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MACCLESFIELD BOROUGH COUNCIL

SUPPLEMENTARY PLANNING GUIDANCE on s106 (PLANNING) AGREEMENTS
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1. INTRODUCTION

1.1 INTRODUCTION

This document results from a joint study set up by three Cheshire Districts (Crewe & Nantwich BC, Macclesfield BC and Vale Royal BC) working with Cheshire County Council, local Primary Care Trusts, and consultancy assistance from Fordham Research Ltd. Following the study, parallel documents have been produced which set out Supplementary Planning Guidance (SPG) for each Council.

This document is a consequence of that work. It provides SPG in respect of developer contributions, commonly referred to as “planning gain”. It is to be read in conjunction with the Development Plan and other SPGs produced by the Borough Council, for the area concerned. The approach taken, which is believed to be a pioneering one, is intended to produce three sets of guidance for the three districts which follow a similar structure and, so far as is possible within separate Local Plan regimes, a similar approach.

Because it may have significant financial implications, developers and applicants will need to take this Guidance into account when seeking planning permission. Its contents will also be of value to landowners who are contemplating disposing of land with development potential. There is also a range of SPG documents on other topics; others may be added in future.

It is envisaged that this SPG will be regularly reviewed and revised as appropriate.

1.2 RELEVANT PLANNING DOCUMENTS

The Development Plan for the part of the Borough of Macclesfield for which MBC is the planning authority comprises two elements: the Cheshire 2011 Structure Plan, and the Borough Local Plan. The current Structure Plan was adopted in July 1999. The Borough Local Plan was adopted in January 2004.

A regional spatial planning and policy framework for Development Plans is provided by Regional Guidance for the North West. The most recent Guidance (RPG 13) was published in April 2003. This is currently subject to partial review.

Responsibilities for community and health matters in the District are shared between a number of agencies. In order to provide a co-ordinated approach in this situation, the Local Government Act 2000 requires principal local authorities to produce a Community Strategy or Plan for their area. Strategies should utilise local strategic partnerships to provide a coherent and interlocking approach to addressing key problems in the local community, identifying a vision for the community, and co-ordinating policies and resources in order to deliver it. A Community Plan for Macclesfield Borough was approved in 2003. It will be reviewed and updated at regular intervals.
1.3 THE ROLE OF SUPPLEMENTARY PLANNING GUIDANCE

This document sets out Supplementary Planning Guidance (SPG). That means that it provides non-statutory planning guidance which is supplementary to the adopted Local Plan. Such guidance is nevertheless a material consideration, having been the subject of extensive consultation.

This SPG sets out the principles and practice of the Council in relation to the negotiation of planning obligations. Therefore, its content affects all planning proposals which are of sufficient scale to have some 'impact' on the existing situation. Such impacts can be of a wide variety, from the abstract (visual effect) to the immediately physical (increased congestion on the roads). This SPG will be subject to a review and roll forward mechanism to ensure that it is updated to take account of changes in the national and regional planning framework, as well as local circumstances.

1.4 DEFINITION: PLANNING GAIN AND PLANNING OBLIGATIONS

This SPG deals with the matter of developers' contributions, in respect of what is known as "planning gain". There is no officially accepted term which can be used to describe the infrastructure which needs to be provided by new development, during the period in which it is being assessed. Only after the assessment is complete, when it has been fixed and embodied in a Section 106 Agreement under the 1990 Town and Country Planning Act (or some equivalent) does it become properly labelled as a "planning obligation". For convenience, in the text of this SPG, the term "planning gain" is used since the focus here is upon the negotiating stage that precedes the planning obligations phase.

1.5 DEVELOPMENT PLAN GUIDANCE ON PLANNING GAIN

The adopted Macclesfield Borough Local Plan contains a number of policies dealing with planning gain contributions by developers, including the following;

**Development Sites**

**IMP 1** THE BOROUGH COUNCIL WILL EXPECT PLANNING APPLICATIONS FOR THE DEVELOPMENT OF SITES TO INCLUDE WITHIN THEM PROVISION FOR THE INFRASTRUCTURE CONSEQUENCES. SUCH PROVISION MAY INCLUDE:

1. ON-SITE FACILITIES DIRECTLY RELATED TO THE PROPOSED USE IN THE INTERESTS OF COMPREHENSIVE PLANNING.
2. OFF-SITE FACILITIES NECESSARY AS A RESULT OF THE DEVELOPMENT IN ORDER TO VOID PLACING A BURDEN ON THE EXISTING COMMUNITY.

**Transport**

**IMP 2** WHERE A PROPOSED DEVELOPMENT WOULD GIVE RISE TO THE NEED FOR TRANSPORT MEASURES, FACILITIES OR IMPROVEMENTS, AND WHERE
CLEARLY JUSTIFIED AND IN ACCORDANCE WITH STATUTORY AND POLICY TESTS:

1. CONDITIONS WILL BE IMPOSED TO REQUIRE ON-SITE TRANSPORT MEASURES AND FACILITIES AS PART OF THE DEVELOPMENT, OR TO PROHIBIT DEVELOPMENT ON THE APPLICATION SITE UNTIL AN EVENT OCCURS; AND

2. PLANNING OBLIGATIONS WILL BE NEGOTIATED TO SECURE CONTRIBUTIONS TOWARDS IMPROVEMENTS IN PUBLIC TRANSPORT, WALKING OR CYCLING, WHERE SUCH MEASURES WOULD BE LIKELY TO INFLUENCE TRAVEL PATTERNS TO THE SITE, EITHER ON THEIR OWN OR AS A PACKAGE OF MEASURES.

WHERE PROPOSED DEVELOPMENT IS LIKELY TO HAVE SIGNIFICANT TRANSPORT IMPLICATIONS, TRANSPORT ASSESSMENTS AND TRAVEL PLANS WILL BE REQUIRED TO ACCOMPANY PLANNING APPLICATIONS.

IN ASSESSING WHETHER A PROPOSED DEVELOPMENT WOULD GIVE RISE TO THE NEED FOR TRANSPORT MEASURES, FACILITIES OR IMPROVEMENTS, AND IN DETERMINING THE NATURE AND SCOPE OF CONTRIBUTIONS, REGARD WILL BE HAD TO TRANSPORT ASSESSMENTS AND TRAVEL PLANS.

Environmental Improvements in Town Centres

IMP 4 IN RESPECT OF SIGNIFICANT DEVELOPMENTS IN TOWN AND DISTRICT CENTRES, THE BOROUGH COUNCIL WILL SEEK TO ENTER INTO A PLANNING OBLIGATION TO SECURE CONTRIBUTIONS FROM DEVELOPERS TOWARDS ENVIRONMENTAL IMPROVEMENTS IN TOWN AND DISTRICT CENTRES.

NE18 IN MAJOR DEVELOPMENTS IN THE COUNTRYSIDE, THE BOROUGH COUNCIL WILL SEEK IMPROVEMENTS FOR NATURE CONSERVATION, TREE PLANTING AND LANDSCAPING AND WILL NEGOTIATE APPROPRIATE LEGAL AGREEMENTS TO SECURE THE IMPLEMENTATION OF THESE IMPROVEMENTS BY THE DEVELOPER.

GC2 WITHIN THE GREEN BELT APPROVAL WILL NOT BE GIVEN FOR ENGINEERING AND OTHER OPERATIONS, AND THE MAKING OF ANY MATERIAL CHANGE IN THE USE OF LAND UNLESS THEY MAINTAIN OPENNESS; DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN THE GREEN BELT; AND CONTRIBUTE TO THE ACHIEVEMENT OF THE OBJECTIVES FOR THE USE OF LAND IN GREEN BELTS.

IN THE CASE WHERE AMENITY ON A SITE WITHIN THE GREEN BELT OR ON A SITE ADJACENT TO THE GREEN BELT IS LOST AS A RESULT OF DEVELOPMENT ON THAT SITE, PLANNING OBLIGATIONS MAY BE USED TO PROVIDE FOR OFF-SETTING BENEFITS ON LAND IN THE GREEN BELT.
RT5 THE BOROUGH COUNCIL MINIMUM STANDARDS FOR OPEN SPACE
PROVISION ARE AS FOLLOWS:

1. 2.43 HECTARES OF OUTDOOR PLAYING SPACE PER 1,000 POPULATION
(BASED UPON THE NATIONAL PLAYING FIELDS ASSOCIATION SIX ACRE
STANDARD)

2. 0.8 HECTARES OF AMENITY OPEN SPACE PER 1,000 POPULATION AND THAT
SUCH OPEN SPACE SHOULD:

3. BE CONVENIENTLY ACCESSIBLE FOR THE INTENDED USERS

4. BE SATISFACTORILY INTEGRATED WITH SURROUNDING DEVELOPMENTS

5. AND IN THE CASE OF AMENITY OPEN SPACES RESPECT NATURAL
FEATURES AND THAT IN ANY DEVELOPMENT PROPOSALS,

6. THE BOROUGH COUNCIL WILL SEEK TO SECURE THE PROVISION OF
OUTDOOR PLAYING SPACE AND AMENITY OPEN SPACE BY PLANNING
OBLIGATIONS

DC7 CAR PARKING WILL BE PROVIDED IN ACCORDANCE WITH THE MAXIMUM
STANDARDS LISTED IN APPENDIX 10 (OF THE LOCAL PLAN)

DC40
1 INFORMAL PLAY PROVISION SHOULD BE PROVIDED AS FOLLOWS:

(I) AT THE RATE OF 12.5 M² PER FAMILY DWELLING (IE TWO BEDROOMS
OR MORE)

(II) EITHER SEPARATELY LOCATED OR BY COMBINING THE INFORMAL
PLAY PROVISION WITH OTHER LOCAL OPEN SPACE

(III) EITHER SEPARATELY LOCATED OR BY COMBINING WITH SOME
FORMAL PLAY PROVISION

(IV) IN A LOCATION WHICH AVOIDS HAZARD FOR CHILDREN.

2 FORMAL PLAY PROVISION (EQUIPMENT PROVIDED) SHOULD BE PROVIDED
AT THE RATE OF 7.5 M² PER FAMILY DWELLING SUBJECT TO THE
FOLLOWING:

(I) 25% OF THE PROVISION SHOULD BE FOR YOUNGER CHILDREN (UP TO
THE AGE OF 6 YEARS) AND 75% OF THE PROVISION SHOULD BE FOR
OLDER CHILDREN (7 YEARS UPWARDS)

(II) A MINIMUM PROVISION OF 100 M² FOR YOUNGER CHILDREN AND 400 M²
FOR OLDER CHILDREN

(III) THE PLAY AREA SHOULD BE WITHIN EASY AND SAFE REACH FOR THE
INTENDED USERS AND SHOULD BE AT INTERVALS OF NOT MORE THAN
HALF A MILE.
(IV) THE SITE SHOULD BE SAFE, COMFORTABLE AND INTRINSICALLY INTERESTING FOR THE USER AND BE SUBJECT TO INFORMAL SURVEILLANCE

(V) FORMAL PLAY PROVISION FOR OLDER CHILDREN SHALL NOT BE LOCATED IN CLOSE PROXIMITY TO DWELLINGS WHERE THIS WOULD CREATE A NUISANCE FOR THE OCCUPIERS.

3 AMENITY OPEN SPACE SHOULD BE PROVIDED AT THE RATE OF ABOUT 20 M² PER DWELLING, AND SHOULD INCORPORATE NATURAL FEATURES OF INTEREST WHERE POSSIBLE.

4 SHELTERED HOUSING SCHEMES WILL BE REQUIRED TO PROVIDE APPROPRIATE AMENITY SPACE CONSISTENT WITH THE REQUIREMENTS OF THE DEVELOPMENT AND THE CHARACTER OF THE AREA.

T6 THE BOROUGH COUNCIL WILL SUPPORT OTHER HIGHWAY IMPROVEMENT SCHEMES WHICH REDUCE ACCIDENTS AND TRAFFIC HAZARDS. WHERE NEW DEVELOPMENT IS PROPOSED, DEVELOPERS SHOULD PROVIDE FOR SAFE AND CONVENIENT ACCESS TO THE HIGHWAY NETWORK AND WHERE APPROPRIATE, MAKE CONTRIBUTIONS TOWARDS NECESSARY OFFSITE HIGHWAY IMPROVEMENTS.

From time to time, changes and revisions to Regional Planning Guidance, the Structure Plan, and the Local Plan/Local Development Framework, or to national guidance through PPGs or Circulars, or primary legislation, may impact upon the guidance offered here. Such changes will need to be taken into account; significant changes will require the document to be revised.

1.6 OTHER RELEVANT PLANNING GUIDANCE

West Tytherington  March 1984
Mary Dendy Hospital  February 1988
Tytherington Business Park  April 1989
Parkside Hospital Development Brief  April 1990
Parkside Hospital Annexe & Uplands Zone  November 1998
South Macclesfield Development Area  December 1998
Victoria Park Estate  March 1999
Alderley Park  April 1999
Rieter Scrags  January 2000
Floodlighting  July 2002
Equestrian facilities  August 2002
Stamford Lodge  December 2002
Restricting the Supply of New Housing  September 2003
Archaeology  May 2004
Trees & Development Guidelines
Listed Buildings and Conservation Areas (General Guide)
**Specific Conservation Area Guides**: Alderley Edge; Bollington & Kerridge; Bollington Cross; Knutsford Town Centre; Legh Road; Christchurch; High Street; Macclesfield Town Centre; Macclesfield Canal; Park Green; Park Lane; Prestbury Road; Prestbury; Rainow. Shopfronts and Security Shutters Guide

**Traditional Buildings Design Guidance Leaflets**: Stonewalls; Doors; Chimney Pots & Stacks; Brick Walls; Grants

The present SPG is intended to complement the above and any subsequent SPG publications, in order to provide guidance for applicants for planning permission, and to the general public in terms of the approach which MBC will take on the topics concerned.

**1.7 STRUCTURE OF THIS DOCUMENT**

In the remainder of this document, Chapter 2 sets out some specific principles which apply throughout the document. Following this, Chapters 3 to 6 provide guidance to planning applicants, developers and their agents about the nature of the contributions which would be sought under individual headings. Chapter 7 deals with the special case of affordable housing.

Appendix 1 reviews the basis in statute and guidance under which Councils can seek developer contributions. Additional detailed quantitative information is provided in Appendices 2 onwards.

**1.8 TRANSPARENCY OF PROCESS**

Over the years since Circular 1/97, there has been a move to ensure that all planning agreements under s106 and other powers can be examined by the public. It is difficult to make public each stage of a negotiation. However, in the Borough of Macclesfield a planning application will be reported to Committee, with a recommendation of approval subject to the drawing up of a s106 agreement to deal with particular headings. It is the purpose of this document to provide further guidance to prospective developers to supplement the Development Plan as to the Borough Council's policies.
2. PLANNING GAIN: PRINCIPLES

2.1 JUSTIFICATION FOR DEVELOPER CONTRIBUTIONS

As Appendix 1 demonstrates, it is well established in guidance and in law that in appropriate cases Councils can reasonably seek contributions from developers in respect of social and physical infrastructure and also affordable housing. PPG12 (Para 6.14) notes that infrastructure includes "services like education and health and other community facilities, ...."

PPG12 (Para 6.17) also notes that "When it comes to considering planning applications for development requiring infrastructure improvements which are not already firmly programmed, developers and local planning authorities have several options. Planning obligations enable developers to advance infrastructure improvement programmes to meet the demands of their site".

Except for affordable housing, the basis for any contribution is that there is an identified impact arising from the development, and that the contribution is a measure designed to mitigate that impact. The contributions are made following the grant of planning permission; they may be secured by condition, or by legal agreement under s106 of the Town & Country Planning Act 1991. They may involve payment of capital or revenue contributions, or in appropriate circumstances commuted maintenance payment. On the other hand, contributions may be made by the developer in the form of provision in kind, as land, construction of buildings, facilities, transport provision, and the like.

There is no direct link between impact and mitigation in the special case of affordable housing, which is based solely on Government advice.

The succeeding chapters in this Guidance provide advice on particular types of contribution that might be sought from individual developments. In many cases the contribution relates to activities which are the primary responsibility of the Borough Council. In some cases, however, the responsibility lies with a third party such as the County Council, or Primary Care Trust. This third party may need to be a signatory to any legal agreement. As far as possible, such third parties are kept involved in the planning process as consultees, through inter agency partnerships and other working arrangements such as The Community Plan.

2.2 THE NEEDS OF PARTICULAR AREAS

Whilst the purpose of planning gain contributions is to address the impact of development and not existing needs, an area's particular needs may well be a relevant matter in considering what appropriate measures in mitigation might be.

For instance, there is growing recognition that deprivation indices, such as the ODPM (former DETR)'s Index of Multiple Deprivation can illustrate the different dimensions through which communities can be disadvantaged. This index could, for example, provide
information about access to local services such as food shops, post offices and schools, suggesting that measures which seek to improve such access may be an appropriate response to address development impact.

2.3 UNITS OF MEASUREMENT

In some cases the guidance in the remainder of this document is based on the number of persons occupying a housing development, rather than, as in some other cases, the number of dwellings. Obviously each development has different characteristics which will determine the number of persons occupying it, and indeed the numbers themselves will vary over time, most commonly where a “bulge” of childbearing works its way through. The numbers in occupation may, in the fullness of time, come to reflect average occupancy rates in the area, or they may not.

For the time being, the Council will assume a figure of 2.5 persons per dwelling to calculate occupancy, unless the nature of the scheme is so exceptional that this figure is clearly inappropriate (for instance, sheltered housing, or a scheme mainly designed to house younger single persons). The figure of 2.5 includes an allowance for vacancies.

In the case of commercial development, measurement throughout this report is in square metres of floor space.

2.4 INDEXING COSTS

In a number of places, this document provides guidance on costs or estimated costs in respect of developer contributions under specific headings. Where such information is provided, the cost is the current cost at February/Quarter 1 2003. The quoted costs will be indexed to a current date using an appropriate cost or price index measure. Appendix 3 provides further guidance on an appropriate approach and measures to use in carrying out indexing.

2.5 COMMUTED MAINTENANCE PAYMENTS

Where recreation and community facilities are provided primarily for the use of people within the proposed development, adoption by the Council may be an appropriate solution to secure long term management and maintenance of the facility. In such cases, the Council will seek payment of a commuted sum to provide for future management and maintenance costs.

Accordingly, commuted sums for maintenance will be based on the actual costs to the council (as far as it is possible to predict), of maintaining the open space throughout the commuted sum period. Experience has demonstrated that a previous policy of 10 years’ payment fell well short of providing for the lifetime of the facility, which is expected to be perhaps 20 years, and consequently it has become necessary to seek a larger sum. The commuted sum period will be increased from 10 to 15 years. A 15 year commutation period, when placed in an interest bearing account, is calculated to provide adequate finance for about 20 years’ maintenance work.
The commuted sum for maintenance will be paid to the Council on completion of transfer of the open space or facility to the Council, unless an agreed timetable has been established in negotiations.

2.6 PROVISION THRESHOLDS

The discussion under each individual heading identifies minimum ‘size thresholds’ for developments to which the identified requirements will apply. Developers and applicants should note that devices to subdivide housing allocations or other sites, in order to evade the identified planning gain requirement, will be robustly resisted. In such cases the requirement will be calculated as if there were a single unified site. This approach will apply to affordable housing as to any other category of developer contribution.

2.7 VOLUNTARY PAYMENTS AS COMMUTED LUMP SUMS

In certain straightforward cases an applicant for planning permission does not desire a covenant from the Local Planning Authority or Highways Authority as to the use and/or deployment of monies required to be paid to the Council arising from the consequences of development upon grant of planning permission. Neither do they require the repayment of some or all of such money after a period of time. In these cases the Council may accept a voluntary payment of an agreed sum at the time of the issue of the decision notice instead of entering a planning agreement under s106 of the Town & Country Planning Act.

The Council reserves the right to require a Planning Agreement in any event in such circumstances.

However, if a planning permission is to be granted and the Committee’s resolution or the officer delegated record of decision records the requirement for a payment as to both the amount and purpose for its use, then such payment may be made as a single lump sum on issue of the Decision Notice. The Council will:

a) only issue the Decision Notice upon receipt of the necessary monies and
b) will issue a written receipt on behalf of the Council which acknowledges the purpose/use for such monies (as resolved by Committee)

The applicant/Developer will need to agree in writing that the money is paid without any requirement for a refund, notwithstanding they may choose not to implement the development

Payments without a Planning Agreement are not possible where monies are:

a) due to be paid at a later date than the issue of the Decision Notice, e. g. a “first occupation” of a house or flat trigger, or
b) where staged payments apply, or
c) the possibility of a refund arises, or
d) other covenant obligations are required between the parties, or
e) indexation of sums is due to apply, or
f) where other matters occur, giving rise to the need for a Planning Agreement in any event

Government has recently considered a system of standard tariffs to cover some Planning Gain situations. Should such rules emerge during the life of this SPG then this section must be read in the light of such guidance/requirements (and amended if necessary).
3. RECREATION, HERITAGE & CULTURE

3.1 INTRODUCTION

This chapter considers appropriate developer contributions towards open space, recreation, nature conservation, built heritage, archaeology, and public art. All except archaeology are primarily the responsibility of the Borough Council.

3.2 OPEN SPACE

3.2.1 National Guidance

- PPG 17 calls for local authorities to carry out assessments and audits of needs, existing provision and opportunities, in respect of open space, sports and recreational facilities. These "will allow local authorities to identify specific needs and quantitative or qualitative deficits or surpluses....in their areas. They form the starting point for establishing an effective strategy for open space, sport and recreation at the local level (tied into the local authority's Community Plan) and for effective planning through the development of local policies in plans".

(The audit and assessment, when completed, will set out the Council's standards and requirements in respect of recreation and open space provision. The present Guidance will therefore in due course need to be read in conjunction with the published audit document).

- The National Playing Fields Association's "Six Acre Standard" sets requirements in respect of play and playing fields provision based on providing a minimum of 6 acres (2.43 ha) of playing space per 1,000 population.

3.2.2 Local Guidance

- Local Plan Policy RT5.
- Local Plan Policy DC40.

3.2.3 Applicability

The requirements below arise for all housing developments of 6 or more dwellings of 2 or more bedrooms, and for commercial developments of 1,000 m² or larger which are likely to lead to a need for open space in the locality. However, IMP1 of the Borough Local Plan recognises that as each site is unique, in some cases, even a smaller amount of development may trigger the need for infrastructure. Note that whilst all developments containing 6 or more dwellings are above the threshold, family dwellings, dwellings containing two or more bedrooms, have a different contribution formula to apartments. These details can be found in Appendix 4.
3.2.4 Requirements

Housing developments

Policy DC40 states that **THE FOLLOWING PLAY AND AMENITY OPEN SPACE SHALL BE PROVIDED:**

- **12.5 m² of informal play provision** per family dwelling and
- **7.5 m² of formal play provision (equipped)** per family dwelling and
- **20 m² of amenity open space per dwelling** (including sheltered housing)

This gives a total requirement of 40 m² of open space per family dwelling

(The above m² figures are directly based on the ha per 1,000 population figures in policy RT5 and equate to 0.8 ha per 1,000 of informal and formal play provision combined and 0.8 ha per 1,000 of amenity open space = 1.6 ha per 1,000 population)

The informal, formal and amenity open space will be incorporated into a development in the most appropriate way. The design of the open space will usually bring the play and amenity space together to provide maximum benefit to the local community.

Informal play space, usually areas of grass, is provided for informal and creative play opportunities in suitable, safe, easily accessible, welcoming locations. It is provided to allow opportunities for games and activities. Informal play provision will often be provided alongside or combined with equipped play areas, but is sometimes provided separately where there is a need. Informal open space may include furniture such as casual seating and other features to facilitate imaginative play.

Formal play provision will be to either a Local Play Area characteristics, Local Equipped Play Area or Neighbourhood Equipped Play Area characteristics (LAPs, LEAPs & NEAPs) in accordance with MBC requirements, forthcoming Strategies and, when available, the PPG17 Open Space Audit. These standards will be revised following completion of the Council’s Open Space Audit & Assessment, and development of the Council’s strategies and priorities, which will identify areas where provision is inadequate and set out what is required to address these issues. Standards for these facilities are set out in Appendix 2.

Amenity open space will include, amongst others and as appropriate to location and development; hard and soft landscaped areas, (including furniture, public art features), cycleways, water bodies, wildlife and habitat areas, woodlands, existing natural features, allotments, footpaths and street lighting etc.

If some, or all, of the play and amenity open space requirements cannot be met within the site, as an alternative the Council may consider a payment in lieu of on site provision. There may be circumstances where it is preferable for a developer to contribute towards the provision of new open space or to the improvement of an existing area of open space elsewhere in the locality, rather than to provide on-site provision. This will be calculated on the basis of the cost of providing off-site open space and playing field provision to the standards set out in policies RT5 and DC40 where the need for the facilities fairly and
reasonably relates to the development permitted. Where developments contain or are comprised of apartments, a “per bedroom” space calculation will be applied. Formulae for contributions can be found in appendix 4.

**Mixed and commercial developments**

Significant commercial developments create demand for open space facilities e.g. for lunchtime breaks, crèches, shoppers, pedestrians, local residents etc or may provide unique opportunities to provide or improve existing local facilities. Accordingly for commercial developments of over 1,000 m² the Council will seek the provision of open space and other facilities. These will be negotiated as appropriate to the location, size and scale of the development and/or in accordance with the development brief should one be provided, or in accordance with other strategies, community plans or audits.

Commercial developments will be required to pay a commuted sum in lieu of on site provision if some or all the requirements cannot be met on site OR where it is preferable for a developer to contribute towards the provision of new open space or to the improvement of an existing area of open space or facility elsewhere in the locality.

The most appropriate indicator of demand for recreation and open space facilities within business developments is the maximum car parking standard. This combines the use of the building based upon the classes of development set out in the Planning Use Classes Order, and the amount of activity generated by the combination of staff, customers and visitors to the building or facility.

The current Cheshire maximum parking standards (which are themselves based upon North West Regional Planning Guidance) is the basis for the calculation of off-site contributions to recreation and open space. Appendix 4 contains the expected contributions.

All other uses will be assessed individually, but the requirement would also be based upon the maximum parking standard. The requirement arises irrespective of whether the parking standard is actually achieved on or off site. Sites which are under 1000 m², but which collectively act as part of a larger development, will be assessed in accordance with these requirements.

**Commuted sums for maintenance – Housing and Commercial**

Satisfactory arrangements will need to be put in place for the long term management and maintenance of these areas, by the developer or where appropriate, through transfer of the open space to the Council. In such cases, the Council will seek payment of a commuted sum to provide for future management and maintenance costs. Commuted sums for maintenance will be based on the actual costs to the council (as far as it is possible to predict), of maintaining the open space throughout the commuted sum period of 15 years. The commuted sum amount will be calculated by the Council and provided to the developer on completion of an agreed landscape scheme.
Open Space Audit & Assessment

In due course the above standards may be revised following completion of the Council's Open Space Audit & Assessment, which will identify areas where provision is inadequate and set out what action is required to address these issues.

3.2.5 Examples

- The developer of 23 apartments at Knutsford provided a significant financial contribution, to be used primarily to make improvements to a local open space and play area, including play equipment and footpath links.

- The developer of a site in Alderley Edge provided a significant financial contribution to be used towards the implementation of the Parks Strategy in the nearby Alderley Park.

3.3 RECREATION/OUTDOOR SPORTS FACILITIES

3.3.1 National Guidance

- PPG17 Sport and Recreation
- NPFA "Six Acre Standard" as above

3.3.2 Local Guidance

- Local Plan policies DC40 and RT5 as above
- Future audit and assessment of Recreation and Sports Facilities.

3.3.3 Applicability

The requirements below arise for all housing developments of 6 or more dwellings, and for commercial developments of over 1,000 m², which are likely to lead to a need for playing fields or indoor sports facilities in the locality. However, IMP1 of the Borough Local Plan recognises that each site is unique. In some cases, even a smaller amount of development may trigger the need for infrastructure.

3.3.4 Requirements

Of the 2.43 ha of outdoor playing space required from housing developments under RT5, 1.63 HA IS FOR OUTDOOR SPORTS FACILITIES, of which 1.2 HA IS SPECIFICALLY FOR PITCH SPORTS AND 0.43 HA FOR GREENS, COURTS AND OTHER MISCELLANEOUS FACILITIES. The remaining 0.8 ha. is the requirement for formal and informal play provision as detailed above. Both housing and commercial developments will be expected to provide these minimum standards.

Where playing pitch provision is made directly on site, SATISFACTORY CHANGING FACILITIES including vehicle and cycle parking will be required in accordance with "Sport England" criteria / specification for such facilities. Arrangements for securing long term
management and maintenance will also be needed as discussed under 3.2.4, either through the developer or transfer to the Borough Council with a commuted sum for maintenance.

It is anticipated that provision will frequently be off-site in the case of playing pitches and commuted sums in lieu of on site provision will be required. The appropriate provision will reflect needs identified in Council programmes, in particular the forthcoming PPG17 Open Space Audit and Assessment and Playing Fields Strategy.

Contributions from smaller individual developments may be pooled in order to generate viable opportunities for investment in new provision or improvements to existing facilities. This will be calculated on the basis of a formula set out in Appendix 4. Where developments contain or are comprised of apartments, a "per bedroom" space calculation will be applied, as set out in Appendix 4.

In addition, a further CONTRIBUTION TO INDOOR SPORTS FACILITIES (predominantly Leisure Centres) will be sought from housing developments and commercial developments. The forthcoming Sports and Facility Development Strategy will identify inadequacies in scale and quality of existing Leisure Centres and direct the use of the contributions within them. However, there may also be particular situations where local access to indoor sporting opportunities is appropriate, such as in rural communities, and contributions will be used to enable this provision. Contributions from smaller individual developments may be pooled in order to generate viable opportunities for investment in new provision or improvements to existing facilities and services.

The formula for contributions will be available on completion of the Sports and Facility Development Strategy, or will be based on the cost of providing new facilities and/or services, and will reflect needs identified in the strategy and through local consultations.

3.3.5 Example

To cover deficiencies in the provision of on site open space in Wilmslow, a development of 50 apartments provided a significant financial contribution towards the cost of improvements to a town centre park, and a multi use games area at Wilmslow Leisure Centre.

3.4 NATURE CONSERVATION

The promotion of biodiversity and the encouragement of sustainable development are increasingly important national policy aims. The continued existence of a wide variety of flora and fauna depends on the conservation of their natural habitats and the creation of new ones.

3.4.1 National Guidance

- PPG 9 Nature Conservation
3.4.2 Local Guidance

- Local Plan policy NE11
- Macclesfield Borough Community Plan 2003

3.4.3 Applicability

The Guidance applies to all developments with measurable impact on habitat or wildlife. Whilst green field developments are most likely to involve impacts of this kind, this may also arise on disused brown field sites.

3.4.4 Requirements

Where developments, housing or commercial, will have an impact on habitat and wildlife, MEASURES WILL BE REQUIRED TO ADDRESS THIS IMPACT. Each case will be to some extent unique, and it is difficult to provide general guidance; the appropriate measure may involve retaining some features on site, replacing them elsewhere, or else measures such as additional planting to strengthen and reinforce wildlife corridors.

3.4.5 Example

As part of the work to enable the second runway at Manchester Airport, bat-barns were constructed to accommodate displaced bats, and hibernacula were replicated to provide suitable replacement habitat for great crested newts.

3.5 BUILT HERITAGE

3.5.1 National Guidance

- PPG 15 Planning and the Historic Environment

3.5.2 Local Guidance

- Regional Planning Guidance
- Cheshire Structure Plan
- Local Plan policy BE2

3.5.3 Applicability

The Guidance applies to all proposals for development within or adjoining Conservation Areas.

3.5.4 Requirements

Where there is a scheme for the improvement of the public realm within or adjoining Conservation Areas, MBC will require developers to make a financial contribution towards the improvement scheme.
3.6 ARCHAEOLOGY

3.6.1 National Guidance

- PPG16: Archaeology and Planning (to be superseded in 2004 by PPS15: Planning for the Historic Environment)

3.6.2 Local Guidance

- Regional Planning Guidance
- Cheshire Structure Plan
- Local Plan
- Supplementary Planning Guidance

3.6.3 Applicability

All proposals for development within Areas of Archaeological Potential or affecting sites of known or suspected archaeological importance recorded in the County Sites and Monuments Record.

3.6.4 Requirements

The Cheshire Historic Towns Survey has identified Areas of Archaeological Potential in Macclesfield, Knutsford and Wilmslow, and other sites of archaeological importance are recorded in the County Sites and Monuments Record.

Where a proposal for development affects such areas or sites, developers may be required to undertake a pre-application evaluation of the area, in order to assess its importance and to enable the archaeological impact of the proposal to be taken into account in determining the application.

Wherever possible such sites should be preserved in situ, or by suitable measures of mitigation. Mitigation measures may include preservation in situ of archaeological features by design, or their recording through an agreed programme of archaeological investigation.

Archaeological investigation may vary from full excavation and recording to a watching brief during development, and will be secured through legal agreements and/or planning conditions.

3.6.5 Examples

- Manchester Airport plc commissioned an archaeological evaluation of the area to be affected by its proposed second runway. This identified the remains of a prehistoric farmstead, which was excavated, recorded and published.

- In response to a planning proposal at Mobberley Mill, the developer was required to commission an archaeological assessment of the site. Development proceeded
subject to an archaeological watching brief, which recorded important evidence of the site’s early history.

3.7 ART AND CULTURE

The Department for Culture, Media and Sport (DCMS) advocates that local authorities adopt their own integrated Local Cultural and Community Strategies and will increasingly focus on the community leadership role of Councils in delivering cultural contributions to community well being. The recognition of a basic entitlement to opportunities for cultural expression and recreation is increasingly taken to be a significant part of the life of every individual.

In the DCMS definition or understanding of culture ("Creating Opportunities" 2000) culture is seen as having a material dimension including performing and visual arts, architecture, landscape, parks, open spaces, children’s play, playgrounds and play activities, wildlife habitats, festivals and attractions etc. Culture also has a value dimension and is about shared memories, experience, identity and what we consider valuable to pass on to future generations. People’s social relationships, a sense of place and local identity can engage and strengthen community pride and bonds between individuals and groups.

The Borough Council has a Local Cultural Strategy which seeks to embrace culture through enhancing the natural and built environment, supporting community development, and opportunities to participate in and benefit from cultural activity. The Council takes the view that cultural development, desirable in its own right, can also help to achieve Council objectives of improving the economy, environment and quality of life. Councils are increasingly moving from purely providing arts and cultural services to also acting as facilitators and enablers.

3.7.1 National Guidance

- The Government’s Response to the Housing Planning Local Government & The Regions Select Committee’s Report

3.7.2 Local Guidance

- Borough Arts Development Plan
- MBC Local Cultural Strategy

3.7.3 Applicability

The requirements below arise for all housing developments, and for substantial commercial developments of more than 1,000 m². The need for contributions to Art/cultural activity will vary according to location, size, scale, opportunity and appropriateness.

The more specific requirement arises for larger developments of (residential) over 200 dwellings and (commercial) 2,500 m².
3.7.4 Requirements

Every housing and commercial development negotiated with the local authority should INCORPORATE ART INTO THE FABRIC OF THE INFRASTRUCTURE AND LANDSCAPING where appropriate. Housing and commercial developments providing on-site open space facilities will have opportunities to include public art features within these open spaces, for example through furniture, paving, lighting, entrance and signage design, often at no or limited increased cost. Similarly gates, entrances, and quality detail design and material specification of many features offer opportunities within buildings and hard landscaping to incorporate additional public art features. Temporary pieces or broader arts-based celebrations or community participation and cultural activity may be more appropriate, or an integral part of providing permanent public art features.

Larger developments will be expected to extend the provision of public art to include specific pieces of public art, and community participation will be required at an appropriate level.

On occasion, it may be more appropriate for a development to make an off-site contribution instead of provide specific on-site pieces. The value of this contribution will be negotiated with the local authority and may be pooled towards more substantial schemes or initiatives. An example could be town centre developments where a suitable opportunity or proposal exists off site, and it is considered more appropriate to focus the contributions from one or more development to one site or proposal. Some development sites will not be suitable for the inclusion of larger public art features and offsite opportunities for commuted sums will be considered where available.

3.7.5 Example

The Victoria Park redevelopment has secured a substantial piece of sculpture by a nationally recognised sculptor provided by the developer, and to be adopted by the Borough Council.
4. EDUCATION & LIBRARIES

4.1 INTRODUCTION

This chapter considers appropriate developer contributions under the headings of Education and Libraries. Cheshire County Council (CCC) administers both these services.

4.2 EDUCATION

The County Council, as Local Education Authority (LEA), is responsible for securing the provision of primary and secondary education (including provision for children with Special Education Needs) which will meet the requirements of the population of the County. This section concentrates on that area of responsibility.

4.2.1 National Guidance

For non-statutory guidance on minimum area standards the DfES document “Building Bulletin 82: Area Guidelines for Schools” is being replaced in Summer 2004 by


and


4.2.2 Local Guidance

The County Council’s “School Organisation Plan”, reviewed annually, sets out how the Local Education Authority (LEA) intends to ensure the availability of school places to meet the requirements of the population over the next five years.

4.2.3 Applicability

The requirements below arise for all housing developments of 5 or more dwellings, the trigger point at which data on forthcoming development proposals is provided to CCC.

4.2.4 Requirements

The School Organisation Plan provides guidance each year on the balance between pupil numbers and places in different parts of the County area. Currently, housing developments are ASSUMED TO GENERATE SCHOOL PUPILS AS ILLUSTRATED IN THE TABLE BELOW. Pupil numbers derived from new housing are based on the following calculation:

No. of dwellings x 0.026 x no. of year groups*

* 7 year groups for Primary pupils, and, by extension, 5 for Secondary pupils aged 11 to 16.
<table>
<thead>
<tr>
<th>No. of dwellings</th>
<th>Primary pupils 4 – 11</th>
<th>Secondary pupils 11 – 16</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>100</td>
<td>18</td>
<td>13</td>
</tr>
<tr>
<td>500</td>
<td>90</td>
<td>65</td>
</tr>
</tbody>
</table>

Where the calculated requirement cannot be met by available spare capacity within existing local schools, **A CONTRIBUTION WILL BE REQUIRED TO ENABLE ADDITIONAL PLACES TO BE BROUGHT INTO USE.** Whilst this might, exceptionally, for very large developments, generate the need for a new or replacement school, most often an existing school or schools will have to be extended. Typically, a new primary school might cost about £9,000 per place and a secondary school £15,000 (at January 2003 price levels, inclusive of fees, furniture and equipment costs, but exclusive of land costs). Building and equipping extensions will not necessarily be cheaper, especially if the additional pupils trigger a need for more core or specialist teaching space, or other facilities. The LEA would look to the developer to fund the actual building extensions or adaptations (with associated furniture and equipment) necessary to accommodate the additional demand. CCC will provide guidance in negotiations on individual cases. CCC does not regard mobile classroom units as an appropriate long term alternative to purpose built accommodation, and does not envisage that situations in which their short term use avoided the need for purpose built provision would arise very often in practice.

### 4.3 LIBRARIES

#### 4.3.1 National Guidance


#### 4.3.2 Applicability

The requirements below arise for all major housing developments of 500 or more dwellings.

#### 4.3.3 Requirements

Subject to any further national guidance the County Council uses a standard of **24 M² OF ‘PUBLIC’ LIBRARY SPACE PER 1,000 POPULATION, PLUS A FURTHER 3.5 M² OF NON-PUBLIC SPACE.**

The County Council maintains a list of library buildings which are regarded as having inadequate space provision, i.e. are operating at or above capacity. Where the existing local library space is on this list, the County Council will seek contributions to the cost of providing, extending or improving existing facilities.

Typical construction cost for a new branch library building is around £1,500 per m², excluding land costs, fixtures and fittings, and an allowance for book stock. Extensions may cost more or less than this depending upon the individual buildings concerned.
In rural areas a contribution towards the provision of a mobile library service with stock might in specific circumstances be an acceptable alternative.
5. TRANSPORT & MOVEMENT

5.1 INTRODUCTION

Transport and Movement are matters which are the formal responsibility of Cheshire County Council (CCC) as local highway authority.

5.2 TRANSPORT & MOVEMENT

5.2.1 National Guidance

- PPG 13: Transport
- Guidance on Travel Plans set out in "Using the planning process to secure travel plans – best practice guide" (DfT/ODPM)

5.2.2 Local Guidance

- Cheshire 2011 Policy GEN 3; the Structure Plan also contains guidance on the County Council's overall strategy.
- The Local Transport Plan (LTP) for Cheshire.
- Cheshire County Council – Travel Plans
- Local Plan policies IMP2, T8, T12, T14

5.2.3 Applicability

The basic requirement below applies for all housing developments and commercial developments.

Further additional requirements arise for more substantial commercial developments, with "significant transport implications". These are defined as set out in the table below:

<table>
<thead>
<tr>
<th>Land use</th>
<th>Threshold for requirement (gross floor space)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food retail</td>
<td>1,000 m²</td>
</tr>
<tr>
<td>Non food retail</td>
<td>1,000 m²</td>
</tr>
<tr>
<td>Cinemas &amp; conference facilities</td>
<td>1,000 m²</td>
</tr>
<tr>
<td>D2 (other than cinemas, conference facilities, &amp; stadia)</td>
<td>1,000 m²</td>
</tr>
<tr>
<td>B1 including offices</td>
<td>2,500 m²</td>
</tr>
<tr>
<td>Higher &amp; further education</td>
<td>2,500 m²</td>
</tr>
<tr>
<td>Stadia</td>
<td>1,500 seats</td>
</tr>
</tbody>
</table>

5.2.4 Requirements

PPG 13 requires planning and transport policies to address the following aims:
• promote more sustainable transport choices for both people and for moving freight
• promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling
• reduce the need to travel, especially by car.

Basic Requirement

All proposed developments should **INCLUDE A RANGE OF MEASURES WHICH MINIMISE THE DEVELOPMENT’S TRAFFIC IMPACT, AND WHICH PROMOTE THE ABOVE POLICY AIMS.** Structure Plan Policy GEN 3 requires that where measures are required to accommodate the additional traffic movements which are generated by the proposed development........the **COST OF PLANNING, PROMOTING, AND IMPLEMENTING THESE MEASURES WILL BE MET BY THE DEVELOPER.**

The measures could include:

• schemes to promote cycling and walking: footpaths/cycle routes, secure and overlooked cycle parking, lockers/showers and so on; Safer Routes to School; road safety measures.
• measures to encourage the use of public transport: bus stops and shelters and access, real time and other information systems, financial support for existing or new routes, new ticketing promotions; Park & Ride schemes; reopening rail links or stations.
• traffic management measures: traffic calming schemes, highways improvements, pedestrian and cycle crossing facilities, road closures, diversions and other traffic orders.

The scale of the measures required will depend on the individual development proposal. Some strategic proposals, such as cycle routes, are identified in the Borough Local Plan. Other relevant measures may already have been identified in the Local Transport Plan (LTP). It should be noted that inclusion there does not guarantee that they will receive funding, or proceed within the lifetime of the LTP. Chapter 5 of the LTP also contains guidance on managing travel demand.

Further additional requirements

FOR SCHEMES WITH ‘SIGNIFICANT TRANSPORT IMPLICATIONS’, TRANSPORT ASSESSMENTS SHOULD BE SUBMITTED. Transport Assessments should assess the travel impact from the development proposals, and demonstrate the range of measures which are required to address the expected impact from the development, consistent with national policy objectives, and in particular the need to minimise any increase in the use of private vehicles.

In addition, for such schemes, **A TRAVEL PLAN SHOULD BE DRAWN UP IN CONSULTATION WITH THE LOCAL AUTHORITY AND TRANSPORT PROVIDERS.** The Travel Plan provides ‘a package of measures that effectively manages an organisation’s transport needs and impacts, with an emphasis on reducing the amount of single occupancy car trips’. It should focus on measurable outputs, allow for progress to be
monitored, and provide scope for reviewing the package in the light of the results from monitoring.

Best practice guidance on Travel Plans is available at both national and local level (Item 2 at 5.2.1; Item 3 at 5.2.2).

Transport assessments and travel plans will identify a range of mitigation measures requiring developer provision or funding, including an option appraisal. In the case of town centre schemes, options should include alternative levels of parking provision in line with parking standards.

Detailed guidance on the application of parking standards and the methodology for addressing parking deficiencies utilising alternative modes of transport is being developed, and will be appended when it becomes available following agreement with the County Council as Highway Authority.

5.2.5 Example

A major pharmaceutical research facility development at Astra Zeneca is implementing a staged Travel Plan.
6. COMMUNITY & HEALTH

6.1 INTRODUCTION

Responsibilities for community and health matters in the District are shared between a number of agencies. As explained in the Introduction, local authorities are now required to produce a Community Plan for their area, using Local Strategic Partnerships to provide an integrated approach to key issues in the local community, and co-ordinating policies and resources in order to deliver it. Primary Health Care is the responsibility of Eastern Cheshire Primary Care Trust (PCT).

6.2 COMMUNITY CENTRES AND FACILITIES

6.2.1 National Guidance

Although there is no national guidance in respect of community centre provision, PPG17 requirements for a Local Audit are relevant.

6.2.2 Local Guidance

- Macclesfield Borough Community Plan 2003
- MBC Cultural Strategy 2003-2005

6.2.3 Applicability

The requirements below arise for all housing developments of 6 or more dwellings unless surplus capacity can be demonstrated.

6.2.4 Requirements

Provision

The provision of facilities for informal and formal meetings, activities, access to services, support information, and events plays an important role in helping to bring the inhabitants of new housing developments into a community, integrating new residents into existing communities and providing invaluable facilities and support especially in rural, out of town or isolated communities where these facilities and opportunities become the focus of community life. Where the council has identified a shortfall in facilities and support or services through the PPG17 audit and or other strategies or Development Briefs THE COUNCIL WILL SEEK CONTRIBUTIONS FOR THE PROVISION OF COMMUNITY CENTRE SPACE OR SERVICES, ON A BASIS OF 0.7 M² PER HOUSEHOLD OR A FINANCIAL CONTRIBUTION AS APPROPRIATE. New centres will be designed in accordance with "Sport England" criteria. However, it must be emphasised that Community Centre provision is not simply a question of quantitative provision but takes into account qualitative aspects which will be identified in Community Plans.
At January 2003 a new purpose-built community centre is likely to cost at least £800 per sq m to construct exclusive of fees, excluding land costs. It is likely that only housing schemes of 300 plus units could fund a viable size of centre but there may be a number of funding partnerships or mechanisms options. Accordingly, contributions from smaller developments would either be pooled, or contribute towards either expansion or improvement/remodelling of an existing facility, or in appropriate cases be used to support alternative community projects.

The County Council will **ALSO SEEK A CONTRIBUTION TO THE COST OF PROVIDING PRE-SCHOOL NURSERY EDUCATION**

**Maintenance of new community facilities**

Satisfactory arrangements will need to be put in place for the long-term management and maintenance of new community centres. There is a range of management options for the community centres including, where appropriate, transfer of the facility to the Council. In such cases, the Council will seek payment of a commuted sum to provide for future management and maintenance costs. Commuted sums for maintenance will be based on the actual costs to the council (as far as it is possible to predict), of maintaining the facility throughout the commuted sum period of 15 years.

**6.2.5 Example**

The Dean Row Community Centre was provided through s106 agreement on a housing development.

**6.3 YOUTH SUPPORT**

**6.3.1 National Guidance**

None

**6.3.2 Local Guidance**

- Cheshire Community Strategy.
- Transforming Youth Work in Cheshire, Cheshire County Council, 2001
- Macclesfield Borough Community Plan 2003

**6.3.3 Applicability**

The requirements below arise for all housing developments of 6 or more dwellings.

**6.3.4 Requirements**

The social and recreational needs of older young people can only be partly addressed through providing open space, recreation and sports provision. The Borough Council actively seeks to engage and support young people through the provision of dedicated staff and a range of programmes to promote better communication and understanding,
which also reduce antisocial behaviour and exclusion issues. Young People can be supported in a number of ways and have a range of other needs, for instance:

- a range of information and support services which are increasingly provided by the County Council and other agencies through Youth Hubs – one-stop shops in accessible locations.
- specific provision or access to facilities such as youth shelters
- funding or contributions and support of locally provided activities and programmes for young people. These could include hire of transportation for organised excursions, support of one off events and celebrations, hire of buildings for meetings, costs of procuring facilitators and specialised support, contributions to fundraising programmes etc.

Developers and applicants **WILL BE EXPECTED TO CONTRIBUTE TO APPROPRIATE PROVISION TO ADDRESS LOCAL YOUTH NEEDS. THE APPROPRIATE NATURE & SCALE OF CONTRIBUTION WILL BE DETERMINED THROUGH NEGOTIATION.** The provision will be that identified through the MBC Community Development Officers (Young People) and (Sport) and local consultation.

6.4 COMMUNITY SAFETY

6.4.1 National Guidance

- Section 17 of The Crime & Disorder Act 1998 places a duty on local authorities to take account of the effect of their activities upon crime and disorder, and do all they reasonably can to prevent it.
- Secured by Design (web site at www.securedbydesign.com )

6.4.2 Local Guidance

- Cheshire Constabulary Architectural Liaison Officer
- Macclesfield Borough Community Plan 2003

6.4.3 Applicability

The requirement applies to leisure developments in central locations, such as pubs, clubs and other recreation facilities. However, in certain circumstances it might also apply to housing developments in town centres.

6.4.4 Requirements

The Secured by Design initiative seeks to minimise crime by sensible design, for instance in residential areas. However certain types of development may lead to an increase in the level of crime and disorder. Where it is felt that developments will lead to an increase in crime and disorder, **THE PLANNING AUTHORITY WILL SEEK MEASURES TO ADDRESS THIS IMPACT. THE APPROPRIATE MEASURES WILL REFLECT THE NATURE OF THE INDIVIDUAL DEVELOPMENT**, but could include floodlighting, CCTV
capital & management costs, or in some cases contributions to the costs of policing or community wardens.

6.4.5 Examples

- A retirement village of 243 dwellings was constructed in Warrington to Secured by Design standards. Because the occupants represented a vulnerable section of the community, their security and safety was a key consideration and a range of initiatives was implemented in order to achieve it.

- In Macclesfield a Housing Association development of 16 dwellings, and the Astra Zeneca car park are examples of developments which obtained Secured by Design accreditation.

A large retail outlet development in Ellesmere Port provided a CCTV feed to the police control room, and provided a contribution to policing costs.

6.5 HEALTH

6.5.1 National Guidance

- The NHS (General Medical Services) Regulations 1992 state:
  (2) Except as otherwise provided in this regulation, the maximum number shall be:
  a) 3500 for a doctor carrying on practice otherwise than as an assistant or in a partnership
  b) 4500 for a doctor carrying on practice in partnership, subject to a maximum average of 3500 for each of the partners in the practice, and where the doctor employs an assistant, such further number not exceeding 2000 for each assistant as the FHSA .... may decide etc..

- It should be noted that the proposed new National GP contract provides for each GP to serve on average 1,800 patients. However at the present time this new GP contract is still under debate within the profession. It is not known when it will be agreed and what amendments may be made to the proposals.

6.5.2 Local Guidance

- East Cheshire PCT has stated a preference for GP services to be provided as health centres with a minimum of four GPs, i.e. serving 7,200 patients or 3,000 dwellings.
- Macclesfield Borough Community Plan 2003

6.5.3 Applicability

The requirements for Primary Care arise for all housing developments of 100 or more dwellings. However the type of accommodation is also important; the building of an older people’s village would have more impact than accommodation aimed primarily at younger persons. Care homes will also cause particular problems. Consequently the requirements will also apply to all developments accommodating primarily elderly persons of more than
20 units or bed spaces. On major developments, of 500 or more dwellings, a requirement may also arise in respect of Secondary Care.

6.5.4 Requirements

Primary care

Except in isolated areas where there is spare capacity, A CONTRIBUTION WILL BE SOUGHT TOWARDS THE COST OF PROVIDING ACCOMMODATION for the additional GPs required to serve the population of significant new developments.

At January 2003 the cost of providing a new 4 GP health centre was estimated at £530,000, excluding land costs – or £184 PER DWELLING. However in only the most exceptional circumstances would a single development generate such a need. Instead, where housing developments create a need for additional GP resources this will almost always involve extending an existing practice and/or reorganisation of GP services in the local area, either immediately or at a subsequent date, triggered by the cumulative impact of several developments. Negotiation will be carried out to ensure that if not spent within a specified period, firm arrangements are in place for the return of any unspent funds with interest.

On larger housing developments the PCT will also be concerned about the provision of pharmacy services. The PCT would wish to be reassured that an accessible local service is available if a large estate is built.

If the new GP contract is adopted this will involve GPs to a greater extent in preventative health care. In this case it may be appropriate to seek additional contributions to reflect this new role.

Secondary care

Secondary care is normally provided through referral by the hospital service. Hospitals normally serve large catchments of perhaps 30 mile radius or more and containing very large populations; in this situation it is more difficult to establish a direct impact and identify consequent mitigation than for primary care. Nevertheless for major developments of 500 plus dwellings A CONTRIBUTION MAY BE SOUGHT TOWARDS THE COST OF SECONDARY HEALTH CARE.

Personal health and social well-being

As a focus of both the Community Plan and Cultural Strategy, a healthier community is one of the Council’s key aims. The Council supports a range of initiatives of which GP referral schemes, Cardiac Rehab, Phys Kids, partnerships with AIR (Activity in Retirement) 50+ groups at Leisure Centres, MS Yoga Group, are some examples. Getting people out and about is an important element in fostering a healthier life style through activities such as ranger led weekday walks, sports development, and facilities in parks. Contributions to these activities may be an appropriate alternative designed to reduce the impact of new
developments on health services. Similarly, major schemes may be subject to a Health Impact Assessment.

6.6 RECRUITMENT AND TRAINING

New developments can make a significant contribution to the economic well-being of the local community where they provide local employment opportunities, either during construction or on completion of a commercial development.

6.6.1 Local guidance

Macclesfield Borough Community Plan 2003

6.6.2 Applicability

The requirement will apply to all commercial developments of 1,000 m² or larger, and to housing developments of 100 dwellings or more, or which involve the re-use of land formerly providing employment.

6.6.3 Requirement

All developments will be expected to maximise opportunities for local employment, and commercial developments required to contribute towards local training schemes. Developers will be required to AGREE A LOCAL RECRUITMENT AND TRAINING PLAN with the local planning authority.
7. AFFORDABLE HOUSING

7.1 INTRODUCTION

This chapter considers the appropriate contribution of affordable housing that should be made under Government Guidance (principally Circular 6/98, supported by PPG3) and Adopted Plan policy. The matter is a district one.

The ODPM Consultation Paper on a Proposed Change to PPG 3 Housing (July 2003) states-

"The Government believes that it is important to help create mixed and inclusive communities, which offer a choice of housing and lifestyle. The planning system has an important role in creating communities with a better mix of housing - in terms of size, type and affordability - than is currently available."

7.2 RESTRICTING THE SUPPLY OF NEW HOUSING

Supplementary Planning Guidance on restricting the supply of new housing has been adopted, with effect from 4 September 2003. This restriction on the grant of new planning permission will operate by refusing planning applications unless they fall into one of the listed exceptions categories listed in Supplementary Planning Guidance: Restricting the Supply of New Housing. The exceptions relate to:

- Special needs housing and affordable housing by a Registered Social Landlord
- 100% Affordable Housing on a site delivered through a Resale Covenant Scheme which is genuinely affordable to those on low incomes.
- Proven need for agricultural workers' dwellings
- Replacement dwellings
- Reuse of listed buildings where it can be demonstrated that housing is the only viable and appropriate means of securing the future of the building.
- Accommodation for the extended family

If this policy is reviewed, it will affect what the Council requires in terms of affordable housing.

7.3 DEFINITIONS OF HOUSING NEED AND AFFORDABLE HOUSING

7.3.1 National Guidance

The ODPM Guide to Housing Needs Assessment of 2000 defines housing need:

'...Housing need refers to households lacking their own housing or living in housing which is inadequate or unsuitable, who are unlikely to be able to meet their needs in the housing market without some assistance.....'

[Guide Glossary A2.2]
This provides clear guidance as to what housing needs are to be met by affordable housing. The definition of affordable housing is less clear:

'...the terms ‘affordable housing’ or ‘affordable homes’ are used in this Circular to encompass both low-cost market and subsidised housing (irrespective of tenure, ownership — whether exclusive or shared — or financial arrangements) that will be available to people who cannot afford to rent or buy houses generally available on the open market'. [Circular 6/98 para 4] (added emphasis)

7.3.2 Local Guidance

This definition fits with that of housing need in that it explains how need can be met through various forms of housing. The need for affordable housing will continue to be met through both social housing, and through low-cost private sector provision. Clearly low cost market housing is acceptable if it is cheaper than that which can be found in reasonable condition in the second hand market. Macclesfield Borough Council’s (MBC) local housing needs survey (HNS) (Summer 2002, P: 29) showed that 82% of Macclesfield’s population, who are not homeowners, aspire to being homeowners. Affordable housing is therefore such that will meet a proven housing need: it must be housing available at below the general market price level. Clearly housing need covers a wide range of incomes, and therefore affordable housing prices need to do the same. The tenures that meet need are normally but not necessarily confined to social rented housing and shared ownership (where an RSL owns a part and the occupant buys the other part). In areas of high demand but low supply, upward demand pressures on accommodation prices means that those at the lower end of the income market cannot afford to occupy property appropriate to their needs and MBC wishes to address such problems in its area. PPG3 Housing states that "a community's need for a mix of housing types, including affordable housing is a material planning consideration."

7.3.3 Local Plan Policies

Local Plan policies H8, H9, and H10

7.4 TARGET AND SITE THRESHOLD FOR AFFORDABLE HOUSING

As explained in section 7.2 there is a restrictive housing policy. Should housing restrictions be lifted, then MBC will negotiate for the provision of affordable housing until such time as the need ceases.

1. In developments of 25 or more dwellings or on residential sites of 1 hectare or more, irrespective of the number of dwellings; and
2. In settlements in rural areas with a population of 3,000 or fewer, the Council will negotiate for a proportion of affordable housing to be provided on every housing proposal, where justified by reference to an assessment of housing needs and the available supply of land for housing; and
3. The Council will negotiate for the provision of 25% of the dwellings as affordable housing other than in circumstances covered by criterion 2, where the number of
affordable dwellings to be provided will be determined having regard to individual circumstances and the matters covered in criterion 4; and

4. The Council will take into account the site suitability, economics of provision, the need to achieve a successful housing development and site size; and

5. The Council will also seek to meet the need for affordable housing through:

- Bringing vacant housing units back into use, for example above shops and offices
- Conversions of larger houses into units more suited to smaller household sizes and of former office or other buildings into flats; and
- Making full and effective use of land within urban areas, particularly vacant and derelict land.

PPG3 Housing and Circular 6/98 Planning and Affordable Housing recognise that a community’s need for affordable housing is a material consideration that should be taken into account in formulating Development Plan policies and in deciding planning applications involving housing.

7.5 THE NEEDS SITUATION IN MACCLESFIELD

The Macclesfield Housing Needs Survey (HNS) 2002 concluded that households on a sole income of less than £14,000 and a joint income of less than £17,000 could not access market housing. It is calculated that the annual need for affordable housing is 362 dwellings, or 3,252 dwellings over the Plan period to 2011. It is proposed to carry out a new survey in 2004/05.

| Annual Housing Need in The Borough of Macclesfield 2001 |
|-----------------|-----------------|-----------------|-----------------|
| **Annual need to reduce Backlog** | **Newly arising need per annum** | **Affordable Supply Per Annum** | **Overall shortfall/ (surplus) per annum** |
| 111 | 902 | 651 | Net Shortfall 362 |

Therefore affordable housing should be accessible for those households earning solely less than £17,500 and jointly less than £21,000 per annum, at 2003 house prices (www.bbc.co.uk/homes/property/uk_price_guide/north_west_england.shtml). These figures will need recalculation by applying indexation to account for future shifts in property prices set against mortgage rates set against levels of income.

7.6 AGGREGATION OF SITES AND UNDERDEVELOPMENT

For the purposes of calculating site thresholds for triggering affordable housing requirements within the Borough of Macclesfield, disaggregation or splitting up of development sites or the underdevelopment of a site so as not to trigger or exceed a threshold level for the provision of affordable housing shall be disallowed. The site or development area shall be taken as the aggregate of the whole and/or a normal density of the development applied (irrespective of the actual density levels in a planning application
and/or the numbers of separate applications by whomsoever) for the purposes of assessing the applicability of the requirements (for the provision of affordable housing).

**Aggregation:** Where abutting co-terminus or adjacent sites, or sites in the vicinity properly and reasonably considered in planning terms to be a development area, or part and parcel of the same housing development sequence, are split up and the subject of separate housing development applications, the local planning authority may treat them as aggregated for the purposes of calculating the affordable homes requirement threshold trigger, IF the sites or areas in question are in the ownership of the same person, body, organisation or within the same group of companies, or the ownership is controlled or influenced by the same parties or organisation(s) or held on trust or by nominees for the same. In the case of a sequence of planning applications the subject of these aggregation rules made on separate occasions then the first application that cumulatively exceeds the aforesaid affordable homes trigger shall give rise to the requirement for the provision of affordable homes and any subsequently aggregated sites brought forward for development will pro rata bear any further affordable homes requirement provision on the basis of cumulative aggregation for the purpose.

**Underdevelopment:** If any residential site (or sites the subject of aggregation as aforesaid) is to be developed or proposed to be developed at a density of less than the normal and usual density of development, or numbers of units appropriate for such a site or area (taking all relevant factors into account) in accordance with the current Local Plan policies on numbers and density of development provision and if such optimised Local Plan density provisions if so applied would give rise to the requirement for the provision of affordable housing then such affordable housing shall be required and provided in any event as though the rest of the development site were at such higher level of or density of development notwithstanding that it may not be so.

**7.7 KEY WORKER HOUSING**

PPG3 advises that Key Worker housing issues should be addressed. There is not yet any single definition of Key Workers. However the term describes workers who are lower paid, who cannot access the local housing market and whose work is essential to the local economy.

Thus Key Worker housing has in common with Affordable Housing that its price should be below entry level purchase and market rental levels. Apart from social rented and shared ownership, such options as Homebuy and other Low Cost Home Ownership Schemes could qualify, provided that they are cheaper than existing second hand entry level housing. The Community Plan (2003) lists the environment as one of its main priorities. Two of its aims are:

- To ensure that new developments are sustainable
- To ensure that all residents have access to affordable housing

**NO SEPARATE TARGET** is set for Key Worker housing in the draft Local Plan. In general practice any allowance for Key Workers is assumed to be a small fraction of all new development. However Resale Covenant Schemes (RCS) and other low cost ownership
schemes are aimed towards ‘Priority Workers’ as set out in: Appendix 3- to The General Consent to the Disposal of Part 2- Dwelling Houses 1994, namely individuals who would not otherwise reasonably be able to purchase on the open market. MBC’s Housing Strategy (2004 – 2009) states that its Housing Mission statement is “to ensure that all members of our communities have access to healthy, affordable housing suitable for their needs and, where possible their preference”. (‘Priority Workers’ are a locally recognised group that do not fall precisely into the Key Worker group, in that they can sometimes afford market prices. As a result, the solution to their housing problems can be a market one, albeit at the bottom end of the market if their income enables open market purchase. If it does not, then the affordable housing provision and calculations are to apply.)

7.8 STANDARDS OF PROVISION

The properties to be provided should be of size and facilities standards no less than open market properties available on the site or the vicinity, and should conform to the surrounding built environment in appearance and material used. Sales of new properties will be with builders’ usual warranties. The Council seeks affordable new homes and would rarely contemplate one-bedroom only units, whilst the dwelling sizes should never be less than current Housing Corporation standards. The Housing Corporation standards are as follows, housing to be no less than:

<table>
<thead>
<tr>
<th>Numbers</th>
<th>Minimum/ Dwelling Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Person</td>
<td>60 m²</td>
</tr>
<tr>
<td>4 Person</td>
<td>70 m²</td>
</tr>
<tr>
<td>5 Person</td>
<td>80 m²</td>
</tr>
</tbody>
</table>

7.9 HOUSING IN RURAL AREAS

Local Plan Policy H9 lists three types of restrictions on the occupation of new rural affordable housing (local resident, local employee, or local connections). The Affordable Housing Policy H10 does not repeat these restrictions, although similar statements are to be found in Circular 6/98 and it is normal for a ‘cascade’ approach to be followed in the letting or release to nominees of new affordable dwellings so that those with some local connection have the first choice. MBC’s Housing Allocations Policy (2003) states a rural connection as being one of:

- At least 5 years previous residence in the parish
- Employment in the parish
- Close family connections (relative or step relative up to and including first cousins) living in the parish.

If there are no applications with a rural connection within or from the parish, applicants will be considered from neighbouring parishes and so on, until a suitable occupant is found. The purpose of these restrictions is to ensure that anyone local to the rural area has a first chance to obtain local housing affordable to them, but without making the property unmortgageable by only ever limiting occupation by those from a very restricted market.
7.10 OFFSITE PROVISION

Circular 6/98 makes provision for ‘commuting off’ the affordable housing obligation. However this is only permissible when the Council and the Applicant agree that it is the best solution, and SUBJECT TO ITS PROVIDING AN EQUIVALENT AMOUNT OF AFFORDABLE HOUSING (either in cash or kind) in the agreed offsite location.

7.11 TERMS

The Council, in pursing its provision of affordable housing aims, will seek to negotiate terms on the different types of site that emerge, that achieve genuinely affordable homes with reductions in price legally locked into the conveyancing documentation using the best practical and up to date means and appropriate methodology. The Housing service will advise on the most appropriate form of mechanism consistent with its HNS evidence and the availability of properties within the proposed scheme and the needs of local settlements. These factors will constantly move forward in time and the Council is prepared to consider such genuinely effective forms of affordable housing mechanism and provision as may emerge in the future consistent with its policies.

The range of options is: (by way of example, and not necessarily exclusively):

a) Provision on site of the appropriate percentage of properties via an RSL preferably for rent at affordable rents but shared ownership will be considered if demonstrated to be meeting affordability criteria. In all cases the legal agreement should be such as to leave the RSL the freedom to negotiate a separate contract for the building of the housing, although the onsite house builder is normally best placed to do this, or for the applicant to find an RSL acceptable to the Council and able to implement the agreed scheme / provide the agreed housing requirements with the Council.

b) Provision on site of the appropriate percentage of properties to be made available to nominees of the council on either freehold or leasehold re-sale covenant terms and conditions.

c) Provision of free serviced land within the site at the appropriate level for the development and size of settlements, for the Council to make arrangements for the provision of affordable homes.

d) Provision of free serviced land as above off site.

e) The payment of a commuted lump sum for the Council to re-deploy in support of affordable housing provision, such lump sums to reflect the true cost of the foregone on-site affordable housing provision.

Commuting off: in the cases where this is agreed, the applicant should provide EITHER A FREE SERVICED SITE ELSEWHERE, OR THE FUNDING REQUIRED TO BUY ONE.

The legal means of securing affordable housing will normally be a s106 Agreement. Although the Guidance suggests that planning conditions may also be used, the increasingly complex requirements needed to ensure that the housing is genuinely affordable, require a s106. The transfer will usually either be to a Registered Social Landlord (RSL), who will develop the affordable housing and provide the council with appropriate rights to nominate occupants or of built units on plots under Re-sale Covenant arrangements, as the Council may direct. Commuted sums are not necessarily the first choice of the Council.
7.12 EXAMPLES

Given that the HNS evidence is rigorous and there is a net need for new affordable housing, then it is normal under the Government Guidance to negotiate an appropriate proportion of affordable housing.

<table>
<thead>
<tr>
<th>Year</th>
<th>Area</th>
<th>Number of Units</th>
<th>Type of affordable housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999/00</td>
<td>The Villas, Wilmslow</td>
<td>18 units</td>
<td>Resale Covenant Scheme (RCS) on site</td>
</tr>
<tr>
<td>1999/00</td>
<td>Moran Crescent, Macclesfield</td>
<td>6 units</td>
<td>RCS (off site alternative provision)</td>
</tr>
<tr>
<td>2001/02</td>
<td>Beech Lane, Macclesfield</td>
<td>24 units</td>
<td>Shared Ownership + Cost Rent</td>
</tr>
<tr>
<td>2001/02</td>
<td>Percyvale Street, Macclesfield</td>
<td>40 units</td>
<td>Rent with nomination rights</td>
</tr>
<tr>
<td>2001/02</td>
<td>Polar Works, Handforth</td>
<td>8 units</td>
<td>Leasehold RCS via RSL</td>
</tr>
<tr>
<td>2002/03</td>
<td>Liberty Green Bollington</td>
<td>6 units</td>
<td>Leasehold RCS</td>
</tr>
<tr>
<td>2003/04</td>
<td>Weston Park, Macclesfield</td>
<td>18 units</td>
<td>Shared ownership</td>
</tr>
</tbody>
</table>
APPENDIX 1 THE RULES: GOVERNMENT STATUTE AND GUIDANCE ON PLANNING GAIN

A1 General purpose of planning gain

The purpose of planning gain is to mitigate the impacts of proposed new development. These might be 'the need to safeguard the local environment or meet the costs imposed as a result of development' (Circular 1/97, para B7). The circular cautions that planning gain should be sought only where it would be 'wrong on land-use planning grounds to grant permission without them. What this means in practice will depend on the circumstances of each case [para B7].'

Although there must be a clear justification derived from the impact of the proposed scheme, it is acknowledged that 'wider benefits' may result from such mitigation. 'Used properly, they can remedy genuine planning problems and enhance the quality of development' (para B7).

It is the purpose of this SPG to clarify as far as possible, in the local context of The Borough of Macclesfield, what types of planning gain are likely to be required to meet the impact of developments within the Borough.

A2 Current statute and guidance

The latest Government Guidance on this topic is Circular 1/97 'Planning Obligations'. This sets out the scope of statute and government guidance, as well as some case law on this complex topic. In both cases the Guidance refers to s106 of the 1990 Town and Country Planning Act, which is the legal basis on which all planning gain is secured. Circular 1/97 points out that its very similar predecessor, Circular 16/91, was found to be lawful in the most recent major legal case on the topic: the House of Lords in Tesco Stores Ltd v Secretary of State for the Environment and others (1995). This is important, since other such guidance has on occasion been found to be in conflict with statute.

Although the Circular addresses all planning gains, whether impact related or affordable housing, the case of affordable housing is so different that is has its own circular (6/98) and requires separate discussion.

'Properly used, planning obligations may enhance the quality of development and enable proposals to go ahead which might otherwise be refused' (para B2). Thus planning gain is officially encouraged, in a way in which it was not in previous years.

A3 Key tests of valid planning gain

In order to be a valid planning gain, a given item (a community centre, a transport item or a library for instance) has to meet all the following tests, that it is:

(i) Relevant to planning: To do with use of land
(ii) *Fairly and reasonably related in scale and kind:* Essentially this tries to ensure that the impact in question is as directly mitigated as possible, with no excess provision.

(iii) *Reasonable in all other respects:* Meaning that it must be rational.

(iv) *Directly related to the proposed development:* This really only fortifies (ii). It only forbids cases where the connection between the proposed development and the planning gain ‘does not exist or is considered too remote’ (para B2). Hence ‘directly related’ really means ‘not unrelated’ rather than implying a close connection.

(v) *Necessary.* This is not a test set by statute, but one to which the Government refers where its decision is called for.

**A4 General types of planning gain**

The circular goes on to provide examples of appropriate types of planning gain to be turned into the legal format of planning obligations in a s106 Agreement. These are given as arrangements:

(i) to ensure an acceptable balance of uses in a mixed used development....

(ii) to secure the inclusion of an element of affordable housing or special needs housing

(iii) to offset (through substitution, replacement or regeneration) the loss of or impact on a resources present on a site or nearby

(iv) to protect or reduce harm to protected sites or species

A vast array of matters has, over the two decades of planning gain’s history, been determined to be legally and administratively valid. The key test is whether a significant ‘planning loss’ would otherwise arise.

**A5 Combined impacts**

This is catered for in the Circular:

> ‘it may also be reasonable for a number of developers to contribute jointly to an improved facility which will be of benefit to all of them and to the community at large’ (para B13)

This can be an important point where several developers are proposing developments which have an overlapping set of impacts, or where the same developer is planning related schemes within the same area of impact.

**A6 Role of means testing**

The issue of whether a proposed scheme can afford a given planning gain is not formally mentioned in the Circular. Indeed there is a warning:
'Planning obligations should never be used as a means of securing for the local community a share in the profits of development i.e. as a means of securing a 'betterment levy' (para B13)

It is the case, however, that a standard reaction of a developer to any claim for planning gain, however well justified, is to plead lack of scheme viability. There is, therefore, a case for examining the viability of many schemes where planning gain is justified, in order to avoid such claims. In fact, and if the planning gain is warranted, non-provision would be a reason for refusal, whether or not the scheme can afford it. The only exception to this rule is affordable housing, where there is an element of means testing involved.

A7 Maintenance costs

In general, maintenance costs should not be sought from developers (para B14) but there are some exceptions. These include maintenance of highway works, public transport subsidies, and the maintenance of:

'small areas of open space, recreational facilities, children's play spaces, woodland or landscaping principally of benefit to the development itself' (para B 14)

In practice it has been traditional for developers to pay commuted sums for maintenance of open space. In the period since Circular 1/97, and since the addition of 'recreational facilities' was one of the few changes to Circular 16/91, it has also become customary to seek maintenance payments on the fabric of such buildings as community centres and pavilions.

A8 Ensuring that planning gain is fair

There has been much difficulty over this aspect, as developers had been accustomed, until relatively recently, to assuming that the public purse would pay for any impacts on infrastructure caused by new development. The process of changing attitudes has been slow, as developers sometimes felt that they were being asked to pay more than the appropriate compensation for the impacts caused.

That is why such matters are normally dealt with through negotiation: they are not a simple matter of "yes or no", since the mitigation of impacts is a complex business. It may in some cases be feasible to mitigate directly, e.g. putting in a roundabout mitigates congestion arising from new development. However, if there is a loss of amenity onsite due to the removal of trees, or a charming view, then there cannot normally be any direct mitigation, and it is a question of what form of compensation is appropriate in type and scale.

As a protection for developers, against the perceived possibility that a council might seek some unnecessary but otherwise desirable piece of infrastructure as a condition for granting a planning permission, a further test is added to the five listed at the beginning of this section:
‘whether the extent of what is sought or offered is fairly and reasonably related in scale and kind to the proposed development, as well as being reasonable in all other respects.’ (para B 12)

This is intended to ensure that planning gain is properly in scale to mitigate impacts, rather than to meet needs, however important, that are not related. These various tests have, over time, succeeded in ensuring that very few councils have sought extraneous planning gain. Despite claims of such tendencies on the part of councils, there is, in the context of the volume of planning gain, actually very little evidence of abuse.

A9 Agreements or conditions

Government guidance has consistently, over the 20 years of the planning gain system, encouraged councils to impose planning conditions where possible, rather than require s106 and other legal agreements, on the grounds that conditions are relatively transparent and easily challenged. Fairly minor and standard items of planning gain can indeed be required by condition. However, with the greater complexity of planning gain, especially in such matters as affordable housing, it is impossible to secure them through conditions. Most planning gain can only be secured effectively through agreements, and that is therefore the normal route.

A10 Future changes to the system

At the end of 2001 the ODPM published a range of proposals for altering the planning gain system. In this document the favoured option was to replace negotiated agreements, at least partially, with a locally set system where new development would have to pay various charges, which would include, but go beyond, the sort of matters of impact traditionally dealt with by the s106 system of planning gain summarised above. It was recognised that such a system, which in effect is a tax, would require primary legislation.

In mid-2002 the ODPM published ‘Sustainable Communities – Delivering through Planning’ which contains some comment on the proposed changes:

‘We have decided that many of our objectives can be delivered without legislative change. We will revise our policy guidance and work with all the relevant stakeholders to create a more streamlined system that will enable the community to share in the benefits arising from new development.’ (para 53)

It is not yet clear how much of a tariff system could in fact be introduced without primary legislation, or the risk of substantial legal challenge. In principle, a tariff system is liable to be a straightforward taxation scheme, and it is not clear how this could be made legal without legislation. Hence the proposals in this SPG ignore the tariff proposal, since its form is not yet clear. Similarly, in November 2003, the ODPM published "Contributing to Sustainable Communities – a New Approach to Planning Obligations" a consultation on proposals to reform planning obligations. Consultation closed in January 2004. Again, it is not clear how or when the results of this consultation will result in changes to the present system.
## APPENDIX 2: CHILDREN’S PLAY: SPECIFICATION & ACCESSIBILITY STANDARDS

<table>
<thead>
<tr>
<th>Category</th>
<th>Characteristics</th>
<th>Minimum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAP (Local Area for Play)</td>
<td>Small low key games area, may include play features and activities, up to 5 types of equipment</td>
<td>100m² activity zone plus buffer</td>
</tr>
<tr>
<td>LEAP (Local Equipped Area for Play)</td>
<td>Minimum 5 types of equipment, small games area, safety surfacing, fencing</td>
<td>400m² activity zone plus buffer</td>
</tr>
<tr>
<td>NEAP (Neighbourhood Equipped Area for Play)</td>
<td>Minimum 8 types of equipment, safety surfacing, fencing, larger games area/cycle play opportunities</td>
<td>1,000m² activity zone plus buffer</td>
</tr>
</tbody>
</table>
APPENDIX 3: INDEXING COSTS

This document provides guidance in a number of places on costs, or estimated costs, in respect of developer contributions under specific headings. Where such information is provided the quoted amount is the current cost at February/Quarter 1, 2003. The quoted cost will need to be indexed to a current date using an appropriate cost or price index. Below guidance is provided on the approach and measures to be used in carrying out such indexing.

For most examples of public building an appropriate cost index will be the Tender Price Index of Public Sector Building, Non Housing, published in the DTI publication Quarterly Building Price & Cost Indices. The value of the Smoothed Index at Q1 2003 was 136. This national base figure is adjusted for regional cost variation by applying a Location factor; at Q1 2003 the North factor (covering Cheshire) had a value of 0.96.

To index a building cost to a date of say Q3 2005, let us suppose that the corresponding index values are 151 and 0.99. Then the estimated Q3 2003 build cost is multiplied by:

\[
\begin{align*}
151 \times 0.99 \\
\hline
136 \times 0.96
\end{align*}
\]

This approach can be used to index costs both from Q1 2003 to a current date, or to some future date or trigger point at which it is agreed that a payment should be made. It should be noted that at any time the published index figures for the last two quarters are provisional because a rolling average is applied to smooth them, and as a result they are liable to change.

There may be cases where an alternative cost index would be more appropriate. However the approach will be essentially the same.
APPENDIX 4: CHECK LIST OF REQUIREMENTS

The schedule below provides a summary of the 'rules of thumb' identified in the document as constituting appropriate scales of contribution. However the document provides much more detail and this schedule must be regarded as a summary only.

Summary of Planning Gain Thresholds Requirements “Rules of Thumb”

<table>
<thead>
<tr>
<th>Provision category</th>
<th>Threshold</th>
<th>Amount/Units</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open space</td>
<td>Residential 6 or more dwellings</td>
<td>40 m² per family dwelling, or a financial contribution of £3,000 per family dwelling or £1,500 per bed space in apartments, for off-site provision.</td>
<td>Secured long term maintenance/management, or transferred to MBC with a commuted sum for maintenance period of 15 years.</td>
</tr>
<tr>
<td>Open space</td>
<td>Commercial developments over 1,000 m²</td>
<td>Use Class A1 Shops Food retail: 1 space/£300 per 14 m² Non-food retail: 1 space/£300 per 20 m² Use Class A3 Food and drink Restaurants: 1 space/£100 per 5 m² Fast food/Drive through 1 space £100/per 7.5 m² Use Class B1 Business B1 including offices: 1 space/£300 per 30 m² Business parks: 1 space/£300 per 35 m² Use Classes B2 and B8 General industry and Storage and distribution 1 space/£300 per 45 m² Use Class C1 Hotels 1 space/£300 per bedroom</td>
<td>Secured long term maintenance/management, or transferred to MBC with a commuted sum for maintenance period of 15 years.</td>
</tr>
<tr>
<td>Recreation/Outdoor sports facilities</td>
<td>Residential 6 or more dwellings</td>
<td>1.63ha per 1,000 population, plus changing facilities or a financial contribution of £1,000 per family dwelling or £500 per 2 bed space (or more) apartment for off-site provision</td>
<td>Secured long term maintenance/management, or transferred to MBC with a commuted sum for maintenance period of 15 years</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>---------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Recreation/Outdoor sports facilities</td>
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<td>Secured long term maintenance/management, or transferred to MBC with a commuted sum for maintenance period of 15 years</td>
</tr>
<tr>
<td>Indoor sports facilities</td>
<td>Housing developments of 6 or more dwellings</td>
<td>To be identified in Sports and Facility Development Strategy</td>
<td></td>
</tr>
<tr>
<td>Built heritage Nature Conservation Archaeology</td>
<td>Commercial developments over 1,000m²</td>
<td>Site specific</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Site specific</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Site specific</td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
<td>Requirement/Note</td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Art</td>
<td>Housing developments and all commercial developments over 1,000m²</td>
<td>Site specific</td>
<td></td>
</tr>
<tr>
<td>Primary school</td>
<td>Housing developments of 5 or more dwellings</td>
<td>182 places per 1,000 dwellings</td>
<td></td>
</tr>
<tr>
<td>Secondary school</td>
<td>Housing developments of 5 or more dwellings</td>
<td>130 places per 1,000 dwellings</td>
<td></td>
</tr>
<tr>
<td>Libraries</td>
<td>Housing developments of 500 or more dwellings</td>
<td>24 m² per 1,000 population plus book stock (plus 10% to 15%)</td>
<td></td>
</tr>
<tr>
<td>Transport and movement</td>
<td>All housing and commercial developments</td>
<td>Site specific</td>
<td></td>
</tr>
<tr>
<td>Community centres and facilities</td>
<td>Housing developments of 6 or more dwellings</td>
<td>0.7 m² per dwelling or financial contribution</td>
<td></td>
</tr>
<tr>
<td>Youth support</td>
<td>Housing developments of 6 or more dwellings</td>
<td>Contribution by negotiation</td>
<td></td>
</tr>
<tr>
<td>Community safety</td>
<td>Leisure developments in central locations. Housing developments in town centres where applicable</td>
<td>Site specific</td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>All housing developments of 100 or more dwellings.  4 GP centre per 7,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>population and/or site specific MBC initiatives</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recruitment &amp;</td>
<td>All housing developments of 100 or more dwellings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>training</td>
<td>Commercial developments of more than 1,000m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Housing developments on former employment land</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affordable housing</td>
<td>25% on qualifying sites</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX 5: LIST OF CONTACTS

The following were correct in May 2004

In case of difficulty contact:

The Chief Planning Officer
Macclesfield Town Hall
Market Place
Macclesfield
SK10 1DP
01625 500500
p.yates@macclesfield.gov.uk

CHAPTERS 1 & 2
Principles and Policy
Mr. G. Childs g.childs@macclesfield.gov.uk

CHAPTER 3
Recreation, Open Space, and Outdoor Amenity Spaces
Ms. K. Swindells k.swindells@macclesfield.gov.uk

Nature Conservation
Mr. J. Baggerley j.baggerley@macclesfield.gov.uk

Built Heritage
Mr. G. Childs g.childs@macclesfield.gov.uk

Archaeology
Ms. G. Collens collensg@cheshire.gov.uk

Public Art
Cultural Spaces:
Mr. S. Malley s.malley@macclesfield.gov.uk

CHAPTER 4
Education and Libraries
Ms. M. Sumner sumnerm@cheshire.gov.uk

CHAPTER 5
Transport
Mr. C. Lloyd lloydch@cheshire.gov.uk

CHAPTER 6
Community Centres
Mr. M. Wheelton m.wheelton@macclesfield.gov.uk
Health Promotion
Mr. D. Kidd  d.kidd@macclesfield.gov.uk

Primary Care
Mr. S. Griffiths  simon.griffiths@echeshire-pct.nhs.uk

CHAPTER 7
Affordable Housing
Mr. D. Sparkes  d.sparkes@macclesfield.gov.uk