

Committee: Planning

Agenda Item

Date: 8 March 2017

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Title: UTT/15/3537/FUL; Residential development of five houses with garages/carports and removal of remaining bridge abutment, Goddards Yard (Phase II) Thaxted Road, SAFFRON WALDEN

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Item for decision

Summary

1. Members will be aware that on 19 May 2016; the Government updated its Planning Practice Guidance by adding a new paragraph (ID: 23b-031-20160519 - <http://planningguidance.communities.gov.uk/revisions/23b/031/>). This follows the Order of the Court of Appeal dated 13 May 2016, which gives legal effect of the original Written Ministerial Statement of 28 November 2014, following a previous legal challenge
2. This alters the guidance as to when affordable housing (and other tariff based contributions) can be requested. This will override any existing document we have adopted.

Recommendations

1. To allow a Deed Of Discharge removing the Section 106 Obligation requirements concerning affordable housing contributions on Planning Permission reference UTT/15/3537/FUL dated 12 July 2016.

Financial Implications

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

Background Papers

ID: 23b-031-20160519

<http://planningguidance.communities.gov.uk/revisions/23b/031/>

Committee Reports; 4 May 2016

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 re- issued on 13 May 2016 confirm.
 - contributions should not be sought from developments of 10-units or less,
 - 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 fewer thresholds 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
 - None 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.
2. 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.

3. This application was reported to Planning Committee on 4 May 2016; members resolved to approve planning permission subject to a Section 106 Obligation to secure financial contributions towards affordable housing. This Section 106 Obligation was completed and planning permission was duly granted. The approval of this development coincided with the confirmation of the High Court's decision and the reiterating of the Planning Practice Guidance on this matter.
4. Rather than insist that the developer reapplies on this matter it is considered expedient to allow a Deed of Discharge with respect of the requirements of the Section 106 Obligation.

Conclusion

5. In light of the confirmed changes to National Planning Policy Guidance on this matter it is considered that the Local Planning Authority can no longer seek financial contributions towards affordable housing. It is therefore recommended that a Deed of Discharge be issued regarding the requirements of the Section 106 Obligation.

Risk Analysis

2.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	

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.