

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

4 June 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 PLANNING REFORMS – FINAL PLANNING PRACTICE GUIDANCE (PPG) MARCH 2014

This report summarises the main changes and key issues arising from the final version of the National Planning Guidance published in March and also updates Members on other relevant planning reform proposals since the last meeting.

1.1 Background

1.1.1 The Board meeting of 19th November received an update report on the Government's Planning Reforms, including a new draft National Planning Practice Guidance note series that was being trialled since August. In March this year a final version of, what is now referred to as Planning Practice Guidance (PPG) was uploaded onto the DCLG website and is now fully functioning. The following sections of this report highlight some of the more important elements for preparing the new Local Plan and determining planning applications.

1.1.2 There have also been some more recent announcements relating to the Planning Reform agenda and this report briefly discusses these for awareness. The Planning Performance and Planning Contributions consultations invited by DCLG that closed on the 4th May proposes a change to the way affordable housing contributions as sought in rural locations and there has also been recent press coverage regarding the 'Right to build your own home' initiative, first mooted in the Budget statements this year and recently referred to by the Planning Minister at a public event resulting in some press coverage, although it is early days from this initiative.

1.2 Final Planning Practice Guidance

1.2.1 One of the recommendations of the Taylor review last year was to establish a web based set of guidance notes to replace the lengthy, confusing and sometimes out of date series of national planning guidance notes. In August last year a draft set

of notes were made available in 'Beta' mode (a term of testing computer software before general release) and comments invited.

- 1.2.2 On 6th March this year a final set of notes was published on the Government's Planning Portal website (<http://planningguidance.planningportal.gov.uk/>) alongside the National Planning Policy Framework (NPPF). There are 41 separate notes covering planning policy and development management topics.
- 1.2.3 In previous reports officers noted that it was anticipated that the NPPF may be reviewed on its second anniversary and that an opportunity taken to clarify some of the aspects of preparing Local Plans. More recent information now suggests that such a review will not take place until at least after the General Elections in 2015, although it would appear that some of the revisions to the PPG may have had the same effect.
- 1.2.4 The general thrust of the guidance is unchanged and the importance of identifying and planning to meet objectively assessed needs over the plan period remains.
- 1.2.5 The new PPG provides some further assistance for Local Planning Authorities in planning to meet those needs. For example, the PPG now explains that a windfall allowance can be used as part of the first five years housing land supply, if there is compelling evidence to support it. Also, for years 6-15 of a Plan period, where there may be less certainty over specific sites, 'broad locations' for growth may be identified and these could also include a windfall allowance, again if there is evidence to support this. Previous guidance ruled out using a windfall allowance over the whole plan period.
- 1.2.6 Another change relates to how residential institutions are counted towards meeting housing needs. In the Use Classes Order, residential institutions, such as care homes and student accommodation are classified as C2 use, which is different to dwelling houses, which are classified as C3. Consequently, C2 uses have not counted towards meeting housing needs in the past, although, arguably, a room or rooms occupied by an elderly person in a care home or a student living in student flats is their dwelling space or home.
- 1.2.7 The PPG now says that C2 uses can count towards meeting housing requirements. This may help some local planning authorities which have seen an increase in proposals for this kind of accommodation but have not, thus far, been able to count the units against their housing targets.
- 1.2.8 This will however require an additional piece of work to update Strategic Housing Market Assessments. Currently these assessments do not include an assessment for institutional accommodation. This will need to be rectified if C2 completions are to count towards meeting housing targets.
- 1.2.9 Members will recall from the last Board meeting in March that the Tonbridge and Malling Strategic Housing Market Assessment (SHMA) had been recently completed by the consultants G L Hearn and Partners at about the same time as

the PPG was published. Officers and the consultants have reviewed the SHMA in the light of the PPG and have concluded that it still accords with the guidance, with the exception of the way in which C2 uses are now addressed.

- 1.2.10 Consequently, the consultants have been asked to prepare an additional piece of work to reflect this change. This is not expected to significantly change the level of objectively assessed need for housing already set out in the SHMA, but it will mean that we will have a more comprehensive assessment of all housing needs and the ability to count C2 completions towards future housing targets.
- 1.2.11 An opportunity has also been taken as part of this commission to consider the new Sub-National Population Projections expected to be published by the end of May to ensure the evidence in the SHMA is up to date. For information, the two other authorities that jointly commissioned G L Hearn to prepare SHMAs at the same time as Tonbridge and Malling (Ashford and Maidstone) have also requested this additional work.

1.3 Planning Performance and Planning Contributions consultations

- 1.3.1 The DCLG consulted on proposed changes to planning performance and planning contributions earlier this year concluding on 4th May. One important proposal relates to the introduction of a threshold for seeking Section 106 agreements for affordable housing of 10 units or 1,000 sq.m gross floor space or more, to aid the delivery of small scale housing sites. However, rural exception sites will be exempt.
- 1.3.2 The current affordable housing policy in the adopted Local Development Framework Core Strategy (Policy CP17) has a threshold of 15 units or 0.5Ha in the urban area and a threshold of 5 units or 0.16Ha in rural areas. The rural threshold would be affected by this proposed change, but the impact in terms of the number of schemes affected and the affordable housing contributions is likely to be small. Most rural affordable housing schemes are delivered through the rural exceptions site policy and this is proposed to be exempt from the change.
- 1.3.3 The Government is currently considering the responses received.

1.4 'Right to build your own home' initiative

- 1.4.1 In the Budget statements in April this year the Chancellor announced that the Government would be looking to introduce further planning reforms to assist people to build their own homes.
- 1.4.2 *'For people who want to build their own home, the government will consult on creating a new Right to Build, giving custom builders a right to a plot from councils, and a £150 million repayable fund to help provide up to 10,000 serviced plots for custom build. The government will also look to make the Help to Buy: equity loan scheme available for custom build.'* (Taken from the 2014 Budget paragraph 1.142)

- 1.4.3 Those consultations are now expected to take place in the summer; however, at a Grand Designs Live Roadshow event on 7th May the Planning Minister Nick Boles revealed some more detail on the proposals and this resulted in some press coverage recently. Although nothing has been agreed so far, the Planning Minister explained how he envisaged the scheme taking shape.
- 1.4.4 Initially, eligible people (it is proposed that living in an area for 2 or 3 years and having means to build your own property might be criteria used), would register for a new building plot with their local authority. The local authority would be required to assess the level of demand and 'facilitate' suitable building plots to meet local demand.
- 1.4.5 The Government is considering introducing a legal duty on local authorities to provide the plots and funding will be made available to acquire land if the authority does not own land
- 1.4.6 There is no further detail at the present time, but the proposals raise a number of important questions, such as how the eligibility criteria will work in practice, how to manage expectations in areas like the south east where interest is likely to be very high and whether local authorities have the in house resources to procure suitable sites?
- 1.4.7 The Council will wish to make representations when the detailed proposals are consulted on later this year.

1.5 Conclusions

- 1.5.1 This report updates Members in respect of the Government's ongoing planning reforms. Further reports will be made in due course.

1.6 Legal Implications

- 1.6.1 The Government's planning reforms will have a bearing on how the Local Plan is prepared and how planning applications are determined.

1.7 Financial and Value for Money Considerations

- 1.7.1 Preparing a Local Plan in accordance with the most up to date Government planning policy and guidance will reduce the risk of an unsound Plan and the associated costs.

1.8 Risk Assessment

- 1.8.1 See 1.7.1 above.

1.9 Policy Considerations

- 1.9.1 The Local Plan will reflect the most up to date national planning policy and guidance available.

Background papers:

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Nil

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