

**Committee: Individual Cabinet Member Decision Making – Planning Services**

**Date of meeting: 12 October 2018**

<b>Subject:</b>	Draft Exemption of Small Sites & the Vacant Building Credit Statement- Update September 2018
<b>Lead Officer:</b>	Michael Corbett, Planning Policy Officer
<b>Portfolio Holder:</b>	Councillor James Browne, Portfolio Holder for Planning Services
<b>Link to Council Priorities:</b>	P2
<b>Exempt information:</b>	None
<b>Delegated status:</b>	For Resolution
<b>Key decision:</b>	No

### **Executive Summary:**

This report introduces of the updated Exemption of Small Sites & the Vacant Building Credit Statement that has been prepared following the publication of the revised National Planning Policy Framework (NPPF) in July 2018.

Local Plan Working Group agreed on 25 September 2018 that approval should be sought from the Portfolio Holder to publish Exemption of Small Sites & the Vacant Building Credit Statement- Update September 2018 on the Council's website.

### **Recommendation: that the Cabinet Member for Planning Services:**

- **approve the Exemption of Small Sites and the Vacant Building Credit Statement - update September 2018 for publication on the Council's Website following a two week call-in period.**

### **Report:**

#### **1 Background**

- 1.1 In the summer of 2016, the Council decided to continue to apply Policy CS21 (Affordable Housing) in the decision-making process and to consider on a case by case basis the weight to be given to conflicting local and national planning policy. At that time, this element of national policy was issued through a Government Written Ministerial Statement (WMS) and changes to Planning Practice Guidance (PPG). The WMS set out that local planning authorities should not seek affordable housing contributions on development sites of 10 dwellings or less
- 1.2 To support the decision to continue the application of Policy CS21, the Council published a position statement, the first of which was published in 2016. In February 2017 an update was produced, this looked at planning applications and appeals over the six-month period following the amendment to the Planning Practice Guidance and the Council decision to continue to apply Policy CS21. The statement is published on the Council's website and issued to the Planning Inspectorate in support of relevant appeals. To date, the continuing application of Policy CS21 has thus far been successful.

## **2 Draft Exemption of Small Sites and the Vacant Building Credit Statement- Update September 2018**

- 2.1 In July of this year Central Government published the revised NPPF which formally incorporates the provision set out in the WMS into national policy. This introduced a conflict with the Council's approach to affordable housing provision as set out in Policy CS21 'Affordable Housing' of the adopted Elmbridge Local Plan: Core Strategy (July 2011).
- 2.2 A draft Statement has been prepared (see Appendix A) to outline the Council's position on the revised NPPF and how it intends to take forward decisions where there is a conflict between local and national policy. The draft Statement does not introduce new policy.
- 2.3 The Council needs to comply with both the Government's policy on delivering development on previously developed land and continue to deliver affordable units as required under paragraphs 59, 61 and 62 of the NPPF. To achieve this, the Council must consider on a case by case basis whether local circumstances regarding affordable housing needs and the nature of the development sites in the Borough are sufficient to warrant the application of CS21, or whether greater weight should be attached to the revised NPPF.
- 2.4 The draft Statement explains the local circumstances and provides justification for the continued approach of seeking affordable housing contributions on developments of 10 units or fewer, on a case by case basis. The draft Statement evidences the exceptional local circumstances relating to local affordable housing need, housing affordability and the role of small sites within the Borough's housing land supply.
- 2.5 In support of the Council's position, the draft Statement provides details of the implementation of Policy CS21 since the adoption of the Core Strategy in 2011 as well as its success at appeal since the introduction of the WMS.
- 2.6 From past delivery it is clear that the current policy approach has neither had an adverse impact upon the delivery of new homes on small sites, nor has it been financially harmful to small and medium enterprise developers. As part of the new Local Plan the Council will be reviewing its Viability Assessment in light of potential development sites and infrastructure needs. However, to support the continued implementation of Policy CS21, Officers asked the consultants (DixonSearle Partnership (DSP)) to review the approach to seeking affordable housing contributions on sites of fewer than 10 units. This will be published alongside the statement.
- 2.7 The draft Statement also reflects on the successful delivery of Policy CS21 evidencing how the contributions to date have enabled the Council to support the delivery of both new affordable units and ensure the more effective provision of its existing stock and reduce under occupation.
- 2.8 To conclude, the Council should continue to consider Policy CS21 Affordable Housing as part of the decision-making process for any relevant application.

Where applicants consider that the charge is disproportionate the Council will request that the relevant information setting out scheme viability is submitted for independent assessment as set out in the Developer Contributions SPD.

### **3 Conclusion**

- 3.1 Formal member approval is sought to publish the Exemption of Small Sites & the Vacant Building Credit Statement (September 2018) as set out in Appendix A of this report following a two week call-in period.

#### **Financial implications:**

None for the purpose of this report.

#### **Environmental implications:**

None for the purpose of this report.

#### **Legal implications:**

The LPA should expect be tested on its stance by challenges to any decision to impose an Affordable Housing requirement on sites that are not 'major developments' as defined in the NPPF notwithstanding its success to date in defending its position in relation to the Written Ministerial Statement (WMS). The NPPF is of higher standing than the WMS but the Council's position is still arguable given the exceptional level of need for Affordable Housing within the Borough.

#### **Equality Implications:**

None for the purpose of this report.

#### **Risk Management Implications:**

None for the purpose of this report.

#### **Community Safety Implications:**

None for the purpose of this report.

#### **Background papers:**

None

#### **Enclosures/Appendices:**

Appendix A – Draft Exemption of Small Sites & the Vacant Building Credit Statement (September 2018)

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