

## Committee: Cabinet

Date: 23 May 2018

Wards: All

### **Subject: Adoption of Merton's *Development Viability SPD* and Merton's *Planning Application Validation Checklist***

Lead officer: Chris Lee, Director for Environment and Regeneration

Lead member: Cabinet Member for Regeneration, Environment and Housing

Contact officer: Tara Butler, deputy FutureMerton manager

#### **Recommendations:**

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1. That Cabinet adopts the *Development Viability* supplementary planning document (SPD) at Appendix 1 and the planning application validation checklist at Appendix 2, meaning that from 1 June 2018 planning applicants should expect to publish the development viability appraisals submitted with planning applications in Merton.
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. Merton's *Development Viability* supplementary planning document set out what applicants for planning permission must provide if they are submitting development viability assessments with their planning applications. It also sets out how the council will assess development viability.
- 1.2. Merton's *Planning Applications Validation Checklist* sets out the list of documents and plans that applicants must submit to the council when they are applying for planning permission.
- 1.3. In December 2017, Cabinet approved Merton's *Development Viability* supplementary planning document for six weeks of consultation. This took place between January and February 2018
- 1.4. In September 2016 Merton's Cabinet approved Merton's *Planning Applications Validation Checklist* for six weeks of publication
- 1.5. Consultation on both documents took place between January and February 2018. Six comments were received, all either supportive or neutral, which are summarised within the report.
- 1.6. It is recommended that Cabinet adopt both documents set out at Appendices 1 and 2.
- 1.7. Adoption of these documents will send the signal that Merton is taking a transparent and robust approach to development viability, particularly where affordable housing is concerned, and that applicants should expect that all development viability financial appraisals accompanying planning applications in Merton are to be published in full from 01 June 2018.

## **2 DETAILS**

### **Greater transparency in development viability – new Merton guidance**

- 2.1. The Mayor's affordable housing guidance, the new consultation draft National Planning Policy Framework (March 2018), the new consultation draft London Plan (November 2017) all contain a presumption in favour of publishing development viability appraisals.
- 2.2. Six comments were received during the six week consultation.
- 2.3. **Greater London Authority and Transport for London** – both responded that the Mayor welcomed Merton's Development Viability SPG and Planning Application Validation checklist and had a small number of technical additions to improve both documents.
- 2.4. **Merton Green Party**: very much welcome the council's plans to publish applicant's viability appraisals and asks if the council intend to publish the independent assessment of applicant's appraisals. (yes, the council's independent assessment would also be published).
- 2.5. **Merton's Development Control team** supported both documents and provided minor technical amendments.
- 2.6. **A resident** responded specifically promoting policies requiring biodiversity enhancement measures; this comment will be more applicable to the new Local Plan policies and will be taken forward in this way as neither document sets new planning policies.
- 2.7. **Hertfordshire County Council** had no comment to make.
- 2.8. Therefore it is recommended that Cabinet adopt both to come into force from 01 June 2018. From this date applicants would be expected to publish their development viability appraisals they submit in full and the council would also publish any independent assessment we carry out.

### **3 ALTERNATIVE OPTIONS**

- 3.1. The only reasonable alternative is not to adopt one or both documents. This is rejected as all consultee comments were supportive or neutral and the direction of travel in the Mayor of London's emerging London Plan and the revised consultation NPPF (March 2018) promote transparency and publication of appraisals in full

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. As set out in the body of this report.

### **5 TIMETABLE**

- 5.1. Subject to Cabinet approval, the documents would come into force on 1<sup>st</sup> June 2018.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. As set out in the body of this report.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. In relation to the *development viability* supplementary planning documents the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the legislative requirements for the production of supplementary planning documents.

- 7.2. The legal and statutory implications of the validation checklist have already been considered by Cabinet at their meeting in September 2016  
<https://democracy.merton.gov.uk/documents/s14111/Report%20CIL%20and%20Validation.pdf>

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. The development viability supplementary planning document and validation checklist are setting out how Merton's planning policies will be applied, not creating new policies. The policies to which these documents relate have been subject to sustainability appraisal, equalities impact assessment and health impact assessment which also considers community cohesion.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. The development viability supplementary planning document and validation checklist are setting out how Merton's planning policies will be applied, not creating new policies. The policies to which these documents relate have been subject to sustainability appraisal, equalities impact assessment and health impact assessment which also considers community cohesion.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. None for the purposes of this report

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- 11.1. Appendix 1 – Merton's Development Viability SPG for adoption 23<sup>rd</sup> May 2018 Cabinet Meeting
- 11.2. Appendix 2 – Merton's Planning Application Validation Checklist for adoption 23<sup>rd</sup> May 2018 Cabinet Meeting
- 11.3. National Planning Policy Framework 2012 and 2018 draft
- 11.4. National Planning Practice Guidance
- 11.5. Cabinet report on validation checklists: September 2016  
<https://democracy.merton.gov.uk/documents/s14111/Report%20CIL%20and%20Validation.pdf>
- 11.6. Mayor of London adopted "*Homes for Londoners: affordable housing and viability supplementary planning guidance*" which applies to all London boroughs, including Merton.  
[https://www.london.gov.uk/sites/default/files/ah\\_viability\\_spg\\_20170816.pdf](https://www.london.gov.uk/sites/default/files/ah_viability_spg_20170816.pdf)
- 11.7. [Mayor of London's, London Plan 2016 and consultation draft London Plan 2017](#)

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