

Committee: Planning

Agenda Item

Date: 10 December 2014

8

Title: Affordable Housing Contributions

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Item for decision

Summary

1. Members will be aware that on 28 November 2014; the Government updated its Planning Practice Guidance by adding a new paragraph (ID: 23b-012-20141128 - <http://planningguidance.planningportal.gov.uk/revisions/23b/012/>). This alters the guidance as to when affordable housing (and other tariff based contributions) can be requested. This will override any exiting document we have adopted. These changes do require some alterations to resolutions made to approve planning permission by this Committee subject to the seeking of financial contributions towards

Recommendations

1. Resolved to approve the cited planning applications subject to the same planning conditions as previously, but without a Section 106 Legal Obligation.

UTT/14/2464/FUL; Moore's Garage, Thaxted Road, SAFFRON WALDEN
(Committee 15.10.14)

UTT/13/3206/FUL, 44 Landscape View, SAFFRON WALDEN (Committee
15.1.14)

Financial Implications

2. None. There are no costs associated with the recommendation.

Background Papers

1. ID: 23b-012-20141128 -
<http://planningguidance.planningportal.gov.uk/revisions/23b/012/>

Committee Reports; 15 January 2014 & 15 October 2014

Impact

- 1.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

1. The confirmed changes to the Planning Practice Guidance issued on 28 November 2014 states:
 - contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm
 - in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under [section 157\(1\) of the Housing Act 1985](#), which includes National Parks and Areas of Outstanding Natural Beauty
 - affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home
2. It can be confirmed that all bar three of the parishes within Uttlesford District are defined as “rural” under Section 157 of the Housing Act. This is set out in SI 1997/623 Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the East) Order 1997. The parishes of Great Dunmow, Saffron Walden and Stansted are excluded from the definition of rural.
3. These changes have no implications for developments of 11 units and above. In this situation, the 40% provision of affordable housing will be sought on developments of 15 units and above; with 20% sought on developments of 11-

14. Any developer still has the right to claim and demonstrate lack of viability, where affordable housing provision is sought.
4. On developments of 6-10 units, financial contributions can be sought. No financial contributions can be requested in the parishes of Great Dunmow, Saffron Walden and Stansted.
 5. No financial contributions can be sought on any development of 5 or less anywhere within the District.
 6. The Council's Development Contributions Documents has been revised to reflect these changes, and this was reported to Cabinet on 4 December 2014.
 7. In situations where legal obligations have been completed/provided and planning permissions issued but not implemented, then the Council will consider favourably and expediently any applications to vary/dischage the requirements of these obligations.
 8. In situations where monies have been paid, or units provided in light of previous policy, then no action will be considered necessary as these development predate the change of published practice.
 9. In cases where a delegated resolution has been approved to grant planning permission subject to affordable housing contributions/provisions no longer applicable then the resolutions will be changed.
 10. The cases cited in where Committee has resolved to approve planning subject to the provision/contributions to affordable housing. Planning Committee's consent is required to amend the resolution to approve accordingly.

Conclusion

Risk Analysis

2.

Risk	Likelihood	Impact	Mitigating actions
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- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.