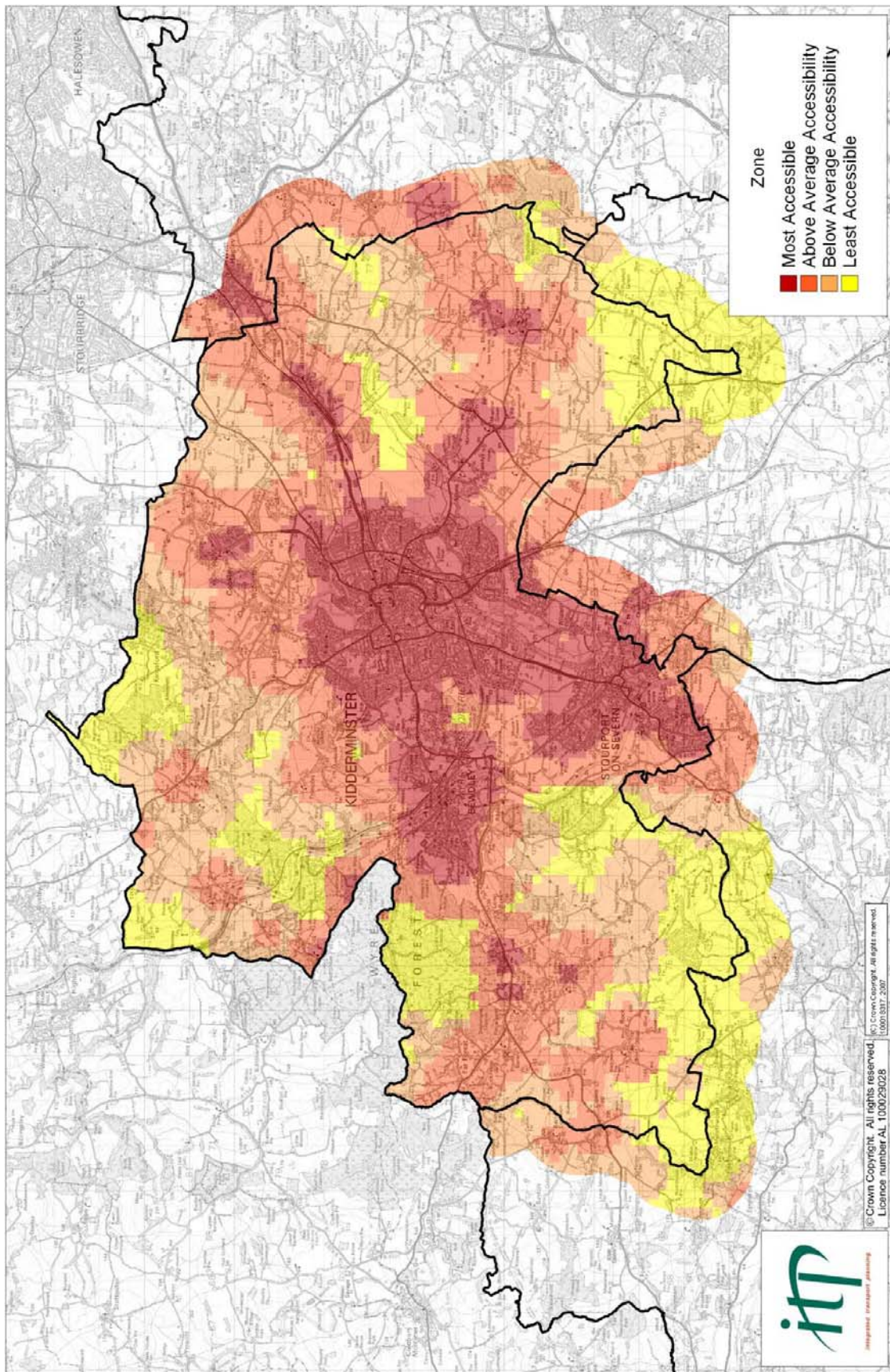
- 7.30 Accessibility mapping has been undertaken by WCC to inform their Accessibility Strategy, which was published alongside LTP2 2006-11. The basic principle is that the more accessible a site is to public services, the lower the contribution required towards the Accessibility Strategy. WCC and ITP Consultancy have produced a technical background document entitled "Accessibility Zone Map Report." This sets

out the criteria used in producing the maps and is available to view and download from the District Council's website.

- 7.31 A district wide accessibility analysis has been undertaken which initially addresses the areas of health, education, employment, leisure and food shops. The initial plots mapped accessibility to each service using public transport routes. Plots were produced for different time bands, for example accessibility within 15 minutes, 30 minutes, 45 minutes and 60 minutes as well as for different times of the day (peak, daytime and evening).
- 7.32 The resulting map is shown on the adjacent page and demonstrates the broad accessibility zoning areas for developer contributions. It should be noted that the map is for indicative purposes only to provide a basis for negotiations between the developer and the local authority. The Accession Model will be updated three times a year to co-ordinate with the bus timetable changes agreed by the main local bus operators. Developers should refer to the most up-to-date version, which will be available on WCC's website <http://worcestershire.whub.org.uk/home/wccindex.htm>



Accessibility Zones Within the Wyre Forest District



7.33 The map shows four different zones of accessibility listed in the table below:

<b>Zone</b>	<b>Cost per unit*</b>	<b>% Contribution Required*</b>	<b>Net Unit Cost (Payable)</b>
Zone 1 – High Accessibility	£25	0	nil
Zone 2 – Reasonable Accessibility	£25	35	£9
Zone 3 – Limited Accessibility	£25	70	£18
Zone 4 – Poor Accessibility	£25	100	£25

*\*Unit Cost has been calculated by WCC based on the average subsidy per passenger of passenger services subject to periodic review. The cost will be updated regularly to reflect changes to the public transport network and to ensure that the costs quoted are regularly reviewed to take account of inflation.*

*\* % Contribution required has been factored for the different accessibility zones. I.e.: Zone 1 – High Accessibility does not require a contribution, but Zone 4 with poor accessibility will need to make a full contribution.*

7.34 The net unit cost is then multiplied by the estimated level of trip generation from the development, which is calculated using WCC's Trip Rate Information Computer System Database (TRICs). TRICs is a national database used to identify the number of vehicular movements associated with a proposed development. The TRICs database includes information for over 1,100 different sites and 83 different land uses and is updated on a regular basis. TRICs currently rates the average number of trips per dwelling on a daily basis at 7.6. Developers are advised to liaise with WCC to obtain the latest TRICs data for their proposed development. (If WCC has no information on the estimated level of trip generation on the TRICs database the developer will be required to provide their own data). A worked example of the calculation is set out as follows:

- For a proposed development of six new dwellings in Zone 4 (Poor Accessibility)
- 6 x 7.6 trips (per dwelling) x unit cost
- 6 x 7.6 x £25 = £1,140

### Development Thresholds

7.35 A contribution towards the Accessibility Strategy will be required in the following circumstances:

- New housing development of sites of five or more dwellings; and
- Commercial developments of 200 square metres or more.
- Agricultural developments and proposals for community uses (D1/D2), such as health centres, doctor's surgeries, village halls and sports halls will be exempt from such contributions.

Applications for changes of use will also be eligible for the contribution in line with the threshold applied to commercial developments.

### Expenditure of Contributions towards the Accessibility Strategy

7.36 Contributions secured through this route will be used to fund accessibility improvements and sustainable transport facilities through the Worcestershire Accessibility Partnership. Funding will support the Integrated Passenger Transport Strategy linking the Wyre Forest District area to the main facilities across the County. Funding may be used to provide contracted bus services, community transport schemes, taxibus services or other passenger transport solutions identified by the Accessibility Partnership.

7.37 WCC will provide the District Council with regular audit trails of the expenditure of such contributions.

### Travel Plans

7.38 Improving transport choice and reducing the need to travel are essential factors in reducing car use. Travel Plans relate to a package of measures tailored to the needs of individual sites, aimed at the promotion of more sustainable travel choices and reducing reliance on the car. Travel Plans address different types of travel associated with an organisation's activities.

7.39 PPG13 (Transport) recognises the role that Travel Plans can play in contributing towards the delivery of sustainable transport objectives. LTP2 contains Policy ETP2 that requires District Councils to ensure that all new developments exceeding certain thresholds require travel plans.



7.40 In accordance with PPG 13 (Annex D), Policy TR.19 of the Adopted Local Plan sets out the requirement for all major new developments above the following thresholds that would create specific transport problems, to be accompanied by travel plans.

- Food Retail -1000 sq. metres or more
- Non Food Retail -1000 sq.metres or more
- Leisure –1000 sq.metres or more
- Industrial, business or commercial development - 2,500 sq.metres of gfa or more
- Warehousing or distribution facility – 5,000 sq.metres of gfa or more
- Higher and Further Education - 2500 sq.metres of gfa or more
- A hospital or healthcare facility – 2500 sq.metres of gfa or more
- Stadia -1500 seats or more.

7.41 The scope of the Travel Plan will need to be discussed with WCC's Travel Plans Co-ordinator during pre-application stages. The Travel Plan should include as a minimum:

- Aims & Objectives
- Targets for minimising car travel.
- An audit of existing travel patterns for the site
- An implementation strategy
- A monitoring strategy measuring progress towards targets
- The impact of the travel plan
- Financial incentives

Developers may find it useful to refer to the Department for Transport's Travel Plan Resources Pack for Employers – September 2006 ([www.dft.gov.uk](http://www.dft.gov.uk))

7.42 The implementation of travel plans will be secured by way of a Section 106 Agreement. Details of the content of Travel Plans should be negotiated with Worcestershire County Council (WCC) with a bond payment made payable to WCC (refundable on meeting targets). Full details of the requirements for Travel Plans will be clearly set out within the new Worcestershire Design Guide for Transportation in New Developments (to be published 2007).

## **8. Contributions towards Education Provision**

8.1 The opportunity of a decent education is central to the Government's aims of achieving sustainable communities. Provision of adequate education facilities is

crucial in ensuring that all children have the opportunity to gain the vital knowledge, skills and qualifications needed for a bright start in life.

8.2 Without investment, schools' ability to accommodate extra pupils generated by new housing development can be compromised. It is therefore important to maintain sufficient levels of school capacity and infrastructure for a growing population. The development industry has a key role to play in delivering this provision, on a scale and kind that is appropriate to the new development. The use of a planning obligation is to mitigate, or compensate for, a development's impact on school capacity.

8.3 The Education policy of this SPD replaces Worcestershire County Council's Supplementary Planning Guidance on 'Section 106 Planning Obligations – Education Facilities' (2003). The aims of this Section are as follows:

- (i) to clearly establish the level of contribution towards the provision of education facilities for children that Worcestershire County Council (as Local Authority providing children's' services) will require from new housing development;
- (ii) to establish the threshold at which that contribution will become payable both in terms of surplus school places and the scale of housing development to which the SPD's Education policy will apply; and
- (iii) to set out the procedure for agreement and payment of contributions.

#### 8.4 Planning Policy Context

Circular 05/2005 provides examples of the range of uses of planning obligations. Mitigation is likely to be the most appropriate form in the case of provision for education facilities, and paragraph B15 provides one possible circumstance in which an obligation would be sought: *"if a proposed development would give rise to the need for additional or expanded community infrastructure, for example, a new school classroom, which is necessary in planning terms and not provided for in an application, it might be acceptable for contributions to be sought towards this additional provision through a planning obligation."*

8.5 The Adopted Local Plan is not about the provision of education facilities, which is a matter for Worcestershire County Council as the Local Education Authority (LEA). However, the need for further classrooms arising from new development, linked to the

allocation of proposed new housing areas is an important consideration for the Local Planning Authority.

8.6 ALP Policy CY.4 provides the context for developer contributions towards the provision of education facilities within the District. The policy states that where it can be demonstrated by the LEA, that proposals for new housing will create the need for additional educational facilities, the Council through consultation with the LEA and developer, will seek to obtain a planning obligation for an appropriate contribution towards any necessary works.

8.7 Framework for seeking education contributions and amount of contribution

As encouraged in Circular 05/2005, contributions for education facilities will be determined through applying a formula and standard charges. This is in order to “*speed up negotiations*” and “*ensure predictability*”, whilst helping to “*promote transparency*” and “*assist in accountability in the spending of monies*”. (Circular 05/2005, para B33).

8.8 The formula takes into account the following elements:

- Building cost multiplier – which is the cost per pupil for building new accommodation, based on a weighted average of two separate multipliers, one for totally new schools and one for existing schools. The building cost multiplier is calculated by the DfES and updated annually in August / September for application in the following financial year. Separate multipliers are published for the primary and secondary phases of education. An area weighting is applied.
- Pupil yield - which represents the number of children in each year group, that may be expected to arise from new housing. A figure of 2.9 children per year group per 100 dwellings will be used. This is derived from the 2001 Census of Population average number of children per privately owned dwelling. Further details of this calculation are available on request from WCC.
- Number of year groups in each phase of schooling –

Until September 2007:

In Wyre Forest District, education is organised on a three-tier system. There are 5 primary school year groups in first schools, 2 primary school year groups and 2 secondary school year groups in middle schools, and 3 secondary school year groups and 2 post-16 year groups in high schools.

From September 2007 onwards:

Wyre Forest education will be organised on a two-tier system from September 2007. There are 7-year groups in primary schools, and 5 secondary school year groups in secondary schools. All the secondary schools have sixth form units offering two years post-16 education.

- **Size of dwelling** – in terms of number of bedrooms. A 2-3 bedroomed dwelling is considered the standard (and so has no additional effect on the basic calculations), whereas a dwelling with 4 or more bedrooms requires a 50% increase on the calculated standard contribution. This is due to the increased likelihood of there being children resident in the dwelling, derived from output from the 2001 Census of Population. One-bedroomed dwellings are not subject to any contribution (see paragraph 8.16)
- **Type of dwelling** – Flats will be allowed a 60% discount on the standard charge. This represents the reduced likelihood of there being children resident in the dwelling, based on results of the 2001 Census of Population.

8.9 The schedule of rates will be updated every year in April in line with changes to the building cost multiplier, the numbers on roll as at the annual January school census, and the current capacity of the school. For current rates refer to the Table of Charges Summary available from Worcestershire County Council (see Worcestershire Hub website or contact details at section 8.24).

8.10 A worked example of the calculation of the contribution is given below:

## Until September 2007:

### First School

5 year groups in primary age group (age 5-11) x pupil yield x multiplier for primary phase

$$5 \times 0.029 \times \text{£}9,957 = \text{£}1,444$$

### Middle School

2 year groups in primary age group x pupil yield x multiplier for primary phase + 2 year groups in secondary age group (age 11-16) x pupil yield x multiplier for secondary phase

$$2 \times 0.029 \times \text{£}9,957 + 2 \times 0.029 \times \text{£}15,214 = \text{£}1,460$$

### High School

3 year groups in secondary age group x pupil yield x multiplier for secondary phase + 2 post-16 year groups (2 x 0.5 because of lower transfer rate) x pupil yield x multiplier for post-16 years

$$3 \times 0.029 \times \text{£}15,214 + (2 \times 0.5) \times 0.029 \times \text{£}16,332 = \text{£}1,797$$

contribution for all phases = £1,444 + £1,460 + £1,797 for 2 or 3 bedroom dwellings  
= £4,701

For 4 bedroom dwellings = £4,701 + 50% = £7,052

For a flat = £4,701 - 60% = £1,880

#### Notes –

0.029 = Pupil Yield per dwelling (2001 Census of Population output)

£9,957 = Building Cost multiplier for primary phase (2006-7 rate)

£15,214 = Building cost multiplier for secondary phase (2006-7 rate)

£16,332 = Building Cost Multiplier for Sixth Form. (2006-7 rate)

## From September 2007 onwards:

### Primary School:

7 year groups in primary age group (age 5-11) x pupil yield x multiplier for primary phase

$$7 \times 0.029 \times \text{£}9,957 = \text{£}2,021$$

### Secondary School with a Sixth Form:

5 year groups in secondary age group x pupil yield x multiplier for secondary phase + 2 post-16 year groups (2 x 0.5 because of lower transfer rate) x pupil yield x multiplier for post-16 years

$$5 \times 0.029 \times \text{£}15,214 + (2 \times 0.5) \times 0.029 \times \text{£}16,332 = \text{£}2,680$$

Contribution for all phases = £2,021 + £2,680 for 2 or 3 bedroom dwellings  
= £4,701

For 4 bedroom dwellings = £4,701 + 50% = £7,052

For a flat = £4,701 - 60% = £1,880

#### Notes –

0.029 = Pupil Yield per dwelling (2001 Census of Population output)

£9,957 = Building Cost multiplier for primary phase (2006-7 rate)

£15,214 = Building cost multiplier for secondary phase (2006-7 rate)

£16,332 = Building Cost Multiplier for Sixth Form. (2006-7 rate)

### 8.11 **Threshold for Charges**

The threshold for contributions will depend on the size of the development and the number of surplus places at schools serving the development. The size of the development is determined by the net gain in dwellings. For example, a building project involving the demolition of two existing dwellings and the construction of 5 new dwellings will be considered to be a development of 3 dwellings for the purposes of assessing the S106 education contribution.

- No charge will be sought for developments of 4 or fewer dwellings.
- For developments of 5-30 dwellings, contributions will only be sought for schools which have no surplus\* places in at least one year group.
- For developments of 31-60 dwellings, contributions will only be sought for schools, which have 1 or no surplus places in at least 1-year group.
- For developments of 61-99 dwellings, contributions will be sought for schools, which have 2 or fewer surplus places in at least 1-year group.

*\* A surplus place is defined as the difference between the number on roll for the year group at the point of the January school census and the Indicative Admission Number, calculated using the DfES standard methodology.*

8.12 For developments of over 100 dwellings, Worcestershire County Council will seek to negotiate with the developer. An extension of this tariff may be used for the basis or, alternatively, Worcestershire County Council may seek land and/or buildings for a new school. Each development of over 100 dwellings will be assessed individually by the Children's Services Directorate at the County Council.

### 8.13 **Eligible Schools**

Contributions will be sought from housing developments where it can be shown that the scheme will result in a direct need for additional school facilities at one or more schools serving the development. Schools eligible for contributions are the schools meeting the surplus place criteria in paragraph 8.11 above whose catchment area includes the development.

8.14 Exemptions

Planning contributions for education facilities will not be sought from social rented housing<sup>1</sup> and intermediate housing<sup>2</sup> developments (or from those social rented/intermediate elements of larger schemes).

8.15 One-bedroom dwellings (including one-bedroom flats) will not be subject to negotiations for education provision, as it is considered unlikely that sufficient pupils will be generated from these households.

8.16 Specialist housing for the elderly or people with disabilities will not be subject to negotiations for education provision, as it is considered unlikely that sufficient pupils will be generated from these households.

8.17 Procedure for agreement and payment of contributions

The County Council will prepare a standard Section 106 agreement in respect of education provision to accompany each planning application within the statutory 8 week or 13 week period. The level of contribution required per dwelling will be agreed at this stage. In respect of outline planning applications the applicant will be required to enter into a Section 106 Agreement to secure the contribution, which will be calculated at the reserved matters stage.

8.18 For small developments of 5 – 9 dwellings, the District Council will seek payment of the contribution for education at the commencement of the development. For developments of 10 or more dwellings, the District Council will seek payment on occupation of one third of the dwellings and may consider payment by instalments (adjusted for inflation) with major schemes.

8.19 Wyre Forest District Council will transfer the monies to Worcestershire County Council within a month of receipt. Worcestershire County Council will retain the funds in an interest bearing bank account set up specifically for S106 Education contributions. Worcestershire County Council will carefully monitor and commit to spending the

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<sup>1</sup> "Rented housing owned by local authorities and registered social landlords" and "rented housing owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or funded with grant from the Housing Corporation." Paragraph 10 of Annex A to Draft PPS3: Housing, ODPM (2005)

<sup>2</sup> "Housing at prices or rents above those of social-rent but below market prices or rents. This can include shared equity products (for example HomeBuy) and intermediate rent (i.e. rents above social-rented level but below market rents)." Paragraph 11 of Annex A to Draft PPS3: Housing, ODPM(2005)

contributions within the time period specified in the planning agreement. This will usually be 10 years and rarely less than five.

8.20 Disbursement of Monies

S106 Education contributions, together with any accrued interest, shall be spent on capital projects at one or more of the eligible schools. Contributions will always be for permanent facilities and will not be used for providing temporary accommodation. Contributions may also be spent on school-based Early Years facilities, extended school facilities, youth facilities, or specialist facilities for children with disabilities, or other school-based provision for the benefit of the under-18 year olds.

8.21 Contributions may also be spent on Voluntary aided schools (usually faith schools) which operate admission criteria not based primarily on a geographical catchment area provided they

- (i) meet the surplus place criteria in paragraph 8.11;
- (ii) (for primary / first schools) are within 2 miles of the development, this being the acceptable walking distance for children under 8 in school transport policy, or operate a well defined catchment area, which includes the development, similar in extent to a comparable community or Voluntary Controlled school;
- (iii) (for middle/secondary/high schools) are within 3 miles of the development, this being the acceptable walking distance for children aged 8 or over in school transport policy, or operate a well defined catchment area, which includes the development, similar in extent to a comparable community or Voluntary Controlled school.

8.22 The decision on how the funds shall be disbursed will be taken by Worcestershire County Council and published in the annual Capital Spending Programme. If all or some of the money is not spent within the period specified in the planning agreement, then monies will be returned with interest calculated at 1% below the bank base rate, compounded annually.

8.23 5% or £1,000, whichever is the lesser amount, will be added to the contribution to cover administrative expenses incurred by Wyre Forest District Council and Worcestershire County Council. This is in addition to any legal charges.



## 8.24 Additional Information

Additional relevant information in relation to the application of this SPD is set out in a series of documents, which are all available on the Wyre Forest District Council website at [www.wyreforestdc.gov.uk/](http://www.wyreforestdc.gov.uk/) or on the Worcestershire Hub website at <http://worcestershire.whub.org.uk/home/wccindex/wcc-edu-index/wcc-edu-doc-rep/wcc-edu-lea-policy-documents/wcc-edu-sch-plan-obligation.htm>

- Table of Charges
- Current School Organisation Plan
- School Number on Roll Summary
- Building Cost Multiplier
- School Catchment Areas
- Worcestershire Schools Database

For further information about education contributions, please contact the following officers at Worcestershire County Council:

Isobel Gibson, Forward & Strategic Planning Officer, Children's Services Dept, 01905 766278, [igibson@worcestershire.gov.uk](mailto:igibson@worcestershire.gov.uk)

Ian Fisher, Principle Review Officer, Corporate Services Directorate, 01905 766412, [ifisher@worcestershire.gov.uk](mailto:ifisher@worcestershire.gov.uk)

## **9. Public Realm Contributions**

9.1 The public realm includes the streets and open spaces within the District, which bind it together. It relates to all parts of the District to which people have physical and visual access. It is the backdrop to everyday life and if well designed and laid out can provide the basis for social interaction. The highest concentrations and most intensively used areas of public realm are within the three town centres.

9.2 Planning Policy Statement 6 states that it is essential that town centres provide a high quality and safe environment if they are to remain attractive and competitive. The provision, condition and quality of the public realm is integral to the health and well being of urban areas. Everyone benefits from a healthy public realm and new development should contribute to the well being and quality of the streets and spaces around them.



*Vicar Street, Kidderminster Town Centre*

- 9.3 The Adopted Local Plan seeks to encourage much greater investment in urban design. The District has a diverse built form, from the carpet factories of Kidderminster, the canal basins of Stourport-on-Severn and the tight knit historic Georgian town of Bewdley. Development proposals that integrate well with these existing environments help to create successful buildings and spaces. The District Council is keen to ensure that sufficient regard is had to the needs of disabled people, pedestrians and cyclists in relation to interconnecting spaces within and surrounding new development.
- 9.4 The Wyre Forest District Design Quality Supplementary Planning Guidance (SPG) (July 2004), provides the basis for achieving high quality developments by identifying key design requirements across the District. It specifies how design quality can be improved and what will be expected from developers and designers.
- 9.5 Developer contributions will be sought in appropriate circumstances for works to improve the public realm, which may incorporate:
- Pedestrian links to local facilities and public transport.
  - Tree planting
  - Surrounding footways and streetscape.
  - Maintenance payments
  - Community safety initiatives
  - Public art
- 9.6 The quality of the environment within the town centres is extremely important in maintaining their vitality. New development both within and adjacent to the town centres enhances the use of the public realm, resulting in an increased need for new

infrastructure and maintenance costs. The District Council therefore considers it appropriate to secure contributions from individual major developments to improve the public realm within the town centres.



*Weavers Wharf, Kidderminster*

- 9.7 The Design SPG includes some key design principles for the District's three main town centres. Contributions towards the implementation of these public realm improvements will be sought from major development proposals within or adjacent to the town centres. The proposals and maps depicting the design ambitions for the three main towns are set out at Appendix 4. This sets the context for those particular areas of public realm where improvements will be required in the future.
- 9.8 The District Council has recently commissioned consultants to provide design guidance for the implementation of public realm improvements within key areas of Stourport-on-Severn town centre. The Stourport Pride Public Realm Design Guide determines an overall conceptual framework for the creation of a re-established public realm for the town centre. The conceptual framework sets proposals within four identified character areas and produces schematic designs for some of the important streetscape works and for the Severn Meadows area. Details are also set out at Appendix 4.
- 9.9 Major development proposals which fall into the Adopted Local Plan Town Centre Inset Areas will be required to make either an in kind or financial contribution towards the public realm ambitions at Appendix 4 to this SPD. The scale of contribution required will depend on the individual characteristics of the planning application and will be subject to negotiation as part of pre-application stages.

#### 9.10 Public Art

The District Council has an adopted Public Art Policy and Strategy, which seeks to foster a sense of community, local distinctiveness and civic pride across the District. This policy will be used as a starting point to negotiate planning obligations to ensure that major developments within the District consider the integration of public art. Major developments include:

- Residential development comprising 10+ dwellings or a site area of 1 hectare or more.
- Other uses where the floorspace to be built is >1000 sq. metres or the site area is 1 hectare or more.

9.11 Adopted Local Plan Policy D.12 enables the District Council to negotiate with developers over the consideration of public art proposals within major developments. Officers will encourage the allocation of a suitable proportion of the costs of the development to the provision of works of art. These can be either integrated within the development, or complementary to it. A contribution of public art may assist in compliance with the District Council's Design SPG and in meeting the ambitions set out in Appendix 4.

9.12 Pre-application discussions with developers, prior to the commencement of detailed design work and the submission of a planning application will enable common objectives and opportunities to be identified early on in the development process. Developers should also consider any art initiatives arising through collaborative town centre regeneration.

9.13 Examples of future opportunities for public art projects within the District could include:

- Projects to address sites such as local nature reserves and the natural habitats alongside the District's road infrastructure.
- The transport infrastructure within the District and consideration of the pavements and pathways, canalsides, the Rivers Severn and Stour, railway and bus networks and the Sustrans National Cycle Network.
- Artists' contribution to the fabric of the built environment, public realm and creative mechanisms for community consultation projects within major housing developments and town centre regeneration.

- Within formal parks and open spaces from artist designed playgrounds, landscaping works, sculpture installations and sensory gardens for new green spaces.
- Making the most of the District's comprehensive water network – the River Severn and the Staffordshire & Worcestershire Canal to create a sense of place and citizenship for communities.
- The Stourport Pride Public Realm Design Guide recommends that artwork will be important in reinforcing the town's identity. A variety of small-scale artistic interventions will over time create a web of detail adding to the heritage quality of the town and the memorable quality of the visitor experience. The District Council will actively encourage proposed developments within the town centre to incorporate or contribute towards the strategy.

## **10. Sustainable Development Requirements**

### **Waste & Recycling**

#### Policy Background

- 10.1 Planning Policy Statement 10: Planning for Sustainable Waste Management; includes key objectives to provide a framework in which communities can take more responsibility for their own waste and to ensure that the design and layout of new development supports sustainable waste management.
- 10.2 Furthermore, the companion guide to PPS10 states that non-waste related development should look to incorporate appropriate facilities for sustainable waste management including recycling facilities such as bring banks and the provision of dedicated facilities to enable the collection of recyclable materials.
- 10.3 The District Council is committed to promoting sustainable development and to encouraging the recycling of waste. Policy NR.15 of the Adopted Local Plan sets the context for the consideration of the provision of recycling facilities as part of new proposals for residential and commercial development. The policy requires recycling facilities to be well located for easy access and to encourage their use, and that collection points must be well designed to prevent pollution.



*Recycling Point at Pike Mills Car Park, Kidderminster*

- 10.4 The Wyre Forest District Design SPG provides details relating to bin space provision and requirements for storage room for recycling boxes issued by the District Council. Applicants should refer to Chapter 3 – Sustainable Residential Requirements for further information.

#### Waste Storage

- 10.5 The District Council will require all planning applications for new housing developments to provide adequate facilities for the storage and collection of waste/recyclable materials, particularly within flat and terraced developments. The provision of waste storage facilities should be made in accordance with Part H6 of the Building Regulations Approved Document.
- 10.6 The following key principles will underlie the provision of efficient waste storage and collection facilities within new developments:
- Ensuring waste storage areas are well located and designed in relation to the properties.
  - Ensure a means of getting waste containers from the rear of the property to the front or where that is not possible, to create a suitable storage area.
  - Provision of a collection point nearest to the highway at which bins can be easily collected. This is particularly relevant to communal properties or those developments that have access roads that are unsuitable for use by standard collection vehicles.
  - Provide communal bin stores where necessary that are fit for purpose, well located, designed and accessible to the collection crews.

In some circumstances the provision of the above facilities would need to be secured through a Section 106 Agreement, to ensure permanent and uninterrupted access for collection crews to shared waste facilities.

#### Recycling Micro Sites

10.7 Major development proposals, most notably larger residential/multi occupancy development proposals, should consider the provision of recycling micro sites in appropriate circumstances. Such sites should be easily accessible from the proposed development. Facilities could include banks or containers for mixed glass, paper, card, textiles, cans and plastic bottles or all mixed recyclables. The provision of such facilities as part of a new development may need to be the subject of a Section 106 Agreement to cover management issues and the on-going costs of the facility.

#### 10.8 Re-using on site materials

The District Council considers that proposals for major new development on brownfield sites should demonstrate how they will make maximum use of the existing on site materials. Policy D.8 of the Adopted Local Plan provides the context for this requirement and the means of demonstrating how developments utilise existing on-site materials could include the following:

1. Proposals to convert buildings or retain structures should include supporting documentation detailing what components are to be retained or otherwise why this is not possible.
2. If buildings and structures are to be demolished proposed plans should be provided and supporting documentation detailing which components will be incorporated into any new buildings, structures or road materials on site, or otherwise why this isn't possible.
3. If existing on site materials are not to be reused on site, supporting information should be provided detailing the destination of that material.

## **Renewable Energy**

#### Policy Background

10.9 The Government's Energy White Paper aims to cut the UK's Carbon Dioxide emissions by 60%. Planning Policy Statement 22 (Renewable Energy), states that Local Planning Authorities and developers should consider the opportunity for

incorporating renewable energy projects in all new developments. Improving energy efficiency is easier and more cost effective than adding renewable or low carbon technologies to developments. Small scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small scale wind turbines, photovoltaic cells and combined heat power schemes can be incorporated into new developments and some existing buildings.

#### Local Plan Policy

- 10.10 The design of new development within the District will have significant implications for natural resources and energy conservation. Energy Conservation is one of the Adopted Local Plan Objectives and the District Council promotes energy efficiency in building design and layouts.
- 10.11 The Design SPG includes a section on sustainable residential requirements and encourages opportunities for sustainable energy sources to meet development requirements. On site renewable energy generation can provide an important contribution to renewable energy targets set out in the Energy White Paper.
- 10.12 Policy D.6 of the Adopted Local Plan states that where practicable, the design of new development should incorporate the utilisation of sustainable energy sources, including:
- Solar Energy
  - Wind Energy
  - Heat Recovery
- 10.13 All major planning applications should demonstrate that they have fully considered the incorporation of renewable energy sources, which would preferably be generated on site. The District Council will seek to improve the energy efficiency of new development with the use of Section 106 Planning Obligations in appropriate circumstances.

#### **Sustainable Drainage Systems**

- 10.14 Increased development within the District can exacerbate local flooding issues as all built development extends the area of impermeable ground and consequently increases surface water run off. This increases local and peak flows from built up areas, increasing flows downstream and therefore the risk of flooding. In addition, the risk of water pollution is higher and environmental degradation can result.



### Policy Background

- 10.15 Planning Policy Statement 1 - Delivering Sustainable Development states that Local Planning Authorities should seek the use of Sustainable Drainage Systems in the management of surface water run off.
- 10.16 Policy D.7 of the Adopted Local Plan actively encourages the use of sustainable drainage systems, which may include:
- Rainwater harvesting, recycling and maintenance
  - The use of permeable surfaces such as porous pavements
  - Soakaways/infiltration ditches, conveyance swales etc.
  - Detention and retention pods and wetland areas.

The District Council will require all new development proposals wherever practicable to include infrastructure that directs surface water to sustainable drainage systems, rather than sewers and watercourses.

- 10.17 Pre-application discussions will be held with the Developers, Environment Agency, sewerage undertakers and navigation authorities to identify a suitable Sustainable Drainage System. Developers should note that in some cases the provision of such a system would be subject to a Section 106 Agreement, which will cover the adoption, maintenance and operation of the system and a long-term performance monitoring strategy. Long term performance monitoring will also be necessary where development takes place on contaminated land or where potentially contaminating uses are allowed. Such measures are necessary to maintain and enhance natural resources including water resources and biodiversity. Commuted sums will be required from the developer in order to secure future maintenance of Sustainable Drainage Systems.

## **Flood Defence and Mitigation Measures**

### Policy Background

- 10.18 Land drainage issues are of considerable importance within the District, with the Rivers Severn and Stour each flowing through two of the District's three main towns. Planning Policy Guidance (PPG) Note 25: Development and Flood Risk, introduces the requirement for flood risk assessment for sites potentially at risk from flooding or with possible surface water disposal problems.



*Implementation of flood defence barrier at Severnside North, Bewdley.*

- 10.19 Policy NR.2 of the Adopted Local Plan sets out the requirement for a flood risk assessment and the sequential test set out at Table 1 of PPG 25. Appendix 2 – The Planning Application Checklist sets out the District Council’s requirements for flood risk assessments.

#### Developer Contributions

- 10.20 The application of the sequential test and flood risk assessment approach may in some circumstances, result in development being permitted that will require the provision of flood defence and mitigation works. Such infrastructure will generally be funded by the developers.
- 10.21 The District Council will require a Section 106 Agreement to ensure that developers undertake the necessary works and that future maintenance commitments are met. This will be discussed during the pre application discussion stages of the planning application.

## **11. SPD Status and Circumstances for Review.**

- 11.1 Any development proposal that requires the provision of a planning obligation, will be required to comply with the relevant policies of the Adopted Wyre Forest District Local Plan and this SPD. Therefore this document will represent an important material consideration in the planning process.

- 11.2 The District's Revised Local Development Scheme (April 2006), identifies the production of this SPD and this confirms its material significance in the determination of planning applications.
- 11.3 As Circular 5/05 states, Local Planning Authorities should set out the planning obligation implications of the relevant topic based Local Plan policies in a SPD. The Circular also states that this practice should be followed in the transitional period before policies are in place in the relevant Development Plan Documents (DPDs). Therefore this SPD will provide interim guidance on the District Council's requirements for the provision of planning obligations until such time as the relevant DPDs are in place to provide detailed policies on planning obligations.
- 11.4 Finally, should the Planning Gain Supplement (PGS) proposals look set to be implemented then this SPD will be assessed and a review will be undertaken if necessary.

## **12. Contact Details and Further Information.**

- 12.1 Any enquiries relating to this SPD can be directed to:  
Forward Planning Section,  
Planning Health & Environment Division,  
Wyre Forest District Council,  
Duke House, Clensmore Street,  
Kidderminster,  
Worcestershire. DY10 2JX.

Tel: 01562 732554.

Email: [Forward.Planning@wyreforestdc.gov.uk](mailto:Forward.Planning@wyreforestdc.gov.uk)

## **List of Appendices**

**Appendix 1 – Summary of relevant Adopted Local Plan Policies.**

**Appendix 2 – Planning application checklist.**

**Appendix 3 – Affordable housing toolkit.**

**Appendix 4 – Public Realm Ambitions for the three main towns.**

## Appendix 1: Summary of Relevant Adopted Local Plan Policies

Adopted Local Plan Policy	Planning Obligation Requirement
<b>Affordable Housing</b>	
H.10 Affordable housing	Residential development which includes affordable housing for rent/shared ownership which doesn't involve development by a RSL will normally only be granted permission subject to a Section 106 limiting occupancy to people who satisfy the Council's housing need criteria.
H.11 Affordable housing exception schemes in rural areas.	Such housing schemes will be subject to a Planning Obligation with the District Council, providing for the long-term management of the scheme to ensure that the housing remains available to meet local needs.
<b>Leisure, Amenity &amp; Play Space</b>	
LR.2 Amenity space	Development proposals must, where appropriate, include provision for amenity space for the recreation and enjoyment of users. Planning Obligations may be sought for contributions towards the provision and enhancement of amenity areas.
LR.3 Children's play space	Planning obligations may be required to secure the provision of an adequate quantity and quality of play space. In instances where there are existing play spaces nearby it may be appropriate to provide a commuted sum for off site improvements.
LR.9 Outdoor Sports Pitches and Playing Fields	Section 106 Obligations may be required to secure the provision of playing fields as an integral part of larger new developments.
LR.13 Water Sports	May require Section 106 Obligation to ensure that subsequent use and management of the resource is in accordance with acknowledged good practice.
<b>Nature Conservation &amp; Biodiversity</b>	
NC.1 Areas of national importance	May include areas subject to a planning obligation for the purposes of nature conservation under Section 106 Obligations.
NC.2 Areas of regional, county or local importance.	May include areas subject to a planning obligation for the purposes of nature conservation under Section 106 Obligations.
NC.3 Wildlife corridors and stepping stones.	Developers will be required to create, enhance and manage such features, wherever feasible and appropriate. Planning obligations will be used as appropriate, to secure the implementation of this policy.
NC.4 Protected species	May include areas subject to a planning obligation for the purposes of nature conservation under Section 106 Obligations.
NC.5 Biodiversity	Development should whenever possible retain, enhance, manage and if appropriate reintroduce the District's indigenous biodiversity. Planning obligations will be used as appropriate to secure implementation of this policy.
NC.6 Landscaping schemes	Development should include landscaping schemes that retain existing natural features of value to nature conservation. Planning Obligations will be used as appropriate to secure implementation of this policy.
NC.7 Ecological surveys and mitigation plans.	In sensitive areas a detailed ecological survey undertaken at an appropriate time and a mitigation plan will be required. Planning obligations will be used as appropriate to secure implementation of this Policy.
NC.8 Public access	May include areas subject to a planning obligation for the purposes of nature conservation under Section 106 Obligations.
<b>Highway Improvements &amp; Sustainable Transport Infrastructure</b>	
TR.1 Bus infrastructure	Planning Obligations will be sought for contributions towards off site provision of bus priority measures, improved bus services where major new development would generate specific volumes of traffic, the provision of improved public transport services to link to new development in rural areas and the upgrading of bus infrastructure in Stourport, Bewdley and Kidderminster.
TR.6 Cycling infrastructure	Where appropriate planning obligations may be required for contributions towards off site provision of cycle infrastructure.
TR.7 Provision for	Where appropriate s106 Obligations will be sought from

## Appendix 1: Summary of Relevant Adopted Local Plan Policies

Adopted Local Plan Policy	Planning Obligation Requirement
pedestrians.	developers to enhance pedestrian access to development and its surrounding environment.
TR.12 Area wide traffic management schemes.	Where necessary S106 Obligations may be sought to contribute towards development related traffic management and calming measures.
TR.17 Car parking standards and provision.	Obligations may be used to achieve improvements to public transport, cycling and walking, where such measures are likely to influence travel patterns to development or to enhance the use/attractiveness of existing car parks.
TR.19 Implementation of travel plans.	The implementation of travel plans will be secured by way of conditions or where appropriate by a Section 106 Obligation.
<b>Education Contributions</b>	
CY.4 Education facilities – developer contributions.	Where it can be demonstrated by the LEA that proposals for new housing will create the need for additional educational facilities, the Council through consultation with the LEA and developer, will seek to obtain a S106 Obligation for an appropriate contribution towards any works necessary.
<b>Public Realm Improvements</b>	
D.12 Public Art	The LPA will negotiate for the inclusion of works of public art within major developments.
D.13 Design of Private and Communal Amenity Spaces	Proposals incorporating private communal gardens and spaces should include details of the management company responsible for maintaining the space.
TC.1 Town centre strategies.	New or improved street furniture, infrastructure or links may be achieved through enabling development and S106 Obligations.
TC.4 Key movement corridors	Contributions may be sought through planning obligations or as a direct result of the development, through the design process.
TC.5 Town centre car parking areas.	Where a town centre development proposal involves off-site car parking, planning obligations may be used to expand the capacity and enhance the off-site car parking areas, as appropriate.
KTC.3 Worcester Street Enhancement Area	Proposals for the re-use of the KTC.3 site shall include measures to improve connectivity with Comberton Hill, incorporate public open space and improve connectivity with Bromsgrove Street Car Park.
KTC.4 Green Street Mixed Use Area	Proposals within the KTC.4 Site shall suitably incorporate and enhance the environment of the River Stour and improve connectivity with the Primary Shopping Area and Comberton Hill.
STC.2 Carpets of Worth Phase Two	Redevelopment proposals shall preserve or enhance the character of Conservation Areas, safeguard and enhance the natural assets of the site provided by the River Stour and take full account of any flood risk.
STC.3 Cheapside	Redevelopment proposals shall preserve or enhance the character of Conservation Areas, safeguard and enhance the natural assets of the site provided by the River Stour and take full account of any flood risk.
STC.4 Bridge Street Basin Link	Proposals involving the STC.4 area shall preserve and enhance the character of Bridge Street, the Basins and the River Severn and improve connectivity between the town centre and the basins.
STC.6 Vale Road (West)	Proposals involving this site shall preserve and enhance the character of the Staffordshire & Worcestershire Canal and the Conservation Area.
RT.13 Food and Drink	Section 106 Obligations may be sought to secure appropriate provision of litterbins and management.
<b>Sustainable Development Requirements</b>	
D.6 Safeguarding of resources by design.	Where appropriate, S106 Obligations may be sought to help improve the quality of local environments and to make contributions to reducing overall energy consumption.
D.7 Sustainable drainage	In riverside locations, Section 106 Obligations may be sought to reduce the impact of storm water run-off of flooding.
D.8 Designing for Materials	Requires proposals involving the redevelopment of major

## Appendix 1: Summary of Relevant Adopted Local Plan Policies

Adopted Local Plan Policy	Planning Obligation Requirement
Recycling	brownfield sites to demonstrate they have been designed to maximise the use of existing on site materials.
NR.5 Floodplains	Requires flood risk assessments for development proposals within the 1% annual probability floodplain or deemed to have an impact on it.
NR.15 Recycling Facilities	Proposals for local community recycling schemes should be considered as part of new proposals for residential and commercial development.
<b>Heritage</b>	
AR.3 Archaeological Evaluations and Mitigation Measures.	Planning Obligations will be used as appropriate to ensure appropriate mitigation measures are implemented.
ED.1 Enabling Development	Planning Obligations will be used as appropriate to ensure that enabling development will secure the long-term future of the heritage asset.
HA.1 Heritage Assets	Planning obligations will be used as appropriate to encourage and enhance the conservation of heritage assets where compatible, feasible and appropriate.
<b>Mitigation Measures</b>	
NR.2 Contaminated land.	Where measures are required, planning permission will be subject to a planning obligation setting out the action to be carried out and the method of implementation.
NR.10 Air Quality	Adequate mitigation measures to ensure that any emissions will not cause harm to land use including the effects on health and the natural and built environment.
<b>Planning Conditions</b>	
AG.2 Agricultural & Forestry Workers Dwellings	May require a condition to ensure that the dwelling cannot be sold separately to the agricultural/forestry unit without the express consent of the authority.
GB.5 Re-use of Existing Industrial Premises in the Green Belt.	Appropriate planning conditions may be required to ensure the use of buildings and their curtilage do not conflict with the openness of the Green Belt, or to secure an improvement in the appearance of the premises.

## APPENDIX 2 – PLANNING APPLICATION CHECKLIST

### Introduction

In addition to the plans and drawings described in the Application Form Notes, you may need to provide additional information depending on the type of development you wish to carry out. Submitting this information with your application will enable the District Council to deal with the application more quickly will reduce the need for submission of additional information and will enable the general public and occupiers of adjoining land to better understand how your proposals relate to the surrounding area.

The range of statements or supporting information which the Local Planning Authority may request in order to determine a planning application is contained within the checklist below.

Failure to supply the correct information will result in your application not being validated, so please check beforehand with a Development Control Officer if you are in any doubt.

Pre-application advice can provide informal guidance on whether your application is likely to be successful, what information you need to submit in support of it and the likely timescale in which the Council will be able to make a decision. For large or complex development proposals you may consider it good practice to carry out substantial pre-application discussion including public consultation and consultation with national statutory and non-statutory consultees before submitting an application. For major applications the Case Officer will provide a timetable for submission and determination of the application, together with a list of what documentation needs to be submitted with the planning application. Pre-application advice has to be given on a 'without prejudice' basis and cannot fetter the Council's formal consideration of the application and its decision.

Where a legal agreement or a unilateral undertaking is required, preparation of a draft agreement needs to commence before or very soon after the application is submitted in order to meet the timetable. This can only happen if you are able to supply the necessary information with your application and (in most cases), if you, or your agent and legal representative have already discussed the matter in some detail with the Case Officer and Council's legal representative. Where an application requires a legal agreement and that agreement is not completed by the target date specified by the Case Officer, the application may be refused.



## APPENDIX 2 – PLANNING APPLICATION CHECKLIST

### **Planning Application Checklist**

- Access Statement
- Affordable Housing Brief
- Air Quality Assessment
- Bat Surveys
- Consultation Supporting Statement
- Contamination Assessment
- Design & Access Statement
- Drainage Details
- Ecological Survey/Biodiversity Statement
- Education Provision Statement
- Flood Risk Assessment
- Industrial Questionnaire
- Landscape details and Arboricultural Survey
- Legal agreements/Planning obligations
- Levels details
- Noise Impact assessment
- Playing Field assessment
- Retail impact assessment
- Sequential test
- Structural Survey
- Sunlight/Daylight Assessment
- Supporting Planning Policy Statement
- Telecommunications information
- Transport Assessment
- Travel Plan
- Ventilation/extraction details

## APPENDIX 2 – PLANNING APPLICATION CHECKLIST

### **Access Statement**

Where a Design & Access Statement is not mandatory for a particular proposal, but inclusive access is relevant, an Access Statement will be necessary

The exact form of the Access Statement will depend on the size, nature and complexity of the scheme. However, each statement should identify:

- the philosophy and approach to inclusive design;
- the key issues of the particular scheme (approach; parking; entrances; horizontal circulation; vertical circulation; access to services; emergency egress);
- nature and impact of environmental constraints (where environmental factors act to constrain compliance and proposed solutions) and
- the sources of advice and guidance used (including references to relevant British Standards).

A standard Access Statement form can be found on the Council's website and further advice can be provided by the Council's Access Officer.

### **Affordable Housing Brief**

Where sites exceed an area of 0.5 hectares or propose 15 dwellings or more, the Adopted Local Plan requires the provision of up to 30% affordable housing. Therefore where relevant, the following should accompany a planning application and form part of the Affordable Housing Brief:

- a statement of commitment to provide a stated number of affordable housing units and willingness to enter into a Section 106 Agreement (N.B. An application will not be registered without a statement including this);
- the registered social landlord (RSL) or affordable housing provider;
- the plot numbers of the affordable units and a layout plan indicating the areas of land to be transferred with them;
- a set of floor plan and elevations for each affordable house type with sufficient detail to show they either comply with the Housing Corporation Scheme Development Standards, or are in accordance with the design requirements of the provider;
- a schedule of the affordable dwelling types, with gross internal floor areas, rent levels and/or sale prices for each dwelling type;
- an outline of the arrangements by which the affordable housing would be transferred to an RSL and/or occupied by a person in local housing need.

## APPENDIX 2 – PLANNING APPLICATION CHECKLIST

Alternatively the applicant should submit a justification for a reduced provision or the non-provision of affordable housing. A Financial Appraisal should be submitted as part of that justification.

(For further information please see the Affordable Housing Toolkit which is attached as Appendix 3)

### **Air Quality Assessment**

The following types of proposals will be required to be accompanied by an Air Quality Assessment:

- Applications that have the capacity to impact on declared air quality management zones (Welch Gate, Horsefair).
- Areas being considered for large development, which have elevated air pollution levels running close to the national objectives.
- Residential development in a previously undeveloped area, within the vicinity of roads or industry which have the potential to trigger a material consideration.
- Modification or additional transport infrastructure, which has the capacity to deteriorate or improve air quality.

### **Bat Surveys**

In accordance with advice given by Natural England, all planning applications for the conversion of rural buildings will be required to be accompanied by a bat survey.

### **Consultation Supporting Statement**

In accordance with the Council's adopted Statement of Community Involvement, all 'major' and 'significant' planning applications should be accompanied by a Consultation Supporting Statement. This will include evidence of how the community has been involved in discussions concerning the proposed development and the result of any consultation exercise.

Whilst it is understood that it will not be possible to fail to register 'major' and 'significant' planning applications, which are not accompanied by a Consultation Supporting Statement, the absence of one may disadvantage an applicant. This is because issues that need to be taken into account are only identified after the application has been submitted, thereby delaying any decision.

## APPENDIX 2 – PLANNING APPLICATION CHECKLIST

### **Contamination Assessment**

The Council has a legal obligation to investigate all land, which is potentially contaminated within its district under the provisions of Part IIA of the Environmental Protection Act 1990 and in accordance with the Councils Contaminated Land Strategy.

The Pollution Control section has identified 831 potential sites of concern. They are currently being inspected in accordance to their relative risk rating. Many of these sites are brownfield, which are rapidly becoming available for redevelopment. Hence a number of locations have already been investigated and remediated through the planning development control process.

In accordance with advice in PPS23, where contamination is known or suspected on a site, or the proposed use would be particularly vulnerable (i.e. residential use or playground), the application will need to be accompanied by a Contamination Assessment.

### **Design & Access Statement**

Planning applications must be accompanied by a 'Design & Access Statement' which will:

- a) explain the design principles and concepts that have been applied to the development (including reference to number of units/floorspace, layout, scale, landscaping and appearance) and how the proposal takes the physical, social, economic and policy context of the site into account
  
- b) describe how issues relating to access to the development have been dealt with. The Statement will explain:
  - I. how any specific issues which might affect access to the development have been addressed
  - II. how prospective users will be able to gain access to the development from the existing transport network
  - III. why the main points of access to the site and the layout of the access routes within the site have been chosen; and
  - IV. how features which ensure access to the development will be maintained

The Statement should also include details of any consultation, which has been undertaken on issues relating to access to the development and what account has been taken of the outcome of such consultation

## APPENDIX 2 – PLANNING APPLICATION CHECKLIST

Guidance on how to produce a Design & Access Statement has been produced by CABE and can be viewed on their website - [www.cabe.org.uk/default.aspx?contentitemid=1334](http://www.cabe.org.uk/default.aspx?contentitemid=1334)

Design & Access Statements will not be required for the following types of proposals:

- Engineering or mining operations
- Householder applications (unless within Conservation Area)
- Change of use of land or buildings

NB In some cases, applications for change of use of buildings will require an Access Statement (see section at the beginning of the checklist). You are advised to check with the Council's Access Officer as to whether your proposal will require such a Statement.

Applications for listed building consent must also be accompanied by a 'Design & Access Statement' which will:

- a) Explain the design principles and concepts that have been applied to the works (in terms of scale, layout and appearance).

The Statement will explain how the principles and concepts take account of the special architectural or historic importance of the building; the particular physical features of the building and the building's setting.

- b) Describe how issues relating to access to the building have been dealt with.

The Statement will include what alternative means of access have been considered and how the access takes account of the special architectural or historic importance of the building; the particular physical features of the building and the building's setting.

The Statement should also include details of any consultation, which has been undertaken on issues relating to access to the development and what account has been taken of the outcome of such consultation. It should also explain how any specific issues, which might affect access to the building, have been addressed and how features, which ensure access to the building, will be maintained.

Design & Access Statements however will not be required for applications for listed building consent to carry out works affecting only the interior of a listed building.

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### **Drainage Details**

The Environment Agency advise that the utilisation of non-mains foul drainage as part of a planning application will only be allowed in exceptional circumstances and evidence must be provided to demonstrate that a connection to the sewer is not practicable.

Government guidance contained in the DETR Circular 3/99 'Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development' gives a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the sewer (this does not have to be adopted by the utility company although it should be constructed to an adoptable standard);
2. Package sewage treatment plant which can be offered to the sewerage undertaker for adoption;
3. Septic Tank (discharging to soakaway);
4. If none of the above are feasible, a cesspool – this is the least sustainable option and only considered in exceptional circumstances.

In addition to the relevant foul and surface water drainage questions on the planning application forms there is an additional form entitled 'Use of non-mains Sewerage Arrangements' which should be completed and returned with the application if relevant.

A Foul Drainage Assessment Form – Non Trade Effluent can also be found on the Council's website. The form lists a series of questions for you to consider which may help you to establish whether your proposed drainage option is likely to be considered favourably.

### **Ecological Survey/Biodiversity Statement**

Where the development proposed may or is suspected to affect an area, feature or species of National, Regional, County or Local importance, the application will be accompanied by an Ecological Survey which shall also include a mitigation plan.

### **Education Provision Statement**

In the event that an application seeks consent for 5 or more additional dwellings a contribution towards education provision may be required. This contribution is in accordance with Section 8 of the District Council's Draft Supplementary Planning Document on Section 106 Planning Obligations (February 2007). A charge will only apply if the level of surplus places at a school is 7% or less. Please note that the table of charges can be viewed on the

## APPENDIX 2 – PLANNING APPLICATION CHECKLIST

County Council website ([www.worcestershire.whub.org.uk](http://www.worcestershire.whub.org.uk)), and they are liable to change each financial year. You are advised to contact Worcestershire County Council to establish which is the relevant school pyramid in relation to the application site (Tel. 01905 766278).

Therefore should an application require a contribution it should be accompanied with a statement of willingness to enter into a Section 106 Agreement for a contribution calculated in accordance with the most recent County Council table of charges.

### **Flood Risk Assessment**

All developments could potentially require a flood risk assessment (FRA), even a domestic extension should it be located within the floodplain. The Environment Agency has issued the District Council with maps of the whole administrative area indicating those areas in:

- Flood zone 1 (annual probability of flooding of less than 0.1%),
- Flood zone 2 (annual probability of flooding 0.1% or 1 in 1000) or
- Flood zone 3 (annual probability of flooding 1% or 1 in 100).

The need for an appropriate assessment of flood risk is set out at paragraphs 8, 10-13 and 22 of PPS25. Further guidance on the scope of issues a FRA might cover is provided at Appendix E of PPS25, specifically in paragraphs E8-E10.

The detail and technical complexity of a flood risk assessment will reflect the scale and potential significance of the study but should include the following requirements:

#### PLANS

- A location plan at an appropriate scale identifying all watercourses or other bodies of water in the vicinity
- A plan of the site showing
  - existing site
  - development proposals
  - existing information on extent and depth of flood events or on flood predictions and
- Description of any structures which may influence local hydraulics (bridges, pipes, ducts crossing watercourses, culverts, screens embankments, walls outfalls)

#### SURVEYS

- Levels related to Ordnance Datum, both current and following development

## APPENDIX 2 – PLANNING APPLICATION CHECKLIST

- A cross section for the site showing finished floor levels or road levels or other relevant levels relative to the source of flooding and anticipated water levels

### ASSESSMENTS

- Flood alleviation measures already in place
- Potential sources of flooding
- The impact of flooding on a site including
  - The likely rate or speed of surface water run off with which flooding might occur
  - The order in which various parts of the location or site might flood
  - The likely duration of flood events
  - The economic, social and environmental consequences
- Estimates should also be made of climate change impacts on probabilities (should ensure that the development meets an acceptable standard of flood defence for the design life of the development)
- An assessment of drains or sewers, existing and proposed, on the site during flood events
- An assessment of the likely run-off to be generated from the proposed development
- The potential impact on fluvial morphology and the likely longer term stability and sustainability of existing defences
- The likely impact of displaced water on third parties caused by ground raising or flood embankments
- The hydrological analysis of flood flows and definition of defence standards to include the allowances for increased flows and sea level rise in DEFRA's project appraisal guidance for flood defence in accordance with PPS 25
- The residual risks after construction of any necessary defences

For further information you are advised to consult the Environment Agency. They also hold a list of Hydrological / Hydraulic Consultants in the Upper Severn area who are understood to carry out FRA's and related analysis work for companies and individuals, utilising recognised software and techniques.

### **Industrial Questionnaire**

If a planning application seeks consent for industrial, office, warehousing or retail floorspace, a form entitled 'Industrial Questionnaire – Form 3' must be completed and submitted with the planning permission forms. This additional form can be downloaded from the Council's website,



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### **Landscaping Details & Arboricultural Survey**

Soft and hard landscaping forms an integral part of development but these elements are often left as an afterthought or are shown purely illustratively on plans and sketches. Realising the details and quality of the proposals may then prove difficult to achieve once planning permission has been granted.

Applications for full planning permission involving erection of buildings or engineering works must therefore be submitted with an accompanying landscape master plan including drawings and a supporting written statement with reference were necessary to section 13 - 15 of British Standard 5837: 2005 'Trees in relation to construction – Recommendations'. These should include details of areas of hard and soft landscaping including existing trees and planting to be retained (or removed), and the type and scale of proposed new or retained trees and planting, together with proposed surfacing materials and boundary treatments.

Applications for outline permission, where landscaping is to be approved as a reserved matter, may also require submission of a landscape master plan as supporting information or, depending on the type of scheme, indicative planting areas so the potential for landscaping can be assessed. Please check with a Development Control Officer before submitting your application.

Where there are existing trees on or near the site, which are considered to be of current or potential amenity value, it will be necessary to submit an Arboricultural tree survey. The tree survey will categorise trees in accordance with the classifications and procedures as contained within sections 4 & 5 of British Standard 5837: 2005 'Trees in relation to construction – Recommendations'. The classification of trees within the tree survey should assist in the design process to enable a tree constraints plan (TCP) to be produced, which may dictate the proposed layout.

Additional arboricultural information may be required in the form of an arboricultural implication assessment (AIA), in the event that the proposed development has specific interface with particular trees or the treed character of the locality. The AIA should be created in accordance with the recommendations and procedures as contained within the section 6 of British Standard 5837: 2005 'Trees in relation to construction – Recommendations'.

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In the event that the proposed development requires specific measures to ensure the appropriate protection and maintenance of trees on or near the site, then it would be necessary for an arboricultural method statement (AMS) and tree protection plan (TPP) to be submitted for consideration. The AMS and TPP should be created in accordance with the recommendations and procedures as contained within the section 7 - 12 of British Standard 5837: 2005 'Trees in relation to construction – Recommendations'.

### CHECKLIST FOR DETAILED LANDSCAPING SCHEME

#### Trees

- Proposed location - If in hard landscaped areas, details of vehicle protection measures and tree pit size and construction method
- Proposed species (including consideration of drought resistant species in readiness for climate change)
- Proposed size to be planted
- Details of tree ties/stakes
- Planting details
- Position of existing trees if applicable- species, trunk position, crown spread

#### Shrubs

- Species (including consideration of drought resistant species in readiness for climate change)
- Densities, i.e. number/area, e.g. 1 or 2 per m<sup>2</sup>
- Sizes
- Proposed location

#### General

- Mulching details
- Details of maintenance & aftercare - weeding, watering and pruning

#### Hard Landscaping should have details on:

- Paving - Type of paving, blocks, setts, slabs, shingle, bound gravel, coloured concrete tarmac
- Material - concrete, clay, natural stone, tarmac, in-situ concrete, resin bound aggregate
- Edge restraints - Timber edging, metal edging, kerbs (and type)
- Furniture - location and type (bins, lights, uplighters, benches)
- Lighting - street lighting, bollard lighting, type and specification
- Type and height of boundary treatment

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### **Legal Agreements/planning obligations**

Where pre-application advice from the Case Officer confirms that a legal agreement/planning obligation (for example a Section 106 Agreement or a unilateral undertaking under Section 106) will be required before permission is granted, you will need to supply the following information with the planning application:

- (i) your proposed heads of terms of the legal agreement or;  
a draft legal agreement (you should discuss this with a Development Control Officer before you submit it);
- (ii) copies of the "title deeds";
- (iii) in the event that there are any charges, mortgages or other securities secured on the land or leases, the names and addresses of the Chargees/Mortgagees/holders of the security and/or lessees (since it will be necessary for any such to be joined as parties to the agreement and/or consent to its terms or execute a Consent to Dealing as appropriate);
- (v) a unilateral undertaking;
- (vi) an undertaking to pay the Council's legal costs and those of any other Authority (such as the County Council) in connection with the preparation of a Section 106 agreement or unilateral undertaking;
- (vii) in the event that you or your clients are represented by solicitors, the relevant contact address and name of person dealing with the matter.

### **Levels details**

Where proposals involve development of an "in-fill" site in a developed frontage or area, or where there is a variation between the level of the application site and adjoining land, scaled elevations of the road frontage and/or sections across the site and adjoining land related to a fixed point outside the site must be submitted. These should show principal physical features including building, finished floor levels, roads, parking areas etc. and any differences between existing and proposed levels.

On larger sites or those involving many changes in level, it may be necessary to submit a detailed survey of the site showing existing and proposed contours at one-metre intervals or less in addition to sections and / or elevations.

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### **Noise Impact Assessment**

The following types of proposals will be required to be accompanied by a Noise Impact Assessment prepared by a suitably qualified acoustician:

- Residential development near busy roads, quarries & railways.
- Development of A1, A2, A3, A4, A5, B1, B2 and B8 uses within mixed development areas
- Proposals for new infrastructure – e.g. roads, railways, aircraft etc.

Application proposals that raise issues of disturbance for example noisy sports, or are considered to be a noise sensitive development should also be supported by a Noise Impact Assessment.

### **Playing Field Assessment**

In exceptional circumstances (according with Local Plan Policies LR.1 or LR.9), where a development would result in the reduction or loss of an existing public or private playing field or sports pitch, the application will be accompanied by a Playing Field Assessment. The assessment will include an analysis of the existing alternative sports provision within the area together with details of the proposed compensatory sports provision.

### **Retail Impact Assessment**

In accordance with Local Plan Policies RT.1 to RT.11 applications for retail proposals may be required to be accompanied by a Retail Impact Assessment (RIA)\*. The RIA should include an assessment of the quantitative and qualitative need for the proposed development.

Where it is considered necessary for the findings of the Retail Impact Assessment to be verified by a consultant, the Council will seek to recover any costs from the applicant.

*\*RIA will be required for new proposals outside the Primary & Secondary Shopping Areas of Kidderminster or Stourport or; Proposals for 250sqm or more in Bewdley District Centre and; proposals of more than 250sqm in the Secondary Shopping Areas of Kidderminster or Stourport.*

## APPENDIX 2 – PLANNING APPLICATION CHECKLIST

### **Sequential Test**

Retail and leisure schemes will need to be accompanied by evidence that they comply with the Sequential approach contained within the Local Plan\*. Where this requires a detailed assessment will need to provide clear evidence to demonstrate that there are no better located practicable alternatives in terms of availability, suitability and viability.

\*For retail proposals this is clarified in the following sections of the Local Plan: Retail Strategy (paras 13.11 to 13.15 and 13.16 to 13.19 and 13.17 to 13.30) and; Policy RT.1 (para 13.31 to 13.35); Policy RT.4; Policy RT.5. For leisure proposals this is clarified through Local Plan Policy TC.3 (Commercial Leisure Facilities) and LR.16 (Arts, Entertainment & Museum Facilities).

In accordance with Local Plan Policy E.10, applications for B1 office development will need to be accompanied by evidence that they comply with the Council's sequential approach to the location of office development.

### **Structural Survey**

Planning applications for the re-use and adaptation of rural buildings must be accompanied by:

- a) a structural report, prepared by a suitably qualified person, detailing the present structural condition of the building and any structural work necessary to carry out the proposed development;
- b) plans of the existing and proposed elevations, floor layout and sections, at a scale of not less than 1:100 and clearly indicating any new or replacement components
- c) Survey of any owls, bats or other statutory protected species occupying the buildings, together with details of how they will be safeguarded during and following development
- d) A plan of sufficient detail indicating the proposed curtilage of the development and, how or if, it will be defined on the ground
- e) If the application is for residential use, details of what efforts have been made to secure an appropriate non-residential use.

### **Sunlight/Daylight assessment**

Where a proposed extension or building is likely to affect the quality of daylight to the adjacent residential property, the submitted block plan and floor plans should accurately show the position of the affected window(s) of the neighbouring property.

## APPENDIX 2 – PLANNING APPLICATION CHECKLIST

### **Supporting Planning Policy Statement**

A statement setting out which policies in the Local Plan and the Structure Plan and National Planning Guidance (PPG/PPSs) (if applicable) relate to the proposal.

The statement should also explain how the proposal accords with the policies in the Development Plan as well as any relevant Supplementary Planning Guidance or Supplementary Planning Documents issued by the Council e.g. the Design Quality Supplementary Planning Guidance.

Where pre-application advice has been sought from the Council, a summary of your understanding of the advice given by the Council, and how the proposal accords with that advice. Details of the results of any consultations you have carried out with statutory and non-statutory consultee organisations at pre-application stage should also be provided within this statement.

The statement should also include reasons in support of your application.

### **Telecommunications information**

In order to validate an application for telecommunication development the following information will need to be submitted:

- 1) drawing and supplementary information as indicated under paragraphs 71-91 of the ODPM Code of Best Practice on Mobile Phone Network Development
- 2) distance to nearest residential property
- 3) Radio Frequency Assessment at nearest residential property
- 4) distance to nearest school or educational establishment
- 5) confirmation of whether a Beam of Greatest Intensity intrudes onto the school / educational establishment grounds

### **Transport Assessment**

A Transportation Assessment (TA) will be required\* for all development proposals exceeding the thresholds set out below; -

## APPENDIX 2 – PLANNING APPLICATION CHECKLIST

- A Residential development of 100 units or more
- A Retail development (food or non-food) exceeding 1,000 square metres of gross floor area.
- A Leisure development exceeding 1,000 square metres of gross floor area.
- An Industrial, Business, or Commercial development exceeding 2,500 square metres of gross floor area.
- A Warehousing or Distribution facility exceeding 5,000 square metres of gross floor area.
- An Educational establishment exceeding 2,500 square metres of gross floor area.
- A Hospital or Healthcare facility exceeding 2,500 square metres of gross floor area.
- A Sports Stadium with a spectator capacity of 1,500 persons or more.

For mixed-use developments, the cumulative size of the development will be taken into account rather than the separate individual elements of a development.

A Transportation Assessment may be required for developments that do not exceed the above thresholds, at the discretion of the Highway Authority. Factors that are likely to trigger the need for a Transportation Assessment include: -

- Where an identified accident cluster site will potentially be affected by a development, or where traffic generated by a development may contribute towards an identified road safety problem (such as passing through a junction with sub standard visibility).
- Where the highway network in the vicinity of a development proposal is identified as being congested (the Local Transport Plan contains a map showing the most congested parts of the highway network within the County).
- Where a development is likely to generate traffic flows that will increase the existing traffic flows on the highway network by 5% or more.
- Where other specific transport issues are identified that will be affected by a development proposal (strategic issues will generally be identified through the Local

## APPENDIX 2 – PLANNING APPLICATION CHECKLIST

Transport Plan) – an example could be the potential impact of additional Heavy Goods Vehicle Traffic on minor roads.

The scoping of the Transport Assessment shall be agreed with the Highways Authority prior to its production and subsequent submission.

*\* Applicants should note that the Government is currently consulting on Draft Guidance on Transport Assessments and therefore the requirements in relation to TA may be subject to amendment following the adoption of this guidance in the near future.*

### **Travel Plan**

Travel Plans relate to a package of measures tailored to the needs of individual sites, aimed at the promotion of more sustainable travel choices and reducing reliance on the car. A Travel Plan for all developments exceeding the thresholds identified for a Transportation Assessment (see above) will need to be submitted before an application can be registered. In addition, for developments not exceeding these thresholds, a Travel Plan may be required depending on the outcome of the Transportation Assessment for the site.

The scope of the Travel Plan will need to be discussed with the County Council's Travel Plan Co-ordinator at the earliest possible stage and preferably in conjunction with the scoping meetings on the Transportation Assessment.

### **Ventilation/extraction details**

Application for change of use to restaurants or hot food takeaways shall include details of the proposed ventilation and extraction system. The manufacturer's specification shall be submitted together with floor plans and elevation drawings showing the proposed details.



Toolkit for negotiating  
affordable housing at  
Wyre Forest District Council

## APPENDIX 3: Affordable Housing Toolkit

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## APPENDIX 3: Affordable Housing Toolkit

### SECTION 1: THE TOOLKIT

#### Introduction

The purpose of the toolkit is:

- To provide the Council with a process and a set of benchmark costs and values, to enable them to more effectively and promptly negotiate affordable housing provision on new developments during the course of considering planning applications.
- To enable the Council to challenge applicants who claim to be unable to provide the amount, type and quality of the affordable housing requested, at a cost that is affordable in a predominantly non-grant environment.
- To enable the Council, where site viability considerations require a compromise on the amount or type of affordable housing that is sought, to achieve the best possible alternative within the economic constraints of the proposed development.

#### Pre-application advice

Before designing a housing layout for pre-application discussions, or submitting a plan for outline or full planning permission, it is usual for the architect or agent, in conjunction with their client, (the landowner or developer), to compile a brief which contains the objectives and constraints of the scheme.

One of the first questions should be:

*Is the site required to include an element of affordable housing?*

This is not as straightforward as it might seem, as there may be a case for additional land being included, the site area being calculated differently, or a higher density being required in order to meet the requirements of PPS3 and Local Plan policies. Further explanation on this point is given in the Checklist for Information to Accompany a Planning Application, below.

If the answer to this question is yes, then the applicant will be required to submit an Affordable Housing Brief.

## APPENDIX 3: Affordable Housing Toolkit

### Affordable Housing Brief

Unless there is a development brief which sets out all of the objectives and constraints, including the extent and nature of the affordable housing requirements (in accordance with Local Plan policy H10), it will be necessary for the prospective applicants to seek clarification on these issues at pre-application stage. An Affordable Housing Brief will be provided by the Development Control section in consultation with the Housing Services Manager as necessary. This will enable the architect or agent to ensure that the eventual application meets the requirements of Policy H10.

The Affordable Housing Brief will not only provide sufficient information for the applicant to prepare a site layout for pre-application discussions with planning officers, it will also enable the applicant to make a detailed financial assessment of the whole scheme, and establish the site value.

It will include the following details:

- The total number of affordable dwellings
- The number and size of each type of affordable dwelling
- The maximum price that an RSL would normally be able to pay for each type of affordable dwelling
- Any appropriate considerations as to the location of the affordable dwellings within the site and the timing of their delivery

### Off-site provision of affordable housing

In exceptional circumstances an applicant may ask whether an off-site provision, or a financial contribution towards off-site provision by others, is appropriate?

The reasoned justification for Policy H10 of the Local Plan, at paragraph 3.80, makes it clear that:

“...the District Council will normally require on site provision of affordable housing rather than contributions towards such provision elsewhere. Developers will be required to submit financial or other details to justify any suggestion that on site provision would not be achievable.”

These details should be submitted, and any departures from the normal requirement for on site provision agreed, in advance of a planning application being made to enable sufficient time for verification of any of the financial information supplied by the applicant.

An applicant may also claim (either initially, or as a result of their assessment of the Affordable Housing Brief that has been supplied) that:

*Levels of housing need or economic constraints justify a reduction in the amount of affordable housing that should be provided*

## APPENDIX 3: Affordable Housing Toolkit

Again, any evidence to support this claim should be provided at pre-application stage.

### Checklist for Information to be submitted with planning application

The following **Checklist** sets out the level of detail that will have to be provided with a planning application for residential development where affordable housing is required:

All Applications – Outline and Detailed:

- Basis for Calculation of Site Area
- Commitment to Provide Affordable Housing in accordance with both Policy H10 of the Wyre Forest District Local Plan, and any Affordable Housing Brief which has been provided or approved by the Council

Or:

- Justification for a Reduced or Alternative Provision of Affordable Housing

Detailed Applications only:

- The Affordable Housing Proposal

Each of these requirements within the Checklist is explained below:

#### Basis for Calculation of Site Area

This should provide a justification for the exclusion of any adjacent land that is either undeveloped, or likely to be capable of being re-developed for residential development, or which is necessary to provide adequate amenity and open space, and which would have taken the site area above the 0.5 ha threshold for the inclusion of affordable housing.

Regardless of site ownership or occupation, any such adjacent land may be necessary for the achievement of a satisfactory development scheme, or alternatively the likelihood of it being developed may be significantly increased if the application were to be approved. In either case, the planning officer may decide that this is a material planning consideration that would justify requesting that the application be enlarged to include this land, and were such a request not granted, this might then have a bearing on their assessment of the application.

#### Commitment to provide affordable housing in accordance with Policy H.10 of the Wyre Forest District Local Plan and the Affordable Housing Brief.

Policy H.10 of the Wyre Forest District Local Plan requires all sites of more than 0.5 hectare or 15 dwellings to provide up to 30% of the dwellings as affordable.

The Council will also need to be satisfied that the affordable housing proposed will meet the following essential requirements:

## APPENDIX 3: Affordable Housing Toolkit

- That the types and sizes of the properties are suitable for meeting local housing needs which have been identified in the Housing Needs Survey and any additional research which updates it
- That the cost to the occupier will be affordable both initially and in the long term
- That all rented and shared ownership properties will be occupied both initially and in the long term by households which have been identified as being in housing need
- That the affordable housing is fully integrated into the overall development in accordance with PPS3 advice and the Local Plan

Where the site is judged by the planning officer to be above either threshold, even though exact numbers may not have been determined in the case of an outline application, the applicant will be required to confirm their willingness to enter into a section 106 agreement in one of the following alternatives:

1) Outline Applications: A form of the wording set out at the end of the Toolkit in Annex I

2) Detailed Applications: The following information shall be provided:

- A layout plan showing the affordable dwellings and the areas of land to be transferred with them.
- A set of floor plan and elevations for each of the affordable house types with sufficient detail to show that they either comply with the Housing Corporation Scheme Development Standards, or are in accordance with the design requirements of the RSL which is intended to be the delivery partner.

In the event of a non RSL provider, sufficient detail will need to be provided to demonstrate that they are in all respects suitable for the high occupation levels that are likely to be involved and the need to ensure low maintenance and running costs.

Applicants should be aware that it is the Council's policy that as many new dwellings as possible should meet the Lifetime Homes Standard.

- A schedule of the affordable dwelling types, with gross internal floor areas, rent levels and/or sale prices for each dwelling type.
- An outline of the arrangements by which the affordable housing would be transferred to an RSL and/or occupied by a person in Local Housing Need, including the sequence and approximate timing of completions, and any proposed variations to the Council's standard lettings and allocation policies.

### Justification for a Reduced or Alternative Provision of Affordable Housing

Where an applicant feels that there are exceptional constraints which justify a reduced or alternative provision of affordable housing, the application cannot be recommended for approval unless sufficient evidence is submitted in advance of the application being

### APPENDIX 3: Affordable Housing Toolkit

submitted, and unless that evidence is judged by the Case Officer to be sufficiently convincing to justify a departure from normal policy requirements.

In order to make that judgement, the Case Officer will carry out a Financial Appraisal, using a combination of standard cost information that is already at their disposal, and site specific cost and value information which should be provided by the applicant.

In the event that the applicant is either unable or unwilling to provide that site specific cost information, or where that information is not convincing, the case officer will have to rely on either their own, and their colleagues, judgement, or seek external advice.

## APPENDIX 3: Affordable Housing Toolkit

### **SECTION 2: SEEKING, STORING AND USING CONFIDENTIAL INFORMATION**

#### Introduction

An obligation to provide affordable housing differs from other planning obligations. Instead of being related to the direct consequences of the proposed development, it is required subject only to the suitability of the site and the economics of provision, as long as there has been a need established within the District.

Suitability of site is a matter only of size - expressed either in terms of area or numbers of dwellings. There will still be a requirement to provide the affordable housing, either off site or through a financial contribution, if the location or type of development makes the site unsuitable for provision on site, as long as the site is above the appropriate threshold.

Having established housing need, the economics of provision is the only reason for not providing, or providing for, affordable housing on any site that is above the threshold. It will therefore form the main argument that an applicant for planning permission will put forward to seek to remove or reduce that obligation.

This focus on the economics of provision has introduced the need to examine information that would previously, and in most other circumstances, be considered to be less material to the consideration of a planning application. It therefore has introduced the need to seek, store and use a significant amount of commercially sensitive information for which there are unlikely to be any established procedures.

This section sets out the procedures that should provide both the planning applicant and the Case Officer with the confidence that this new situation is handled appropriately.

#### Seeking Information

The Checklist for information to accompany a planning application for residential development where affordable housing is required, sets out the type of evidence that an applicant must provide if they are to contend that there is a justification for a reduced provision of affordable housing.

If the applicant suggests there is justification for a reduced provision of affordable housing but fails to provide the specified information, they should be formally advised that this would preclude the consideration of that position and the application could therefore be determined only on the basis of the level of provision that is described in Local Plan Policy H.10.

There is no obligation on the Council to demonstrate that economic considerations in general justify this policy, as it has already been tested and adopted through the Local Plan process.

The information can be provided in either paper or electronic form, using the format provided which indicates that the contents will be treated as confidential and limited in use and storage in accordance with this document.



## APPENDIX 3: Affordable Housing Toolkit

### Storing Information

The application file will be available for public inspection, so apart from it containing a reference that confidential financial information has been provided, and a reference to the view that has been taken by the Case Officer and any other authorised person on the validity of that information, it cannot contain any of the actual figures.

Existing practice as set out in Development Control Practice Note 1 “Public Access to Planning Files and Information” is for any confidential information on a planning application to be held in a red sub-file that will be removed from the main file before it is made available to a member of the public. There would need to be a very good reason for creating an additional set of files for financial information, and as long as the existing system is considered to be secure, it should be used for this purpose. If an applicant were to be dissatisfied with these arrangements, the Council would have to judge whether it was reasonable to make other arrangements, or whether they would be confident to defend the existing arrangements at appeal.

### Using Information

The information should be delivered to the planning office as a confidential document to be seen only by the Head of Planning, Health and Environment, the Development Control Manager and the Case Officer. Where the Case Officer felt that another party needed to review the information, this should be cleared with both the applicant and the Development Control Manager (who would seek advice from the Head of Planning, Health and Environment if in doubt). The person receiving the information would be required to sign a confidentiality statement in advance, which would confirm the following:

- the nature and purpose of the information
- the names of the individuals entitled to see the information,
- that the applicant and the Development Control Manager had, by their signatures, authorised the individuals to receive the information, and
- that the individuals would, by their own signature, return the information to the Council without any copies (paper or electronic) being retained.

The individuals would normally be suitably qualified professional advisers retained by the Council for the purpose of assisting in the assessment of a site for which planning permission had been applied and for which the applicant was making a case for a reduction from the normal level of affordable housing provision.

## APPENDIX 3: Affordable Housing Toolkit

### **SECTION 3: EXTERNAL ADVICE TO ASSESS FINANCIAL INFORMATION**

#### Introduction

Obtaining external advice to assess financial information, provided by an applicant to seek to justify a reduced provision of affordable housing, should be minimised through the use of the Toolkit to make that assessment in-house wherever possible.

Nevertheless, it is inevitable that there will be cases where either the complexity or individuality of the scheme, or the inability of the case officer and the applicant to reach any sort of agreement on the appropriateness of the figures provided, will make it necessary to seek the opinion of an external expert.

#### The purpose of external advice

It should be made clear that the reference to external advice is not to seek arbitration, which would be binding on all parties, as that would be a wholly inappropriate and unauthorised delegation of authority. The use of external advice would be limited to providing the Council with either of these two alternatives:

- i. Confirmation that the amount and type of affordable housing they are seeking is justified, so the Council can be confident in determining the application accordingly, or
- ii. The extent to which economic considerations would justify a reduced, amount of affordable housing, so the Council can be confident in agreeing to that reduction without the risk of either undermining policy or being unreasonable.

The advice would also be relied on to defend the Council's position at any appeal against their refusal to grant planning consent, and the provider of the advice might be called upon in that situation to provide expert witness and be subject to cross examination by the appellant or their agent or counsel.

#### Commissioning external advice

Although the commissioning of external advice should not be a frequent or routine procedure, it needs to be available promptly, efficiently and in a consistent manner.

These requirements would be best served by having a standing arrangement that can be called upon, as and when required, from one or more firms who will have successfully tendered for that purpose. That tender would be based on the following brief and comply with the Council's Standing Orders and Procurement Policy:

- Review the financial information, including costs and values, supplied by the applicant and provide a commentary on the appropriateness of each of the figures, with any suggested alternatives

## APPENDIX 3: Affordable Housing Toolkit

- Provide evidence to support any suggested alternative figures, based on comparable developments,
- Comment on the strength of that evidence in the context of potential cross examination at a planning appeal
- Comment on the potential for a form of development that would offer a greater potential for providing affordable housing (in cases where the applicant's proposed scheme does not enable the requirements of Local Plan Policy H.10 to be met in full)

### Using External Advice

The report received from the external advisor should be treated as confidential information, in exactly the same way as the information provided by the applicant, as it will not only include some or all of that information, but the opinions expressed would also be commercially sensitive.

The conclusions of the advice, however, would need to be incorporated into the Case Officer's committee report, and care would need to be taken in compiling that report to avoid revealing any confidential information.

## APPENDIX 3: Affordable Housing Toolkit

### **SECTION 4: NEGOTIATING WITHOUT GRANT FUNDING**

#### Background

In April 2003, the government withdrew LASHG which removed the main, and only certain, local source of grant funding for affordable housing. Transitional arrangements were put in place to soften the impact of this sudden withdrawal, but these have now been exhausted.

The Housing Corporation has also made it clear that it does not consider it appropriate to allocate grant for affordable housing that is to be provided through Section 106 agreements.

The Council has made a decision to make a limited amount of its capital reserves available for providing grants to RSLs for affordable housing provision, on a trial basis, with each case being considered on its own merits and subjected to a stringent set of criteria to ensure that it does not provide a substitute for subsidy that could have been provided by a landowner/developer. This resource is to be used primarily for non Section 106 sites and those with more specialist schemes.

In the light of this background information, it should be evident that the only circumstances in which any form of grant might be available would be at the discretion of the local authority - where they deem it to be preferable to a reduction in the number, or the level of affordability, of the dwellings to be provided as a consequence of the consideration of the economics of provision.

#### Affordable Values - What an RSL can pay for affordable housing

The previous presumption that grant would usually be available to assist an RSL acquire affordable housing has led to considerable confusion, and variation, on the question of how much an RSL could, or should be expected to pay.

It is inevitable that a wide range of previous experience will be quoted to substantiate the expectations of both developers and RSLs on this point – and these will include elements of the Total Cost Indicator (TCI) tables and formulae that the Housing Corporation have published from time to time to set out the parameters within which RSLs should make their bids for grant funding.

These TCI based examples are no longer relevant to a situation where grant is not available, and this document is based on a more direct analysis of what RSLs can afford to pay, for different types of property and under different tenures, taking account of the financial constraints under which they operate. It shows how this analysis can be used as a basis for negotiating the provision of affordable housing by providing the cost implications of alternative proposals.

## APPENDIX 3: Affordable Housing Toolkit

### Table of Affordable Values

The Table of Affordable Values, set out below, shows the maximum amount that an RSL can usually afford to pay, in order to achieve the costs to the occupier that makes the housing affordable. These Affordable Values are what the developer should expect to receive as payment for affordable housing, and should form the basis for their own assessment of land values.

### **Table of Affordable Values (April 2006)**

Size of property	Min m2	first letting in 2006/7	Value to RSLs of Properties for Rent at this level	Joint Income at which Shared Ownership should be accessible	Value to RSLs of properties for Shared Ownership at this income	Max cost of total monthly outgoings for purchasers
1 bed 2 person flat	45	£52-£57	£33,000	£18,000	£60,000	£380
2 bed 3 person flat	55	£60-£65	£39,000	£22,000	£75,000	£470
1 bed 2 person house	50	£55-£60	£39,000	£19,000	£66,000	£400
2 bed 3 person house	65	£65-£70	£47,500	£25,000	£88,000	£530
2 bed 4 person house	71	£67-£72	£50,000	£28,000	£96,000	£580
3 bed 4 person house	75	£72-£77	£52,500	£29,000	£100,000	£610
3 bed 5 person house	81	£75-£80	£55,000	£32,000	£110,000	£660
4 bed 6 person house	96	£82-£87	£68,000	£38,000	£130,000	£780
1 bed 2 person bung	45	£56-£62	£40,000	£17,500	£61,000	£370
2 bed 3 person bung	56	£64-£70	£47,500	£22,000	£76,000	£460

## APPENDIX 3: Affordable Housing Toolkit

### **SECTION 5: CALCULATION OF OFF-SITE CONTRIBUTION**

#### Background

Policy H10 makes it clear that an off-site contribution would not normally be acceptable, PPS3 states that the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing.

The Council will consider off-site contributions as exceptions where it is agreed that it is either impractical to achieve on-site provision or where the Council considers it undesirable to make provision on site.

Where contributions are made it is important that they are sufficient to acquire properties at open market values in order to ensure of affordable housing that would not otherwise be provided "on-site".

#### Formula for calculating contributions

The most straightforward way to assess how much would be required to achieve this objective is to equate the contribution to the difference between the market value of the number and type of properties that would have otherwise been provided on site, and the price which an RSL would be able to pay for them.

In other words:

Off-site contribution = Open Market less Affordable Value

## APPENDIX 3: Affordable Housing Toolkit

### ANNEX 1

#### **Suggested Wording for Section 106 Agreement when Application is in Outline only**

Prior to the commencement of the development the developer shall agree a scheme for the delivery of the affordable housing, which will include the following:

- A layout plan showing the affordable dwellings and the areas of land to be transferred with them.
- A set of floor plan and elevations for each of the affordable house types with sufficient detail to show that they either comply with the Housing Corporation Scheme Development Standards, or are in accordance with the design requirements of the RSL which is intended to be the delivery partner, or, in the event of a non RSL provider, are in all respects suitable for the high occupation levels that are likely to be involved and are equivalent to Housing Corporation Scheme Development Standards.
- A schedule of the affordable dwelling types, with gross internal floor areas, rent levels, service charges and/or sale prices for each dwelling type.
- An outline of the arrangements by which the affordable housing would be transferred to an RSL and/or occupied by a person in Local Housing Need, including the sequence and approximate timing of completions, and any proposed variations to the Council's and RSL's standard lettings and allocation policies.

Prior to the occupation of the first dwelling the developer shall enter into a contract for the construction and transfer of the affordable dwellings in accordance with the agreed scheme.

The developer will procure that affordable dwellings for rent will be:

- a) Occupied only under assured tenancies complying with the requirements of the Housing Act 1988, the terms of which tenancies shall be in accordance with Housing Corporation guidance, at rents which do not exceed the limits set for each type of dwelling by the Housing Corporation.
- b) Allocated in accordance with the general lettings policy which the Council has agreed with RSLs within the District, or in accordance with any local lettings policy which the Council has agreed with the RSLs for this particular part of the District.

### APPENDIX 3: Affordable Housing Toolkit

The developer will procure that affordable dwellings for sale will be:

- a) disposed of only by way of shared equity leases to persons who are confirmed by the Council as being in housing need and otherwise eligible for rented properties
- b) subject to restrictions on the proportion of the equity which can be purchased, in accordance with the general sale policy which the Council has agreed with RSLs within the District.



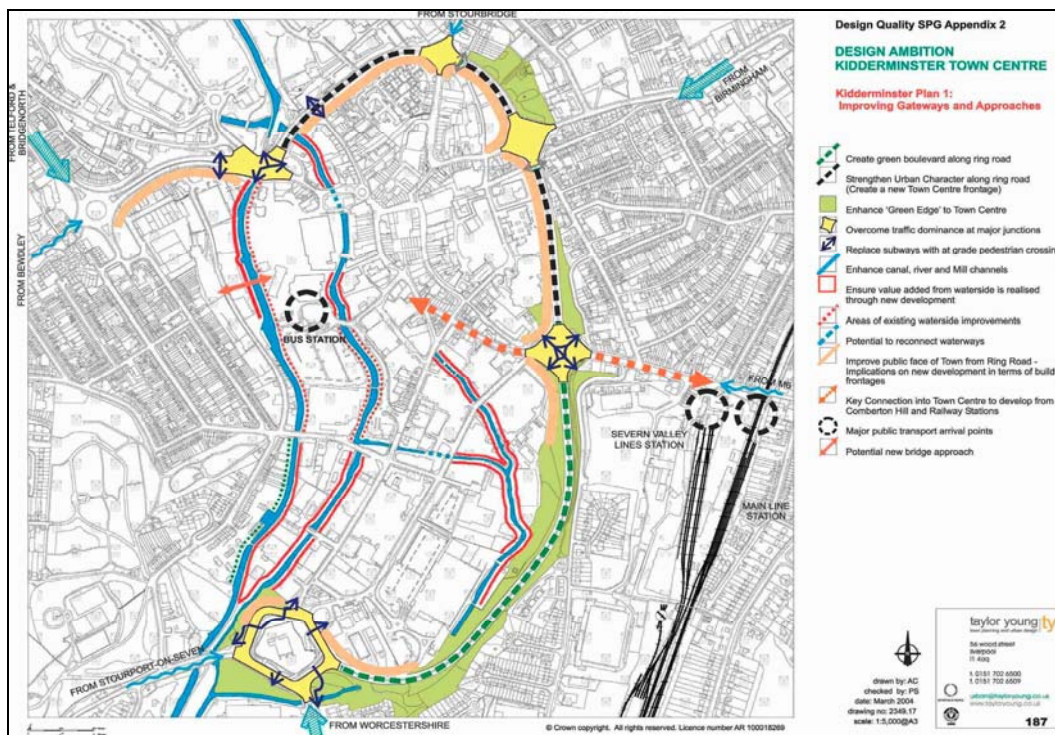
## APPENDIX 4 –Public realm ambitions for the three main towns.

### Kidderminster

Kidderminster is a traditional centre for the carpet industry, which has undergone major redevelopment in recent years. The Kidderminster Ring Road constructed in the 1960s, forms a significant barrier for pedestrians and cyclists seeking to access the town centre from surrounding residential areas.

New development proposals within the Kidderminster Town Centre Inset will need to respond positively to the design ambitions contained in the Design SPG. Further more, Adopted Local Plan Policy KTC.3 Worcester Street Enhancement Area, states that any proposals for the re-use of the site should include measures to improve connectivity with Comberton Hill. Similarly, Policy KTC.4 Green Street Mixed use Area, requires that any proposals for the redevelopment of this site will need to improve connectivity with the Primary Shopping Area and Comberton Hill. Therefore any developments coming forward within the vicinity of the Kidderminster Ring Road will be required to make a contribution towards enhancing the quality and condition of the public realm and townscape of Comberton Hill as well as the barrier created by the ring road.

A map depicting the design ambition for improving gateways and approaches into the town centre is shown below:



Source: Wyre Forest District Council Design Supplementary Planning Guidance (July 2004)

Design principles for the town centre include the following:

#### **APPENDIX 4 –Public realm ambitions for the three main towns.**

- To conserve the townscape heritage, particularly the mill buildings associated with the carpet industry.
- To enhance the heritage processions in particular the important routes of New Road and Green Street need to connect better with the town centre.
- The need to replace the subways with at-grade pedestrian crossings wherever possible.
- To address the public realm and townscape of Comberton Hill to improve connections between the railway station and town centre.
- To re-establish the connection from Church Street, over the ring road to St Mary's and All Saints Church.
- To improve the arrival points to the town centre, which should be of a high environmental quality and well connected to the core area.
- To develop a network of new and improved public spaces. For example, outside St Mary's & All Saints Church, the Bull-Ring, Vicar Street/ Exchange Street/Oxford Street intersection and Worcester Street.
- To enhance the setting of the Staffordshire & Worcestershire canal along the town's riverside including the mill channels, which run from the River Stour.

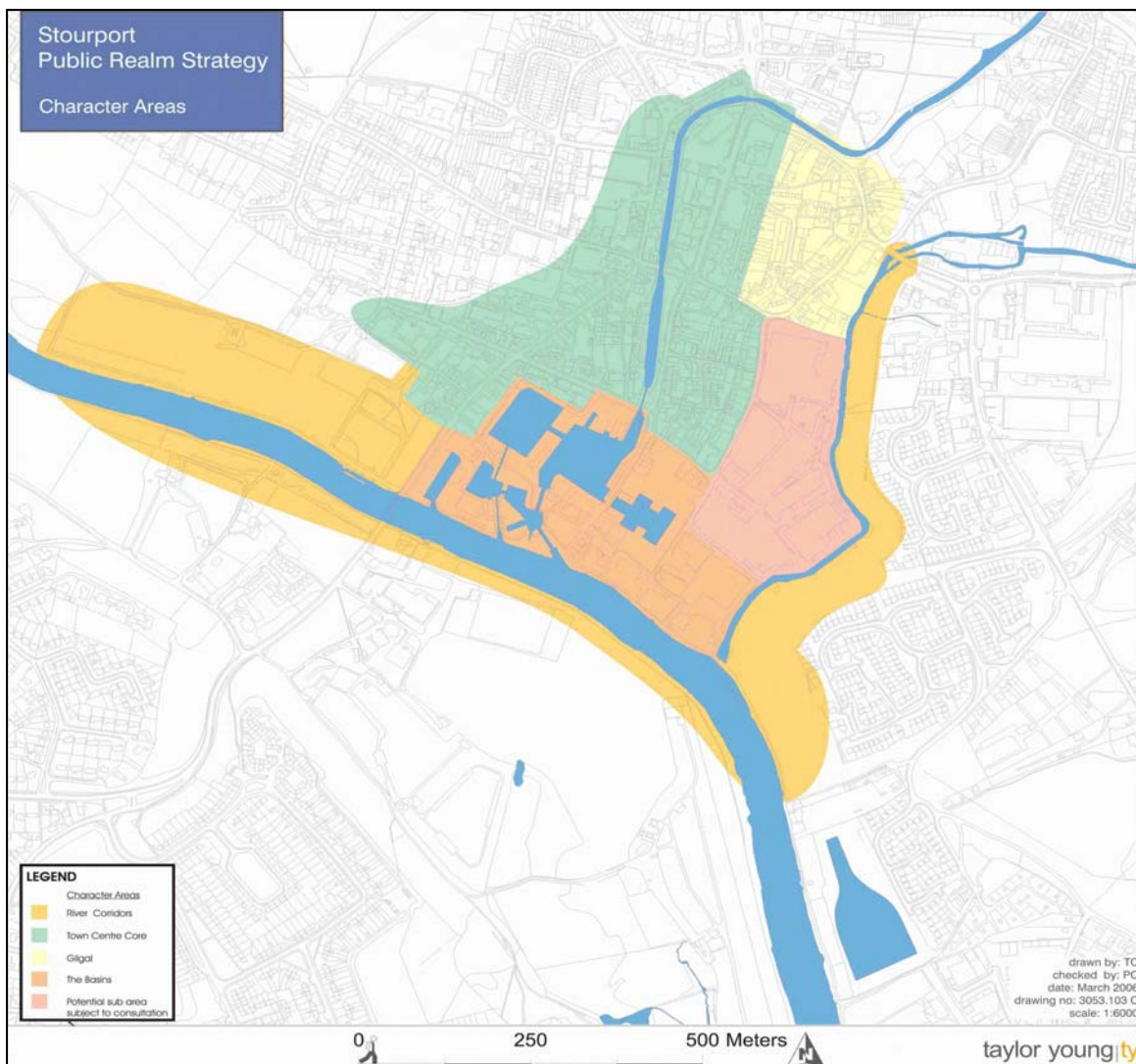
## APPENDIX 4 –Public realm ambitions for the three main towns.

### Stourport-on-Severn

The Character Areas define the type of street, space, built development and public realm that any new development should relate to within the town. The character areas are:

- Town Centre Core
- The Canal Basins
- Rivers Severn & Stour
- Gilgal

These are shown on the map below. Major development proposals falling into these areas will be required to make a contribution towards the public realm improvements identified at Section 3 of the Stourport Pride Public Realm Design Guide (available to view and download at [www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk))



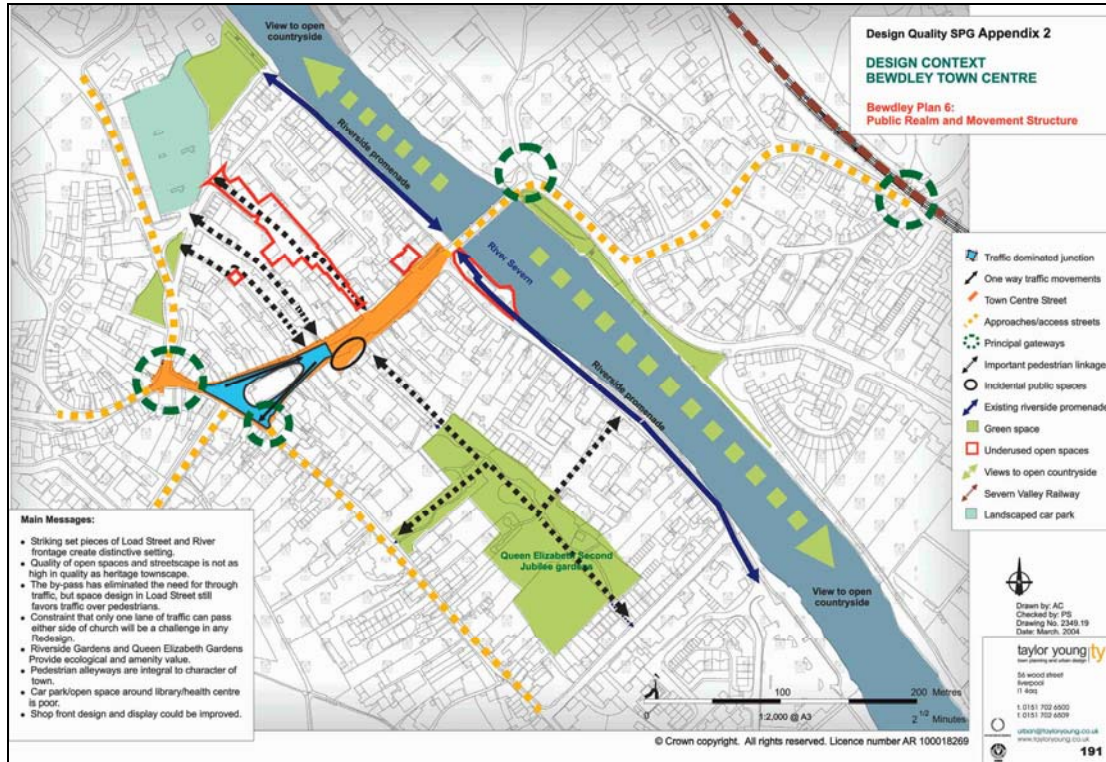
Source: Draft Stourport Pride Public Realm Design Guide (July 2006)



## APPENDIX 4 –Public realm ambitions for the three main towns.

### Bewdley

Within Bewdley development opportunities are limited due to the town's heritage. However, the issue of traffic management and public realm quality within the central area provides the potential to improve the overall experience of the town centre.



**Source: Wyre Forest District Council Design Supplementary Planning Guidance (July 2004)**

Some of the main design principles for Bewdley are as follows:

- To ensure the parkland character of high quality townscape is maintained to the eastern banks of the River Sever.
- To ensure the urban character and striking building frontages are maintained to the western banks of the River Sever with a high quality pedestrian promenade as an integral part of the urban setting.
- To improve the quality of the public realm within the town centre and specifically within Load Street, which should become a more focal point for town life.
- To illuminate the townscape to maximise impact at night using energy efficient equipment.



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