

SUBJECT:	Planning Policy Implications Following Changes to the National Planning Practice Guidance on Affordable Housing and Planning Obligations
REPORT OF:	Sustainable Development

1. Purpose of Report

- 1.1 To consider the implications of changes to the National Planning Practice Guidance (NPPG) relating to housing proposals of 10 or less dwellings.

2. Links to Council Policy Objectives

- 2.1 The changes in the NPPG relate to delivery of affordable housing and provision of tariff style planning obligations from small scale residential development proposals such that the national guidance is now different from the Council's position as set out in the development Plan for South Bucks. The Development Plan and potential implications from the NPPG are linked to the Council Policy Objectives for working towards safer and healthier local communities (particularly work to support the economy through affordable homes) and striving to conserve the environment and promote sustainability.

3. Background

- 3.1 Development proposals need to be determined against the Development Plan and any other material planning considerations. The National Planning Policy Framework (NPPF) sets out national planning policy which is a material planning consideration. Where there is a difference between the Development Plan and the NPPF then the NPPF makes it clear that the NPPF position should take precedence in circumstances, like at South Bucks, where the Development Plan pre-dates the NPPF. This position does not relate to the NPPG which is guidance, but the NPPG will also be a material planning consideration. The degree of weight that should be attributed to the NPPG (and all other material planning considerations) will need to be determined on a case by case basis by the decision taker at that time.
- 3.2 The main changes to the NPPG are:
- For schemes of 10-units or less and which have a maximum combined gross floor space of less than 1,000 square metres, affordable housing and tariff style contributions should not be sought.
 - In areas of Outstanding Natural Beauty and designated rural areas under Section 157 of the Housing Act 1985, authorities may choose to apply a lower threshold of 5-units or less for obligations.
 - If a lower than 10 threshold is set for these areas, then payment of affordable housing and tariff style contributions on developments between 6 and 10 should be sought as a cash payment only and be commuted until after completion of units within the development.
 - Affordable housing and tariff style contributions should not be sought from any development which only comprises the construction of a residential annex or extension to an existing home

- e) The changes do not apply to rural exception sites, save that such contributions should not be sought in the case of residential annexes or extensions.
- 3.3 For affordable housing the adopted Core Strategy (Core Strategy Policy 3: Affordable Housing) requires at least 40% of all dwellings in schemes of 5 units or above (gross) or on sites of 0.16 hectares and above (where there is a net gain in the number of dwellings) should be affordable. The adopted Affordable Housing Supplementary Planning Document (SPD) provides additional guidance and interpretation. Therefore there is a difference between national guidance in the NPPG and the Development Plan for South Bucks for housing proposals between 5 and 11 dwellings and for schemes on 0.16 hectares or above where the proposal is for less than 11 dwellings.
- 4. Proposal/Discussion**
- 4.1 The NPPG changes take account of Government concerns that affordable housing and tariff style planning obligations can present a barrier to small scheme developments and such sources of development are required to make a contribution to help boost housing supply and to support economic recovery/growth. The changes follow consultation during which South Bucks, as part of a Buckinghamshire response, made representations that in areas like South Bucks small scale developments were not being held back and provisions existed to take viability into account such that development was not prevented where viability was a concern.
- 4.2 The Core Strategy and SPD position reflects the local circumstances in South Bucks as set out in its evidence base at the time they were adopted. The evidence base concluding that the District has a very significant affordable housing need that will not be able to be met through development opportunities within the plan period and that the nature of development opportunities (predominantly small scale schemes) requires affordable housing to be provided at a ratio of at least 40% and to be secure from small scale developments (i.e. 5 units and above).
- 4.3 Subject to the Cabinet agreeing the recommendation on a revised Local Development Scheme (also on this agenda), the Council will be undertaking preparation of a new Local Plan and will be refreshing and adding to its evidence base. Once available, new evidence and the emerging Local Plan will be material planning considerations to be considered alongside the Development Plan, NPPF, NPPG and any other material planning considerations.
- 4.4 The Sustainable Development PAG considered a verbal report on the changes to the NPPG and have requested that all planning applications where officers professional judgement concludes that the NPPG outweighs Policy CP3 of the Development Plan are not determined under delegated authority but are determined by the Planning Committee.
- 4.5 In addition two issues raised by the changes to the NPPG require a decision from Cabinet for when/if the Council applies the NPPG:
- a) Whether to have a lower threshold for rural designated areas (for South Bucks this currently only applies to the Chilterns Area of Outstanding Natural Beauty)?
 - b) Local interpretation on how to measure 1,000sqm threshold.

- c) Whether to have a lower threshold for planning obligations in rural designated areas?
- 4.6 In relation to rural designated areas the NPPG allows local planning authorities to consider a lower threshold than 11 dwellings but 6 dwellings or above (i.e. a threshold of between 6 and 10 dwellings). It is recommended that Cabinet agree a lower threshold of 6 dwellings in rural designated areas given Core Strategy Policy 3.
- 4.7 The NPPG provides no guidance as to how the 1,000sqm threshold should be measured however for the avoidance of doubt and to have a clear position it is recommended that the Council set out how this should be measured and calculated, as set out in Recommendation 2.
- 4.8 For tariff style planning obligations in rural designated areas the Council can set a threshold lower than 10 dwellings, potentially for 1 dwelling. There is currently no evidence to support a lower threshold and so this is not recommended.

5. Resources, Risk and Other Implications

Financial - if the Council does not secure affordable housing and other financial contributions from small scale developments then this will affect its and others abilities to fund affordable housing to meet local needs and other infrastructure investments to support growth such as for schools.

Legal - the Council will need to ensure that planning decisions are taken in accordance with the Development Plan having due regard and weight to all relevant other material planning considerations at the time.

Risks issues - potentially reducing the number of planning applications determined under delegated authority will increase the risk that decisions will take longer to determine and may affect the Council's performance figures.

Equalities and Sustainability - reduction in securing affordable housing and other contributions may have a negative impact on equalities and delivery of sustainable development in terms of development not being balanced between market and affordable housing and having a cumulative impact on infrastructure.

6. Recommendations

1. That the Council when applying the National Planning Practise Guidance will adopt a threshold of 6 dwellings or above in rural designated areas for affordable housing contributions.
2. When calculating floorspace in association with National Planning Practice Guidance, Planning Obligations, Paragraph: 012 in South Bucks, the floorspace will be derived by:
 - a) taking external building measurements
 - b) including all built functional spaces forming part of the development, for example including basements, integral or attached garages and all detached buildings such as free standing garages or outbuildings.

3. In circumstances where the Head of Sustainable Development recommends that the provisions of the National Planning Practice Guidance, and taking into account all other relevant material considerations, outweighs the Development Plan Core Strategy Policy 3 on affordable housing, that the decision is not carried out under delegated authority but the decision be referred to the Planning Committee.

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Background Papers:	None or list