

HOUSING AND COMMUNITY SAFETY ADVISORY COMMITTEE

10 February 2015 at 7.00 pm
Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Ms. Lowe Vice-Chairman: Cllr. Mrs. Clark
Cllrs. Ayres, Mrs. Ayres, Ms. Chetram, Mrs. Cook, Eyre, Gaywood, Mrs. George, Mrs. Parkin,
Raikes and Towell

	<u>Pages</u>	<u>Contact</u>
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 8 October 2015, as a correct record	(Pages 1 - 6)	
2. Declarations of Interest Any interests not already registered		
3. Actions from Previous Meeting (if any)		
4. Update from Portfolio Holder	(Pages 7 - 10)	Cllr. Ms. Lowe
5. Referrals from Cabinet or the Audit Committee (if any)		
6. Strategic Assessment for Community Safety and Action Plan Presentation by the District Area Commander and the Community Safety Manager regarding crime trends of the past year and highlights the Sevenoaks Districts Community Safety Partnerships priorities for 2015-16		Kelly Webb Tel: 01732227474
7. Rural Crime		Cllr. Ayres
8. Changes to Government Guidance on Planning Obligations - Implications on SDC's Affordable Housing Policies	(Pages 11 - 20)	Alan Dyer, Gavin Missons Tel: 01732 227961/7332
9. Work Plan	(Pages 21 - 22)	

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

The Democratic Services Team (01732 227241)

HOUSING AND COMMUNITY SAFETY ADVISORY COMMITTEE

Minutes of the meeting held on 8 October 2014 commencing at 7.00 pm

Present: Cllr. Ms. Lowe (Chairman)

Cllr. Mrs. Clark (Vice Chairman)

Cllrs. Ayres, Mrs. Ayres, Ms. Chetram, Mrs. Clark, Mrs. Cook, Eyre,
Mrs. George, Mrs. Parkin and Towell

Apologies for absence were received from Cllrs. Gaywood and Raikes

12. Minutes

Resolved: That the Minutes of the meeting of the Committee held on 17 June 2014 be approved and signed by the Chairman as a correct record.

13. Declarations of Interest

No additional declarations of interest were made.

14. Actions from Previous Meeting

There were none. With reference to looking for accommodation for the Food Bank, the Chief Officer Communities and Business advised that the requirements were very particular and whilst storage could be found it was more difficult to find any accommodation meeting their needs. Officers would continue to look.

15. Update from Portfolio Holder

The Portfolio Holder's report was noted.

16. Referrals from Cabinet or the Audit Committee

a) Disabled Facility Grants – Cabinet 5 June 2014, Minute 12

This was dealt with under Minute 15 as part of the Portfolio Holder's report, and the response to Cabinet agreed.

17. Presentation on Young Carers

Fiona Watkins, Hub Manager for Kent Young Carers (KYC) gave a [presentation](#) to the Committee outlining the main activities and work of the Kent Young Carers Scheme run by Voluntary Action in West Kent (VAWK), which was also celebrating its 50th anniversary. The District was fortunate to have chill clubs in Edenbridge Sevenoaks and Swanley. Swanley was funded from BBC Children in Need funding. Chill clubs gave the opportunity for the children to relax and make friends with children in similar situations. The KYC

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scheme was funded for another two years and hopefully funding would be found to continue. Members were welcome to visit.

The Committee were impressed with the comprehensiveness of the service offered and thanked her for attending.

CHANGE IN ORDER OF AGENDA ITEMS

With the Committee's agreement agenda items 10 (a) and (b) were considered before item 7, and item 11 taken before the work plan.

18. 'A Home of your Own' Scheme (DIYSO) - Proposed Round 2

The Housing Enabling Officer presented the report which advised that decision to approve funding for Round 2 of the "A Home of Your Own" scheme (Diyso) and any associated variations to the scheme, rested with the Housing & Community Safety and Local Planning & Environment Portfolio Holders. However the view of the Housing & Community Safety Advisory Committee was sought regarding the continuation of the scheme into Round 2 with four proposed variations, so as to be able to inform the Portfolio Holder decision.

The Scheme had been very successful with 9 completed purchases to date. The proposed variations were a controlled attempt to extend the parameters of the scheme in order to attract more existing housing association tenants.

The Chief Housing Officer reported that it was an award winning scheme and had been runner up in the national housing awards. Along with the Chairman and Vice Chairman, they had met the Deputy Mayor for London as the Sevenoaks pilot scheme was being launched by a number of London authorities.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the proposed continuation, with proposed variations, of the "A Home of Your Own" scheme (Diyso) Round 2 be endorsed and supported.

19. Variations to the 'A Home of your Own' Scheme (DIYSO)

The Housing Enabling Officer presented the report which advised that decision to approve funding for Round 2 of the "A Home of Your Own" scheme (Diyso) and any associated variations to the scheme rested with the Housing & Community Safety and Local Planning & Environment Portfolio Holders. However the proposed variations 1 and 2, due to the potential amounts involved, were 'Key Decisions' for Cabinet to agree.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the following proposed variations be recommended to Cabinet for adoption:

'Variation 1. For applicants who are housing association tenants, the value of the home to be purchased may be up to £350,000. This enhanced value cap would only apply where the applicant is assessed by Moat as suitable for a 3 or 4 bedroom home and the applicant is actually buying this size of home. The enhanced value cap would only be applied to a maximum of 3 purchases

Variation 2. For all applicants, the minimum initial share of the home to be purchased is reduced to a 35% share.'

20. Local Air Quality Monitoring

The Chief Officer, Environmental and Operational Services, presented the report which advised how the air quality management service could be pared down, clarified the legal position of what the Council was required to do, air quality management projects the Council was developing and whether existing projects could be ended. He pointed out that the budget was £58,000 and rarely fully spent as the bare minimum was already carried out, with savings made in previous three years of £97,996.

Cllr. Firth, Deputy Portfolio Holder for Finance & Resources, advised that she had looked at all the relevant legislation and EU regulations with the Chief Officer, Environmental and Operational Services, and was satisfied that the service was not undertaking any additional work than what was required other than the 'Air Alert Scheme'. However this was a free service which was externally funded. She had also visited the continuous air quality monitoring station at Greatness and met one of the scientists. Again only the minimum requirement was being monitored.

She pointed out to the Committee that for the last three years, as mentioned, a saving had been made of over half the budget. Whilst she acknowledged that money was required in case of work arising from reviews and the three yearly updating and screening assessment, she believed that the budget should more accurately reflect the true cost and requested that the Committee consider a reduction in budget suggesting £28,000 in years one and two with £60000 in year three, which for accounting terms would be averaged out.. It was noted that savings could be discussed under the Budget item later in the agenda.

The Chairman used her discretion and allowed Mr Morrison to address the Committee. He expressed his concern with regards to air quality in the area especially Sevenaks High Street, and felt that particulates should be monitored due to the health risks associated with them and that th Council should be doing more than the minimum. He believed that the Council could at least influence what was happening in the District, for example with the proposed new Buckhurst 2 car park.

In response he was advised that particulates were monitored, particularly at the Greatness monitoring station and that it formed part of the London not Kent network. It was also pointed out that the cost of the service did not affect the quality of the service offered. With regards to the response to the DEFRA consultation, the SDC view was not that monitoring should not be carried out, but that it would be more appropriate for it to

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be carried out by the Highways Authority. The Committee merely believed that it was not appropriate to be paying for something for which it had no control over.

The Chief Officer, Environmental and Operational Services advised that there was not a lot the Council could do to affect air quality from traffic, but the monitoring carried out did feed into the larger national picture which eventually led to improvements such as the new HGV engines and improvements to the motorway network. Particulate matter did inform planning decisions as Environmental Health comments were sought.

Resolved: That the report be noted.

21. CCTV Service

The Chief Officer Environmental & Operational Services presented a report which followed the presentation to the Committee on 15 October 2013 by Cllr. Ayres on behalf of the CCTV Members Working Group. It addressed the issues the Committee requested to report back on, including options to reduce costs and/or increase income. The report also outlined the key role the CCTV service provided in fulfilling the Councils statutory duties in relation to crime and disorder and community safety, and detailed current budgets and performance information.

The Committee agreed that the CCTV Service provided a key role in the Council fulfilling its duties for crime and disorder and community safety, and that options should be explored to reduce costs by the use of wireless transmission or secure wifi options. Members also agreed with the suggestion that where cameras needed replacing they were replaced with digital cameras; that fixed term contract discounts be explored with BT, but with the caveat that did not want to be tied if able to move forward with wireless/wifi options; and investigations into the possibility of Sevenoaks District Council, Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council sharing a single control room, continue. Members also discussed and agreed that the Police should be asked to contribute, and the Kent Police and Crime Commissioner be lobbied. The Chief Officer Environmental & Operational Services advised that this may be more effective if carried out via the CCTV Network for Kent.

Resolved: That the report be noted and Officers asked to pursue savings and improvements as discussed above.

(Cllr. Eyre did not participate in any conversation relating to any licensing discussions as a DPI)

22. Budget: Review of Service Plans and Service Change Impact Assessments (SCIAs)

The Chief Finance Officer presented a report which set out updates to the 2015/16 budget within the existing framework of the 10-year budget and savings plan. The report presented proposals that had been identified which the Committee considered and agreed.

Following on from the discussion during Minute 20, Cllr. Eyre proposed, and it was duly seconded that the budget for air quality monitoring be reduced and consolidated to £40,000 a year (£120,000 over three years). This was put to the vote and the motion was lost by virtue of the Chairman's casting vote.

Members further discussed the reduction of the budget but whilst in agreement that it should be reduced were divided as to the amount of the reduction.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that

- a) the growth and savings proposals identified in Appendix C to the report, be agreed; and
- b) an additional saving be made on the budget for local air quality monitoring with a reduction to either £40k per year (an ongoing annual reduction of £18k), or £45k per year (an ongoing annual reduction of 13k).

23. Modern Slavery

The Committee watched the television campaign advert by the Home Office to raise awareness of modern slavery in the UK. The Chief Officer Communities and Business followed this with a [presentation](#) on the Modern Slavery Bill which was due to be discussed at the Public Bill Committee on Tuesday 14 October 2014 and expected to be in place by April 2015. She advised that she would like to introduce training for frontline staff and Members from January 2015, and further advised that Kent Police had been quick to comment that there were no 'hotspots' in this District.

24. Anti-Social Behaviour Act 2014

The Chief Officer Communities and Business gave a [presentation](#) on 'The Anti-Social Behaviour Crime & Policing Act 2014' which had received Royal Assent on 13th March 2014 and would take effect from 20th October 2014. The Act replaced nineteen pre-existing measures with six new measures for tackling anti-social behaviour and provided protection for victims and communities. The community trigger and community remedy would empower victims and communities giving them a greater say in how agencies responded to complaints of anti-social behaviour, and out-of-court sanctions for offenders. With reference to the community trigger, the Chief Officer Communities and Business advised that she would like to have Member involvement at the review stage, possibly the Portfolio Holder or one of the Deputies.

25. Housing Energy Retraining and Options (HERO) Project Update

The Chief Housing Officer informed the Committee that MOAT had withdrawn from the scheme and were now running their own similar scheme but had thanked HERO for an excellent service. The HERO Officers still supported and operated surgeries for West Kent Housing and some KCC Childrens' Centre. It was felt that the project had reached its peak in its current form and therefore a different direction was being looked into such as providing support for KCC Gypsy & Traveller service, or entering the private sector and

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tenancies. The HERO scheme was completely externally or income funded, and the Committee would be updated in the new year on HERO Plus.

26. Work Plan

The Committee considered the Work Plan. It was agreed to remove the Modern Slavery Update from the next meeting as it had already been received. Cllr. Mrs. Cook gave her advance apologies for the meeting in March but advised that she would submit a report. A HERO update was agreed for the March meeting.

THE MEETING WAS CONCLUDED AT 9.41 PM

CHAIRMAN

Housing & Community Safety Advisory Committee

11 February 2015

Portfolio Holders Report

Housing Strategy/Policy and Housing needs

Pat Smith, Liz Crockford and I met with Civil Servant, Andrew Dack (plus others from DCLG), about rural designation order extensions in some of our villages that want them on 9 October. Housing Policy and Planning Policy are working together to see how we can move this forward and to examine alternative routes. A recent letter received from DCLG indicates they should make a decision hopefully before the election.

Community Safety

Attended the LGA Councils' role in tackling female genital mutilation (FGM) conference in London on Tuesday 14 October.

Met Kelly Boyd, the Kent & Medway Youth Police & Crime Commissioner, on Monday 20 October to discuss her role and the role of the Sevenoaks Community Safety Partnership.

Met with Ann Barnes (Kent & Medway PCC) on 14 January.

Attended the SDC Substance Misuse Conference on Wednesday 19 November and chaired the Domestic abuse conference on Friday 28 November. Also attended the Legal Highs conference on 13 January.

Licensing

Met with our West Kent licensing partners to examine closer, more cost effective partnership working on Wednesday 22 October with Claire Perry. Joined with our other two Licensing Partners: Tunbridge Wells and Maidstone Borough Council's to celebrate 5 years of a successful partnership.

Changes to the Government's response on planning obligations and the implications on SDC's affordable housing.

These changes will have the biggest impact on the Housing & Community Safety Committee's role since the committee first came into being. Regardless of whether this committee decides to recommend to cabinet that this council lobbies central government about the impact that these changes will have on the district or not; I thought it was important to update the committee on the sorts of actions we can take to mitigate their consequences.

- **Rural exception sites:** There are a number of villages that have expressed an interest in rural exception sites that have the advantage of keeping the new dwellings affordable in perpetuity. To keep working with local communities where they are wanted, and to keep working with DCLG on extending the rural exception orders.

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- **Shared Under Occupation Officer with West Kent HA:** We fund 50% of this Officer with WKHA .He has successfully freed up several under occupied social housing properties and we should do our best to ensure that we keep funding this position from other sources.
- **To promote and make best use of national schemes** such as ‘Starter Homes’ and ‘Help to buy’
- **DIYSO** due to DIYSO’s success and growing national profile to look for other sources of funding for a future DIYSO 3 which includes negotiating with the HCA.
- **Maximising use of all suitable land** – To examine all SDC owned land, and land owned by partner organisations such as Housing Associations to see if we can pool land or develop small brown field sites such as garages.
- **Empty Homes** – to continue to successfully use ‘No use empty’ funding from KCC (maximum £25,000 per property and is a free loan) to turn around empty homes in the district
- **Cross subsidy models** – to seriously examine cross subsidy models when they are suitable
- **Further develop housing policy** to maximise every property in the district. Moving HERO into the private landlord sector. To make the 7,000 social homes in the district work hard to provide for our housing need .
- **Maximising rural schemes** and working successfully with the rural enabler
- **Joint schemes with other local authorities** .We currently have an enhanced supported scheme for older people with DBC and this frees up vacancies at Hollybush and Whiteoak schemes
- **Sheltered schemes and self builds** – sustainable, quick and affordable.

Swanley Housing Needs Survey – October 2014

Swanley as a town is partially disconnected from the rest of the district in terms of public transport and residents of Swanley are more aligned to Dartford than the rest of Sevenoaks. Swanley also has the highest density of social housing than anywhere else in the district – so it is vital that we capture the housing need here in order to influence housing policy moving forward.

Achieving the right housing strategy in Swanley could have a major impact in regenerating the town.

Due to Swanley’s uniqueness it was important to conduct a housing needs survey that will form a major plank of the new Housing Strategy that is currently being worked on. We hope to conduct similar surveys for the District’s other two towns: Sevenoaks and Edenbridge. The survey was conducted using a Kent-wide template.

Alongside other needs, the needs of older people were identified in the survey and this has led to talks between SDC and Moat about a potential dementia friendly housing scheme in the town. Other practical steps will follow from the results of the survey.

Air quality – update

Defra are considering removing some of the air quality reporting burdens on local authorities – possibly in response to the 2% of local authorities (including Sevenoaks) that wanted this burden given to an authority that could actually positively change things.

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If these changes were to come into effect, SDC could (although this is not certain) save some further money on consultancy fees as we would only need to submit one single annual report rather than the extra five that we have to produce at the moment.

SDC will still have a statutory requirement to review air quality, and where a pollutant is in exceedance – declare an AQMA and prepare an action plan setting out measures to address the problem.

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CHANGES TO GOVERNMENT GUIDANCE ON PLANNING OBLIGATIONS – IMPLICATIONS ON SDC’S AFFORDABLE HOUSING POLICIES

Housing and Community Safety Advisory Committee – 10 February 2014

Report of Chief Officer Housing and Chief Planning Officer

Status: For Decision

Also considered by: Cabinet – 5 March 2014

Key Decision: No

Executive Summary:

The Government has recently published changes to the National Planning Practice Guidance and a written ministerial statement was issued on planning obligations. In most areas, contributions to affordable housing should not now be sought from developments of 10-units or less. In designated rural areas, local authorities can choose to seek financial contributions on developments of 6-10 dwellings in designated rural areas. In addition, where developments involve the conversion or demolition of existing buildings the contribution should be proportionate to the net increase in floorspace. Therefore, developments that do not increase the amount of floorspace on a site will not have to make an affordable housing contribution. These changes will have a significant impact on the Council’s ability to secure the delivery of affordable housing. There are not currently considered to be any opportunities for the Council to ‘work-around’ these changes to national policy. As a result, it is considered that the Council should lobby the Government to rescind or amend these policy changes.

This report supports the Key Aim of Sustainable Economy from the Community Plan.

Portfolio Holder Cllr. Lowe

Contact Officer(s) Alan Dyer (ext. 7196)

Gavin Missons (ext. 7332)

Recommendation to Housing and Community Safety Advisory Committee:

That the recommendation to Cabinet is endorsed.

Recommendation to Cabinet:

- a) That the Council lobbies Government to rescind or amend recent changes to national policy on the use of planning obligations for securing affordable housing.
- b) That the Council seeks financial contributions to affordable housing consistent

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with the percentages applied in Core Strategy policy SP3 on developments of 6-10 units in designated rural areas in the District.

Reason for recommendation:

The changes to national policy on the use of planning obligations will have a significant impact on the Council's ability to secure new affordable housing in the District.

Introduction and Background

1. Since February 2011 the Council has sought both financial contributions towards affordable housing and on-site provision in new developments under policy SP3 of the Core Strategy. All developments that lead to a net increase in the number of dwellings are liable to make a contribution or provide affordable housing on-site. The following thresholds are applied:

Sites of 15 dwellings or more	40% on-site affordable housing
Sites of 10-14 dwellings	30% on-site affordable housing
Sites of 5-9 dwellings	20% on-site affordable housing
Less than 5 units	Equivalent to 10% financial contribution

2. Planning permission can be refused where the required level of contribution/provision has not been made and the applicant has not proven to the Council's satisfaction that this is justified on the basis of viability.
3. The Affordable Housing Viability Assessment sets out how the 10% financial contribution is calculated, amongst other things.
4. Financial contributions can be used in the following ways:
 - Provision of new affordable housing, through adding to on-site provision on development sites or bringing forward stand alone developments;
 - Initiatives to make better use of existing stock;
 - Management of need - homelessness prevention and benefit advisory services;
 - Assisting those in need to access low cost home ownership; and
 - Supporting the development of rural exception sites.
5. A joint portfolio holder decision between the planning and housing portfolio holders is made on an annual basis to determine how the money that has been received is to be spent. The money has been used, amongst other things, to deliver the highly successful bespoke shared-ownership project (A Home of Your Own) with Moat (24 purchases funded, assisting families onto the property ladder) and the under-occupation initiative with West Kent Housing Association (WKHA) (which up to October 2014, has assisted 37 households to downsize and in 60% of cases, the ensuing freed up home has been used to house a homeless family).

Changes to National Planning Practice Guidance

6. On 28 November 2014, the Government published changes to the National Planning Practice Guidance and a written ministerial statement was issued on planning obligations. The key changes for SDC are:

- In most areas, contributions should not be sought from developments of 10-units or less (where the combined gross floorspace is no more than 1000sqm);
- In designated rural areas, the Council can choose to apply a lower threshold and require financial contributions (not on-site provision) on sites of 6 units or more. Rural areas are defined under the Housing Act 1985 and in Sevenoaks District are Areas of Outstanding Natural Beauty and areas exempt from right to acquire / right to enfranchise.
- Where planning permissions involve bringing a vacant (but not abandoned, as defined by planning law) building back into lawful use or it is demolished to be replaced by a new building, the developer should be offered a ‘financial credit’ equivalent to the building’s floorspace, which can offset part of the contribution. Therefore, contributions should be proportionate to the increase in floorspace, regardless of the use of the buildings.

Development Scenario Examples

7. The changes to the NPPG affect both the financial contributions that SDC has sought from smaller sites and on-site provision on larger sites. All of these scenarios are purely hypothetical. It must also be noted that a variation on scenario A is likely to be very common across the District and will significantly reduce the financial contributions that the Council can secure in the future.

A. Development of 4 2-bed houses in one of the District’s main urban areas on a greenfield site	
Total floorspace = 400 sq m Total existing non-abandoned floorspace to be demolished = 0 sq m Value of each house = £250,000	
Contribution previously due = £44,620 (or £11,115 per unit)	Contribution now due = £0
Reason: The development falls below the new threshold for the number of dwellings in urban areas and is below 1000 sq m total development.	

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B. Development of 4 6-bed houses in one of the District's main urban areas on a greenfield site	
Total floorspace = 1010 sq m Total existing non-abandoned floorspace to be demolished = 0 sq m Value of each house = £1,000,000	
Contribution previously due = £262,200 (or £65,550 per unit)	Contribution now due = £262,200 (or £65,550 per unit)
Reason: The development is above the 1000 sq m threshold and, therefore, the contribution is due on all of the new floorspace. In reality, the developer is likely to ensure that the total floorspace is below 1000 sq m in a situation like this. The Council would not be able to refuse permission on the basis that the developer is proposing smaller units.	

C. Development of 6 3-bed houses in one of the District's smaller villages on a greenfield site	
Total floorspace = 800 sq m Total existing non-abandoned floorspace to be demolished = 0 sq m Value of each house = £500,000	
Contribution previously due = 1 unit on site	Contribution now due = £262,200 (or £43,700 per unit)
Reason: The development is in an identified rural area and the lower threshold applies. However, on-site provision can no longer be sought under this lower threshold.	

D. Development of 6 3-bed houses in one of the District's smaller villages on a brownfield site	
Total floorspace = 800 sq m Total existing non-abandoned floorspace to be demolished = 400 sq m Value of each house = £500,000	
Contribution previously due =	Contribution now due =

1 unit on site	$(£262,200 \times 0.5) = £131,100$ (or £21,850 per unit)
<p>Reason: The development is in an identified rural area and the lower threshold applies. However, on-site provision can no longer be sought under this lower threshold. Because the existing floorspace represents 50% of the proposed new floorspace, the contribution is halved</p>	

<p>E. Development of 15 3-bed houses in one of the District's main urban areas on a brownfield site</p>	
<p>Total floorspace = 1800 sq m Total existing non-abandoned floorspace to be demolished = 450 sq m Value of each house = £300,000</p>	
<p>Contribution previously due = 6 units on site</p>	<p>Contribution now due = $(6 \times 0.75) = 5$ units on site</p>
<p>Reason: The site is not affected by the new thresholds but is affected by the 'vacant building credit'. The floorspace to be demolished is 25% of the floorspace to be built as part of the development. Therefore, the number of units on site is reduced to 5 (4.5 rounded up, as per the Affordable Housing SPD)</p>	

<p>F. Development of 300 units of a variety of sizes on a brownfield site</p>	
<p>Total floorspace = 50000 sq m Total existing non-abandoned floorspace to be demolished = 50000 sq m Value of average house = £500,000</p>	
<p>Contribution previously due = 120 units on site</p>	<p>Contribution now due = 0 units on site</p>
<p>Reason: The site is not affected by the new thresholds but is affected by the 'vacant building credit'. The floorspace to be demolished is equal to the floorspace to be built as part of the development. Therefore, the number of units on site is reduced to 0.</p>	

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Sites with existing planning obligations

8. Where a developer has an existing legal agreement but has not implemented the permission then they will be bound by it unless they apply to vary it. However, the developer could apply for a minor material amendment to the planning permission and renegotiate the s106 agreement. In these circumstances, the Council would have no choice but to agree to amend the obligation so that it is consistent with the new guidance. The vacant building credit could only be applied if the buildings were on-site at the time that the application to vary the planning permission is made (i.e. not if they have already been demolished).
9. Developers that have made contributions or provision already as part of a development will not be entitled to a refund.

Financial Implications

10. It has been estimated that approximately £2.5m of affordable housing contributions are currently expected on sites of 10 units or less (or 5 units or less in rural areas) where the planning permission has yet to be implemented. If developers apply to vary these agreements then it is likely that the Council will receive very little of this money (if anything).
11. To date, £2.45 million has been collected in financial contributions towards affordable housing. In 2013/14, the Council received £1,351,111, which was up from £356,032 in 2012/13. The sums received per annum were expected to continue to increase as more developments permitted after the affordable housing policies came into effect were built out and house prices increased. Therefore, it is likely that the Council stands to forego at least £1.5m per annum in affordable housing contributions as a result of these changes. The range of projects and initiatives that the Council is able to fund to deliver key priorities, under the Community Plan and Housing Strategy, will therefore be severely curtailed.
12. Of approximately 1500 new dwellings allocated on sites in the emerging Local Plan: Allocations and Development Management Plan (including land west of St Johns Way, Edenbridge, and Fort Halstead), approximately 1000 are on sites with existing buildings. This will reduce the on-site affordable housing provision required on these sites, in some cases significantly.

Potential to Overcome the Issues?

13. It is considered that there is no realistic prospect of the Council winning appeals if it was to refuse planning applications on the basis that developments are not providing the level of affordable housing contribution/provision required by the

Core Strategy policy. This would have a considerable impact on the Council's performance in planning appeals and also, because of the additional work pressures on officers, on performance targets for determining applications. Both of these performance indicators are used to determine authorities that the Government is going to place in 'special measures', where applicants can apply for planning permission directly to the Planning Inspectorate. It must be acknowledged, however, that some local authorities are taking this route.

14. It has been questioned whether there is anything that can be done to increase site densities and require sites to accommodate numbers of dwellings that would put them above these thresholds where possible. The Core Strategy affordable housing policy does contain a section that reads 'permission will be refused where the size of the development is artificially reduced to fall below the threshold requiring provision of affordable housing'. This is now likely to take on greater importance.
15. It has also been questioned whether reviewing the Core Strategy would help to resolve this issue. Unfortunately, new local plan documents must be consistent with national policy in order to be found sound. Therefore, a revised Core Strategy would not be able to include lower thresholds unless national policy/guidance was changed first. As a result, there doesn't seem to be any possibility of overcoming the issues caused by these changes to national policy.

Next Steps

16. Given the significant impact on affordable housing delivery in the District and the apparent lack of opportunities to work around the policy change, it is recommended that the Council lobbies Government to rescind or amend changes to national policy on the use of planning obligations. The Council objected to the proposed changes when they were consulted on in early 2014, as did the LGA and the District Councils Network, amongst others. The points made in these consultation responses could form the basis for any lobbying action that the Council takes. The Council should also use its contacts at Member and Officer levels to encourage those organisations that previously objected to the changes to lobby on this issue. The Council's previous response included the following points:
 - Affordable Housing contributions and the projects that they can deliver are crucial in an area with as limited opportunities for new development as Sevenoaks District.
 - The Council has local evidence (the Affordable Housing Viability and CIL Viability Assessments) that demonstrates that seeking affordable housing contributions on sites of less than 10 units and on sites with existing buildings does not make them unviable.

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- The Council's policy affordable housing policy offers developers the opportunity to provide viability evidence to show why the development would not be viable with the required level of affordable housing and to negotiate a lower (including nil) provision/contribution. Therefore, the Government's blanket approach is completely unnecessary.
 - Sevenoaks District regularly achieves its Core Strategy annual average housing target and has a very healthy 5 year housing land supply when judged against it. Small sites continue to make a significant contribution to this even with affordable housing requirements in place.
 - The implementation of this top-down policy is clearly contrary to the principles of localism in the context of Sevenoaks District, where a sound and flexible affordable housing policy is operating effectively without compromising housing delivery or viability.
 - Rather than incentivise brownfield development, the Government's approach will see planning applications for change of use or redevelopment of brownfield sites resisted by local communities, who will see that local authorities have no way of securing much needed affordable housing as part of developments.
 - A combination of the proposed 10 unit threshold and the restriction on requiring provision or contributions from brownfield developments will have a catastrophic effect on the delivery of affordable housing in the District.
17. The Council's Legal Services Manager has advised that it has no legal obligation to directly inform those developers that have a signed agreement but have not yet begun the development that national guidance has changed. The Planning Department is, however, updating guidance on the Council website and, in due course, will need to review the Affordable Housing SPD.
18. Training on this issue for the Development Control committee was held on Thursday 18 December, when two applications that previously would have been required to make an affordable housing contribution were considered.

Other Options Considered and/or Rejected

19. The Council could choose to simply accept these changes and do nothing in response to them. However, given the impact that the change to national policy will have on the Council's ability to deliver affordable housing, it is considered that lobbying Government to rescind the recent changes and applying the lower threshold in rural areas is the appropriate approach.
20. There is considered to be no realistic prospect of the Council winning appeals if it was to refuse planning applications on the basis that developments are not

providing the level of affordable housing contribution/provision required by the Core Strategy policy.

Key Implications

Financial

21. The financial implications of the changes to national policy are set out in the report. The recommendations seek to reduce the expected negative impact.

Legal Implications and Risk Assessment Statement.

22. The recommendations have legal implications. The application of a lower affordable housing threshold in rural areas is consistent with Government policy and the Council's adopted Core Strategy.

Equality Assessment

23. 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.

Conclusions

24. Given the impact of the change to national policy on the use of planning obligations on the Council's ability to deliver affordable housing, it is considered that it should lobby Government to rescind or amend these changes and apply the lower threshold of 6 units for seeking affordable housing contributions in rural areas.

Appendices

None

Background Papers:

SDC's response to the Planning Performance and Contributions Consultation

[LDF Core Strategy](#)

[Affordable Housing SPD](#)

Pat Smith
Chief Officer Housing

Richard Morris
Chief Planning Officer

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Housing and Community Safety Advisory Committee Work Plan 2014/15 (as at 27.01 15)

10 February 2015	26 March 2015	Summer 2015	Autumn 2015
<p>Strategic Assessment for Community Safety and Action Plan – presentation by Kelly Webb and Chief Inspector Tim Cook</p> <p>Rural Crime - Cllr Les Ayres</p> <p>Changes to Government Guidance on Planning Obligations – Implications on SDC’s Affordable Housing Policies</p>	<p>Air quality – Central Government report & Savings Scrutiny joint report RW</p> <p>Report on Health by Cllr Mrs Cook</p> <p>Older/Vulnerable people update – Cllr Mrs Parkin</p> <p>Joint Working Group with Planning – Cllrs Mrs Parkin/Mrs Ayres</p>		<p>Budget: Service Reviews and Service Change Impact Assessments (SCIAS)</p>

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