

**REQUEST FOR INCLUSION OF AN ITEM ON THE AGENDA – SYSTEM FOR RESIDENTIAL PLANNING APPLICATIONS IN RELATION TO OPEN SPACE/PLAY SPACE ARRANGEMENTS**

**REPORT OF THE CITY SOLICITOR**

**1. Why has the report come to the Committee**

- 1.1 To consider a request from Councillor Ian Cuthbert to include an item on a future Committee agenda.

**2. Background**

- 2.1 Councillor Cuthbert has requested an item be included on the agenda of the next meeting of the Review Committee. The request is as follows:-

- 2.2 “Could the Head of Planning and Environment present a report to the Environment & Planning Review Committee detailing how the current system for residential planning applications works in relation to openspace / playspace arrangements? This should include details of how a decision is reached regarding whether a developer will provide onsite provision or enter into a 106 agreement, and where a 106 agreement is agreed how it is decided where the money is spent. The report should also include an appendix of all 106 agreements currently in place detailing the location of the development that the agreement relates to (including ward), the total of the agreement, the amount spent to date, details of where the agreement is being spent (including ward), and any other details the Head of Planning and Environment deems relevant.

- 2.3 A number of members present at the Planning and Highways meeting on 24 June 2008 expressed concern regarding 106 agreements, including: Developers seem to be entering into 106 agreements rather than including openspace / playspace provision within the development; 106 agreements are not always spent in close proximity to the original development and often end up being spent in different wards; Ward members are not sufficiently consulted during the process of deciding where 106 agreements will be spent. If possible the report from the Head of Planning and Environment should make recommendations designed to address these concerns”.

**3. Current Position**

- 3.1 In accordance with the Council's Constitution and approved scrutiny protocol for placing items on the agenda, the Committee may choose to respond in one of the following ways:
1. The Review Committee may determine that the item is not relevant to the functions of that particular Committee. In these circumstances the Committee can resolve to take no action or may refer the item to another Review Committee, or to the Policy and Co-ordination Review Committee to determine responsibility
  2. If the issue is linked to an existing work programme item (within the next two cycles) then it should be discussed as part of that item and included in any officer report
  3. If the issue is a new item of business within the remit of the Committee, the Review Committee may:
    - a. Request a response in writing (with copies to all Members of the Review Committee), or
    - b. Request a presentation to a future Review Committee meeting, or
    - c. Request a report to a future meeting, or
    - d. Decide that the issue raised does not merit any response beyond noting the matter, or
    - e. Decide to express a view or make a recommendation, by resolving accordingly, if the Committee considers it has sufficient information to make a fully informed decision

#### **4. Recommendation**

- 4.1 The Review Committee is asked to consider the request from Councillor Cuthbert.

#### **Background Papers**

Council's Constitution  
Overview & Scrutiny Handbook

R C Rayner,  
City Solicitor

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