

Record of Decision

Mayor's Response to Council's Objection to Planning Contributions and Affordable Housing Supplementary Planning Document

Decision Taker

Mayor on 06 January 2017

Decision

- (i) that following consideration of representations made on the Draft Planning Contributions and Affordable Housing Supplementary Planning Document (SPD), the SPD be adopted, with minor modifications, as a Supplementary Planning Document as set out in Appendix 3 to the submitted report; and
- (ii) that the Executive Head of Business Services, in consultation with the Executive Lead for Planning, Transport and Housing, be given delegated powers to make minor amendments to the document to ensure legibility and clarity.

Reason for the Decision

Having had regard to the considerations, including Court and Appeal decisions set out in the Council Report, the Mayor considers that the higher threshold of 11 dwellings should apply for affordable housing on greenfield sites, in accordance with Government advice set out in the Written Ministerial Statement of 28 November 2014 and reiterated in the Planning Practice Guidance.

The Mayor considers that applying a threshold of 11 dwellings will be less onerous to viability for small house builders and thereby encourage the supply of housing. He notes that the draft SPD allows for reduced S106 contributions where viability is assessed to be jeopardised by S106 requirements. However, seeking such relief from S106 Contributions incurs expense. It is also noted that new greenfield developments may also be CIL chargeable. Whilst "tariff style" S106 contributions would not be sought from such sites, they may incur expenses from site acceptability matters. In addition, rising costs and skill shortages are likely to impact on smaller house builders more than large ones.

The affordable housing requirement is set out in Policy H2 of the Adopted Local Plan. This indicates that affordable housing requirements are usually made through commuted payment on sites of 3-10 dwellings. The level of contribution proposed by the draft Supplementary Planning Document (SPD) is as follows.

| (A) Site size | (B) % of affordable housing | (C) Level of contribution in the draft SPD per single affordable dwelling required (As per Table 3.1b, Page 30 of the Draft SPD) | (D) Pro-rata contribution per dwelling on the site. |
|----------------|-----------------------------|---|--|
| 3-5 dwellings | 10% | Smaller dwelling 1-2 person =£77,000 Medium dwelling 3+ persons =£108,000 | £7,700 per smaller dwelling £10,800 per larger dwelling |
| 6-10 dwellings | 15% | Smaller dwelling 1-2 person =£77,000 Medium dwelling 3+ persons =£108,000 | £11,550 per smaller dwelling £16,200 per larger dwelling. |

For example, a development of 3 medium greenfield dwellings would be liable for 10% affordable housing i.e. 0.3 of a dwelling at £108,000 per dwelling i.e. a contribution of £32,400 overall or £10,800 per dwelling.

A development of 10 larger dwellings would be liable for affordable housing contributions at 15% i.e. 1.5 dwellings at £108,000 per dwelling or £162,000 (equivalent to a contribution of £16,200 per dwelling).

Implementation

The recommendation of the Mayor will be considered at the Council meeting on 2 February 2017.

Information

At the meeting of Council held on 8 December 2016, Members the considered the submitted report setting out a review of the Planning Contributions and Affordable Housing Supplementary Planning Guidance. Members noted the document set out the Council's approach to developer contributions for both commercial and residential properties. The Council resolved:

that the Council formally objects to the adoption of the Planning Contributions and Affordable Housing Supplementary Planning Document on the basis that the officer recommendation should be adopted by Council as follows:

- 3.3 that following Consideration of representations received on the Draft Planning Contributions and Affordable Housing Supplementary Planning Document (SPD), the SPD be adopted, with minor modifications, as a Supplementary Planning Document as set out in Appendix 3 to the submitted report except that the threshold for provision of affordable housing in paragraph 3.4 of the SPD, and accompanying text elsewhere, be amended to 3 instead of 11 to ensure that the document adheres to the affordable housing thresholds set out in Policy H2 of the Adopted Torbay Local Plan, i.e. 3 dwellings for greenfield sites and that the Written**

Ministerial Statement of 28 November 2014 should be noted in the SPD as a material consideration; and

- 3.4 that the Executive Head of Business Services, in consultation with the Executive Lead for Planning, Transport and Housing, be given delegated powers to make minor amendments to the document to ensure legibility and clarity.**

In accordance with the Constitution at F4.9, the Council therefore requires the Mayor to consider this objection by 6 January 2017 and either:

- a) submit a revision of the Planning Contributions and Affordable Housing Supplementary Planning Document with the reasons for any amendments to the Council for its consideration; or**
- b) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.**

The objection (substantive motion) was then considered by members, which was agreed by Council (shown in bold text above). The Mayor would consider the objection and publish his response by 6 January 2017 for consideration at the Extraordinary Council meeting on 19 January 2017.

The Mayor considered the recommendation of the Council and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

Yes – Reference Number: I024914

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

6 January 2017

Signed: _____
Mayor of Torbay

Date: 6 January 2017

