

WANDSWORTH BOROUGH COUNCIL

COMMUNITY SERVICES OVERVIEW AND SCRUTINY COMMITTEE –  
10TH FEBRUARY 2015

EXECUTIVE – 23RD FEBRUARY 2015

COUNCIL – 4TH MARCH 2015

Report by the Director of Housing and Community Services on the Planning Obligations  
Supplementary Planning Document and Town Centre Uses Supplementary Planning  
Document

SUMMARY

The report proposes the adoption of the Council's revised Planning Obligations Supplementary Planning Document (SPD) and the Town Centre Uses SPD following public consultation which was approved by the Executive on 6th October 2014 (Paper Nos. 14-500 and 14-501).

The revised Planning Obligations SPD includes modifications regarding affordable housing, employment and skills and public art and an affordable housing review mechanism. In addition, it includes seeking commuted sums for local labour opportunity, arts and culture in the public realm and related infrastructure provision.

The SPD also clarifies the Council's position in relation to the negotiation of Planning Obligation (S106) Agreements following the introduction of the Council's Community Infrastructure Levy (CIL) Charging Schedule, which came into effect on 1st November 2012.

The Town Centre Uses SPD provides further guidance on the application of planning policies with regards to determining planning proposals related to public houses and bars, hot food takeaways and betting shops. The planning policies referred to are included in the adopted Core Strategy and Development Management Policies Document (DMPD) and the 2nd Proposed Submission versions of the Core Strategy and DMPD. In accordance with the objectives of the Local Plan, the SPD positively contributes towards achieving sustainable and balanced communities and vibrant town centres, whilst meeting the needs of local residents.

## ***Planning Obligations and Town Centre Uses SPD***

### **GLOSSARY**

CIL	Community Infrastructure Levy
DMPD	Development Management Policies Document
S106	Section 106 Agreement
SPD	Supplementary Planning Document

### **RECOMMENDATIONS**

1. The Community Services Overview and Scrutiny Committee are recommended to support the recommendations to the Executive in paragraph 3.
2. If the Community Services Overview and Scrutiny Committee approve any views, comments or recommendations on this report these will be submitted to the Executive or to the appropriate regulatory or other committees for consideration.
3. The Executive is recommended to recommend the Council to approve the adoption of the Planning Obligations and Town Centre Uses Supplementary Planning Documents.

### **INTRODUCTION**

4. The Planning Obligations SPD and Town Centre Uses SPD both add further definition to the Council's adopted Local Plan (formerly Local Development Framework) Development Plan Documents – Core Strategy, Development Management Policies Document and Site Specific Allocations Document. Their primary purpose is to provide further guidance on Core Strategy policy IS7 (Planning Obligations) and to provide clarity on the scope of CIL and Section 106 (S106) obligations to facilitate negotiations and to provide further clarity on the Council's approach to protecting its Town Centres.
5. The Planning Obligations SPD sets out how the Council will implement its planning policies to ensure development proposals provide the maximum reasonable level of affordable housing and fund other improvements to mitigate the impact of development, alongside CIL contributions. The draft document introduces three new specific requirements as part of existing obligations already sought in the adopted 2012 version of the SPD: a mid and end of development affordable housing review mechanism; an employment and skills commuted sum contribution; and an arts and culture in the public realm and related infrastructure commuted sum.
6. Over the last year or so there has been increasing concern in the Borough over the loss of public houses, increases in the number of betting shops and the impact of hot food takeaways in relation to childhood obesity. Policies relating to town centre uses are set out in the Council's Local Plan, together with the London Plan and the National Planning Policy Framework. This report proposes the adoption of the Town Centre Uses SPD which provides detail of how the Council's planning policies should be applied in relation to applications involving the loss of public houses or bars, proposals for hot food takeaways and proposals for new betting shops.

## ***Planning Obligations and Town Centre Uses SPD***

### **CONSULTATION**

7. The Executive has previously approved (Paper Nos. 14-500 and 14-501) public consultation of the draft SPDs. The consultation for both documents was conducted between 17th October 2014 and 17th November 2014.
8. The responses to the consultation together with subsequent amendments to the SPDs are set out in the respective Statements of Consultation, attached as Appendix 1 and Appendix 2 of this report.

### **PLANNING OBLIGATIONS SPD**

9. Eighteen representors responded to the consultation including applicants and agents, infrastructure providers and local amenity societies. A mixture of objections and supportive comments were received with the majority of objections coming from agents on behalf of developers. The main issues raised included:-
  - (i) Affordable housing review mechanisms and associated formulae would be unduly restrictive on development;
  - (ii) Concern over what planning obligations would be delivered through a S106 agreement and CIL and the potential for “double counting”;
  - (iii) Suggested that the Council should introduce an exceptional relief policy;
  - (iv) The nature of the changes proposed represent a material change in approach beyond the scope of the SPD;
  - (v) Concern that the SPD introduces new policy in addition to Local Plan policy;
  - (vi) The monitoring and administration charges proposed are not reflective of the resources required and should be reduced;
  - (vii) Unreasonable to require all S106 monetary payments to be paid on completion of the legal agreement;
  - (viii) Objections to setting out a viability appraisal summary for the Council’s website and Planning Committee due to the sensitivities of commercial information;
  - (ix) An objection to the Existing Use Value plus premium approach to viability appraisal;
  - (x) Off site provision of open space is unrealistic;
  - (xi) Difficult to meet open space requirement; and
  - (xii) Appropriate employment opportunity for local labour should be determined on a case by case basis. The proposed requirements are too prescriptive.
10. It is considered that no major changes to the SPD are required. The minor modifications and clarifications that were considered appropriate are detailed in the Statement of Consultation (Appendix 1). None of the changes made to the SPD are considered to merit a further re-consultation, as they directly relate to addressing the concerns of the respondents and do not make fundamental changes to the approach proposed within the SPD. A copy of the amended SPD is attached as Appendix 3 to this report.

**TOWN CENTRE USES SPD**

11. Fifteen representors responded to the consultation including statutory consultees, agents and local amenity societies. Out of the fifteen representors, 6 registered their support and 4 registered their objections. All of the objections came from the fast food, gambling and drinks industry, whereas support has been received from healthcare professionals and local amenity societies. The main issues raised included:-
- (i) Support for providing public houses with greater protection through Article 4 Directions;
  - (ii) Support for protecting public houses and bars which are valuable community assets;
  - (iii) Objection to protecting pubs and bars on the grounds that it will impede sustainable economic growth;
  - (iv) Objection to the additional protection of public houses and bars of historical/architectural value as these issues are already assessed through the statutory and local listing process;
  - (v) Objection regarding Borough-wide use of Article 4 Directions to protect public houses and bars;
  - (vi) Support for controlling the proliferation of hot food takeaways near schools;
  - (vii) Objections that the evidence on deprivation, density of hot food takeaways and incidence of ill health does not show a meaningful casual link and that it is not the role of planning to address these issues, rather the diet of school children is the responsibility of parents and guardians;
  - (viii) Objection regarding the restriction of hot food takeaways as it reduces consumer choice based on arbitrary criteria;
  - (ix) Objection to justification for restricting hot food takeaways on the basis that they can attract anti-social behaviour;
  - (x) Objections that there is a lack of evidence to demonstrate a link between fast food, school proximity and obesity;
  - (xi) Objection that there is a lack of evidence that purchases in fast food outlets are any more or less healthy than purchases in other A Class premises;
  - (xii) Objection that only limited purchases of food are made at A5 uses on journeys to and from school;
  - (xiii) Support for controlling the proliferation of betting shops within town centres;
  - (xiv) Objection to controlling the number of betting shops due to evidence that shows that betting shops can enhance the vitality and viability of high streets, occupy vacant units and make significant positive financial contributions to the economy; and
  - (xv) Objection to controlling the number of betting shops as it stifles economic development and is not compliant with national planning policy.
12. It is considered that no major changes to the SPD are required. The minor modifications and clarifications that were considered appropriate are detailed in the Statement of Consultation (Appendix 2). None of the changes made to the SPD are considered to merit a further re-consultation, as they directly relate to addressing the

## ***Planning Obligations and Town Centre Uses SPD***

concerns of the respondents. A copy of the amended SPD is attached as Appendix 4 to this report.

### **ARTICLE 4 DIRECTIONS**

13. In both the public houses and bars and betting shops sections of the SPD, reference is made to the making of Article 4 Directions to ensure planning applications are required for development which the Council may wish to control. With regards to public houses and bars Article 4 Directions would protect public houses from change of use, painting and demolition that may otherwise be permitted development. With regards to betting shops Article 4 Directions would be used to remove permitted development rights where a concentration of such premises has arisen.
14. Following the consultation on the Technical Consultation on Planning document in July 2014, the Government has not yet published any changes to the use class within which betting shops are classified. This is expected in early 2015, at which time the Council will consider how best to apply Article 4 Directions in relation to public houses and bars and present their findings to the next meeting of this Committee.

### **PLANNING OBLIGATIONS AND TOWN CENTRE USES SPD ADOPTION**

15. It is proposed that the Planning Obligations SPD (Appendix 3) and Town Centre Uses SPD (Appendix 4) will be published following a resolution of full Council of their adoption. In line with the Regulations, the documents will be made available at the Town Hall and the Borough's town centre libraries and an adoption statement (Appendix 5 and Appendix 6) will be made available on the Council's website. Copies of the adoption statements will also be sent to relevant parties. Following the date of advertisement, potentially aggrieved parties have three months to make an application to the High Court to challenge the validity of the documents, although such challenges are rare.
16. Following adoption the SPDs will become a material consideration in relation to determining planning applications and in appeal decisions.

### **COMMENTS OF THE DIRECTOR OF PUBLIC HEALTH**

17. The restriction of fast food outlets in proximity to schools is included as a priority in Wandsworth's obesity strategy, Healthy Weight, Healthy Lives (2014-2017). This policy is supported by, among others, the London Food Board in their Takeaways Toolkit; by Public Health England's 'Healthy lives, healthy people' strategy; by NICE guidelines on the prevention of cardiovascular disease; and by the recent 'Better Health for London' report from the London Health Commission.
18. There are an estimated 107,500 people living in Wandsworth who are overweight or obese (Wandsworth Obesity Profile report, 2012). This serious health issue often starts in childhood: in Wandsworth, 1,000 children in Reception and Year 6 are identified

## **Planning Obligations and Town Centre Uses SPD**

through the National Child Measurement Programme as overweight or obese every year. Overall, more than one in five children starting school in Reception (4-5 years old) are overweight or obese, and by the time children reach Year 6 (10-11 years) approximately 35.2% (one in three) are overweight or obese (Public Health England NCMP Local Authority Profile). The estimated annual cost to the NHS from obesity related diseases in Wandsworth will be almost £50 million in 2015 (The National Heart Forum, 2008).

19. Public Health therefore strongly supports the proposed limitation of the number of fast food takeaways within 400m of schools and colleges as one aspect of the Council's ongoing work to tackle the problem of obesity within the Borough, and will seek to be actively involved in the monitoring and assessment of the policy to determine whether the restrictions are sufficient to achieve the desired reduction in childhood obesity.

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2nd February 2015

### Background Papers

There are no background papers to this report.

All reports to Overview and Scrutiny Committees, regulatory and other committees, the Executive and the full Council can be viewed on the Council's website ([www.wandsworth.gov.uk/moderngov](http://www.wandsworth.gov.uk/moderngov)) unless the report was published before May 2001, in which case the committee secretary (Martin Newton, 020 8871 6488; email [mnewton@wandsworth.gov.uk](mailto:mnewton@wandsworth.gov.uk)) can supply if required.