

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**10 November 2021**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 AFFORDABLE HOUSING PROTOCOL**

**1.1 Background**

1.1.1 CP17 in the TMBC Core Strategy has been assessed by officers against the 2021 NPPF and is considered to remain in overall consistency. This policy will therefore continue to be afforded full weight in decision making. However, there have been a number of changes in the national guidance on affordable housing, both in terms of definition and product types since the production of CP17, most notably the introduction of First Homes.

1.1.2 As per previous reports to this Board, the draft Local Plan is currently being reviewed and refined with an intention to resubmit following the necessary consultation stages at Regulations 18 and 19. As such, the evidence base associated with the current draft, including the Whole Plan Viability Study, is not considered to be of material consideration in current applications. This means that the existing CP17 requirement for 40% affordable housing to be delivered on schemes meeting the criteria for AH delivery remains TMBC's policy position.

1.1.3 An updated set of affordable housing related policies and guidance will be put in place as part of the current Local Plan revision process, however at present, we do not have up to date detailed guidance in place to support policy CP17.

1.1.4 Planning officers, in liaison with the Housing Strategy and Enabling Manager, are experiencing significant divergences in the level of information relating to Affordable Housing that is being provided by applicants currently. This is resulting in drawn out discussions on a number of issues, most notably scheme viability and unit mix.

**1.2 Affordable Housing Protocol**

1.2.1 In order to address the need for detailed guidance and to seek efficiencies in processing of applications, officers have drafted the attached Affordable Housing Protocol [**Annex 1**]. The document aims to give applicants information on the information that will be required in the Affordable Housing statement that should

accompany any application with an AH requirement and also lays out how viability will be assessed should less than policy compliant provision be proposed.

- 1.2.2 The report details how the new First Homes guidance will be applied and, importantly, makes a statement based on ONS affordability data that TMBC does not consider the 'standard' First Homes discount (30%) to be sufficient in the borough. The First Homes provisions allow boroughs to require a deeper discount should they have evidence to support it. As First Homes is currently being trialled and will be implemented fully from April 2022, there are no existing schemes on which to base a policy position. Therefore, officers are proposing that our policy position is based on ONS affordability data and that we take a prudent approach to First Homes discussions with applicants as the national policy establishes itself.
- 1.2.3 It is proposed that this Protocol is adopted for Development Management purposes and will therefore be a material consideration in application processes, albeit not with the same weight as an examined and adopted policy (which will be an output from the Local Plan process).

### **1.3 Legal Implications**

- 1.3.1 This protocol is not a legal requirement. However, it is considered to be a prudent development management tool given the current position with the Local Plan.

### **1.4 Financial and Value for Money Considerations**

- 1.4.1 Planning applications have a specific viability process, which is laid out in the protocol and has RICS authored national guidance in addition to provisions within the NPPF.
- 1.4.2 The protocol offers some guidance on how the new First Homes requirements need to be applied from the relevant dates. An important point to note is that the 25% requirement for First Homes applies not only to onsite delivery but also to any developer contributions in lieu of on site delivery. This would therefore mean that the overall amounts of s106 available for the Council to direct to other affordable housing projects (where onsite delivery was not able to be secured) may be reduced.

### **1.5 Equality Impact Assessment**

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **1.6 Policy Considerations**

- 1.6.1 Customer Contact

## 1.7 Recommendations

- 1.7.1 It is recommended that Members **APPROVE** the Affordable Housing Protocol **[Annex 1]** for adoption by the Council for Development Management purposes, with final approval for any changes required to the document before publication be delegated to the Director for Planning, Housing and Environmental Health in consultation with the Cabinet Members for Strategic Planning & Infrastructure and Housing.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Eleanor Hoyle

Nil

Eleanor Hoyle

Director of Planning, Housing and Environmental Health