

Development Management Report

Development Management Report to seek Delegated Authority to Planning Officers to continue to determine the applications previously presented to Central Planning Committee for housing schemes of 10 or less dwellings in light of the Ministerial Statement of 28th November 2014 and the decision of Cabinet dated 21st January 2015

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Summary

This report seeks Members support for a delegation to officers to review and determine those planning applications which Committee has previously resolved to approve, where a decision has not yet been issued pending conclusion of a S106 agreement and where there may have been a change in the balance of considerations arising from the publication of the Ministerial Statement of the Minister for State, Department for Communities and Local Government on 28th November 2014 and the decision of Cabinet dated 21st January 2015.

Recommendation:-

To delegate authority to planning officers to review and determine any outstanding planning applications previously considered by Committee, with a resolution for approval, but which require reconsideration in light of the Ministerial Statement of 28th November 2014 and the Cabinet decision of 21st January 2015 provided that any applications, where the balance of considerations would result in a different decision to that taken by Committee, will be referred back to Committee for reconsideration.

1.0 BACKGROUND

1.1 In a Written Ministerial Statement on 28th November 2014, Brandon Lewis MP, Minister for Housing and Planning, announced that the Government was making a number of changes to the national Planning Practice Guidance (PPG) with regard to Section 106 planning obligations. These included the introduction of a threshold beneath which affordable housing contributions should not be sought.

1.2 The Ministerial statement confirms that:

- a) For sites of 10 units or less and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought.
- b) In designated rural areas (under Section 157 of the Housing Act 1985), authorities may choose to implement a lower threshold of five units or less, beneath which affordable housing and tariff style contributions should not be sought.

- c) Affordable housing and tariff style contributions should not be sought in relation to residential annexes and extensions.
- d) A financial credit, equivalent to the existing gross floor space of any vacant buildings brought back into any lawful use or demolished for re-development, should be deducted from the calculation of any affordable housing contributions sought from relevant development schemes.

2.0 OFFICER APPRAISAL

- 2.1 The Ministerial statement has been met with much concern from Local Authorities, particularly rural authorities and other respected national organisations representing rural communities and rural housing.
- 2.2 Shropshire Council was particularly concerned by proposals a), b) and d) and through the consultation process in April 2014, put forward a comprehensive evidence response on how these changes would fundamentally affect the Council's ability to deliver much needed rural affordable housing directly on site or indirectly through financial support for Registered Providers (RP's) and as a consequence it would undermine its housing and community sustainability aspirations enshrined within its adopted Core Strategy
- 2.3 Following the Ministerial Statement and update to the National Planning Practice Guidance, Cabinet considered a report on 21st January 2015 outlining the consequences of applying the Ministerial Statement of 28th November and the implications for the Council's current Type and Affordability of Housing SPD which sets out the Council's policy on the provision of affordable housing on open market developments in Shropshire
- 2.4 The following decision was made:-
 - (a) That the Council lobbies the Minister to review his statement to take account of differing conditions nationally and locally.
 - (b) That the Council notes the Ministerial statement and amendments to the National Planning Practice Guidance as a material consideration in determining a planning application.
 - (c) That the Council continues to give full weight to Policy CS11 of the adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites."
- 2.5 Further to the Cabinet decision of 21st January officers have been updating delegated reports to reflect the current position in light of recommendations (b) and (c) set out in paragraph 2.4 above. This report seeks to provide the same process for those applications considered by Planning Committee. A number of applications were held back pending the Cabinet decision on the ministerial statement and the most expedient way of progressing these now would be to delegate responsibility to officers and to refer back to committee only those applications where the balance of considerations has changed in some way i.e. the applicant is not prepared to pay the affordable housing contribution.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

These planning applications were referred to committee for consideration accordance with the Council's scheme of delegation. There is no provision in the scheme of delegation in cases where the balance of material planning considerations may have changed for these "minded to approve" decisions to then be delegated to officers without a resolution to that effect.

4.0. BACKGROUND PAPERS

Original reports to planning committee, decisions and minutes
Ministerial Statement of 28th November 2015 of Brandon Lewis, Minister for Housing and Planning
Planning Practice Guidance
Minutes of Cabinet 21 January 2015
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