STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE
MEETING 10 July 2018

Urgent Update

Item 22: Statement of Community Involvement Consultation Draft

Publishing Viability Assessments

There have been a number of examples of residential developments whereby the 'normal' planning obligations (as required by Local Plan policies) are not being provided (in particular, affordable housing) based on viability assessments. These have been treated as 'confidential' even though they are clearly an important planning consideration. Furthermore, the Information Commissioner has found that much information contained within viability assessments is not actually confidential as they should relate to standard residual value analysis.

MHCLG's Draft Planning Practice Guidance for Viability states:

"Any viability assessment should follow the Government's recommended approach to assessing key factors as set out in National Planning Guidance and be proportionate, simple, transparent and publicly available" (page 4).

"Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Circumstances where it is deemed that specific details of an assessment should be redacted or withheld should be clearly set out to the satisfaction of the decision maker. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data" (page 11).

Therefore, it is proposed to publish viability assessments as an integral part of any such planning application.

The Statement of Community Involvement Consultation Draft is amended as follows.

Insert the following sentence at paragraph 46:

"Viability assessments utilising standard residual value analysis will be treated as an integral part of any such planning application and shall be publicised on the Council's website together with other relevant information".

Permission in Principle

The statutory time limit for the Council to determine most applications is 8 weeks, whilst with major planning application proposals it is 13 weeks, or 16 weeks if the application is subject to an Environmental Impact Assessment.

Applications for 'permission in principle' may be made for minor developments (of nine residential units or less, with less than 1000sqm of commercial floorspace, and/or on a site of less than 1ha), where the main purpose of the application is housing development.

Once a valid application for permission in principle has been received, the Council should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit unless a longer period has been agreed in writing with the applicant. The statutory time limit is 5 weeks, counting from the day after the Council receives a valid application. There is no statutory requirement to notify adjoining owners or occupiers of applications for permission in principle. Further, the permission in principle is followed by an application for technical details consent. Consequently, in order to meet the statutory time limit, it is proposed that adjoining owners or occupiers are not notified of applications for permission in principle application.

The Statement of Community Involvement Consultation Draft is amended as follows.

Insert the following sentence at paragraph 51:

"The statutory time limit for the Council to determine applications for planning in principle for minor development (nine residential units or less, with less than 1000sqm of commercial floorspace, and/or on a site of less than 1ha) is 5 weeks, unless a longer period is agreed with the applicant. In order to meet the 5-week statutory time limit, adjoining owners or occupiers will not be notified of applications for permission in principle".

Amend Table 4 'Notification and consultation methods for planning applications' under 'Receipt of planning applications':

- **"Notify adjoining owners and occupiers *(except in the case of an application for permission in principle)"***