

**NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER**

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, Marcus Hart, as Strong Leader, delegate the decisions **Affordable Housing and Tariff Contributions – Policy Position Statement** detailed in the Forward Plan to the Cabinet Member/Officer detailed below:

Cabinet Member/Officer: Councillor John Campion

9<sup>th</sup> February 2015

Dated:



Signed: .....

Leader of the Council


**NOTICE OF DECISION OF CABINET MEMBER**

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me by the Leader, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Affordable Housing and Tariff Contributions – Policy Position Statement	To approve the Affordable Housing and Tariff Contributions – Policy Position Statement to take immediate effect.	To clarify the District Council's position following a ministerial statement and changes to the NPPG on 28 <sup>th</sup> November 2014.	February 2015

**I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.**

Dated: 9/2/15  
 Signed:   
 Councillor: SP CAMERON  
 Cabinet Member

To: Cabinet Member for Place Shaping, Councillor J Campion

From: Mike Parker  
Director of Economic Prosperity and Place

2<sup>nd</sup> February 2015

**1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to update seek approval of the Affordable Housing and Tariff Contributions – Policy Position Statement.

**2. RECOMMENDATION**

**The Cabinet Member for Place-Shaping is asked to decide that:**

- The Affordable Housing and Tariff Contributions – Policy Position Statement be approved and published with immediate effect.

**3. BACKGROUND**

- 3.1 The policy position statement is issued in response to the Ministerial Statement made by the Minister of State for Housing and Planning (Brandon Lewis) on 28<sup>th</sup> November 2014. These changes followed a consultation on ‘Planning Performance and Planning Obligations’ published in March 2014 by DCLG and the Government’s subsequent response to that consultation.
- 3.2 The Government’s response led to changes being made to the ‘Planning Obligations’ section of the National Planning Practice Guidance (NPPG) on 28<sup>th</sup> November 2014. These changes, together with the Ministerial Statement, supersede the policies in place in the District Council’s Adopted Core Strategy (December 2010), and Site Allocations and Policies Local Plan (July 2013). They also supersede guidance set out in the District Council’s Planning Obligations Supplementary Planning Document (February 2007) and the Affordable Housing Supplementary Planning Document (July 2014). The policy position statement explains how the District Council will apply its current policies in order to be in conformity with the changes to the NPPG.

**4. THE AFFORDABLE HOUSING AND TARIFF CONTRIBUTIONS – POLICY POSITION STATEMENT**

- 4.1 The policy position statement clarifies how the District Council will implement the changes alongside its current policies. The changes introduced mean that affordable housing and tariff style planning obligations can no longer be sought on developments which comprise 10 dwellings or fewer and which have a maximum combined gross floorspace of 1,000 square metres or less. However, in designated rural areas, local planning authorities may choose to apply a lower threshold of 5 dwellings or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5 dwelling or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10 dwellings in the form of cash payments which are commuted until after completion of units within the development.

- 4.2 The Policy Position Statement sets out that the District Council will apply a threshold of 6 dwellings or more to affordable housing and tariff style S106 contributions in the rural areas of the District. The policy basis for the lower threshold is established in policy CP04 of the Adopted Core Strategy. The lower threshold will be applied to all of the District's designated rural areas in line with policy CP04. Where the lower threshold applies, affordable housing contributions will be by way of a financial contribution rather than on-site provision unless an applicant specifically requests to provide on-site instead.
- 4.3 In the urban areas of Kidderminster and Stourport-on-Severn, the current threshold of 10 dwellings or more for affordable housing contributions established in Core Strategy policy CP04 will be amended to 11 dwellings or more.

## **5. NEXT STEPS**

- 5.1 Subject to approval, officers will publish the Policy Position Statement and it will be applied with immediate effect.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 The approach may lead to a reduced income from S106 agreements.

## **7. LEGAL AND POLICY IMPLICATIONS**

- 7.1 The Policy Position Statement will bring the District Council's policies on affordable housing and tariff style planning obligations into accordance with the revisions to the NPPG.

## **8. EQUALITY IMPACT NEEDS ASSESSMENT**

- 8.1 There are no equality implications.

## **9. RISK MANAGEMENT**

- 9.1 If the Policy position Statement is not approved there will be less clarity to applicants submitting planning applications within the District. Not implementing the changes to the NPPG could result in increased planning appeals or a legal challenge.

## **10. CONCLUSION**

- 10.1 The Ministerial Statement and changes to the NPPG mean that it is necessary to amend policies relating to affordable housing and planning obligations within Wyre Forest District. The Policy Position Statement provides clarity as to how these changes will be implemented.

## 11. CONSULTEES

- Principal Solicitor
- Housing Services Manager
- Development Manager

## 12. BACKGROUND PAPERS

- Adopted Core Strategy (December 2010)
- Adopted Site Allocations and Policies Local Plan (July 2013)
- Adopted Kidderminster Central Area Action Plan (July 2013)
- Recommendations from Housing Review Panel (February 2013)
- Ministerial Statement made by the Minister of State for Housing and Planning (Brandon Lewis) on 28<sup>th</sup> November 2014  
<http://www.parliament.uk/documents/commons-vote-office/November%202014/28%20Nov%202014/2.%20DCLG-SupportForSmallScaleDevelopersCustomAndSelf-Builders.pdf>
- NPPG – Planning Obligations

# Affordable Housing and Tariff Contributions – Policy Position Statement

February 2015

## 1. Why is a Policy Position Statement Required?

- 1.1 This policy position statement is issued in response to the Ministerial Statement made by the Minister of State for Housing and Planning (Brandon Lewis) on 28<sup>th</sup> November 2014<sup>1</sup>. These changes followed a consultation on 'Planning Performance and Planning Obligations' published in March 2014 by DCLG and the Government's subsequent response to that consultation<sup>2</sup>.
- 1.2 The Government's response led to changes being made to the 'Planning Obligations' section of the National Planning Practice Guidance (NPPG) on 28<sup>th</sup> November 2014<sup>3</sup>. These changes, together with the Ministerial Statement, supersede the policies in place in the District Council's Adopted Core Strategy (December 2010)<sup>4</sup>, and Site Allocations and Policies Local Plan (July 2013)<sup>5</sup>. They also supersede guidance set out in the District Council's Planning Obligations Supplementary Planning Document (February 2007) and the Affordable Housing Supplementary Planning Document (July 2014)<sup>6</sup>. This policy position statement explains how the District Council will apply its current policies in order to be in conformity with the changes to the NPPG. It should be read alongside the District's current affordable housing policies.

## 2 Policy Background

- 2.1 The changes set out in the NPPG relate to the collection of tariff style planning obligations and the provision of affordable housing. Therefore the relevant policies are as follows:
- Adopted Core Strategy:
    - Policy CP04: Providing Affordable Housing
    - Policy CP07: Developer Contributions
  - Site Allocations and Policies Local Plan:
    - SAL.DPL2: Rural Housing
  - Planning Obligations SPD
  - Affordable Housing SPD

<sup>1</sup> <http://www.parliament.uk/documents/commons-vote-office/November%202014/28%20Nov%202014/2.%20DCLG-SupportForSmallScaleDevelopersCustomAndSelf-Builders.pdf>

<sup>2</sup> <https://www.gov.uk/government/consultations/planning-performance-and-planning-contributions>

<sup>3</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/planning-obligations/>

<sup>4</sup> <http://www.wyreforestdc.gov.uk/planning-and-buildings/planning-policy/adopted-core-strategy.aspx>

<sup>5</sup> <http://www.wyreforestdc.gov.uk/planning-and-buildings/planning-policy/site-allocations-and-policies-local-plan.aspx>

<sup>6</sup> <http://www.wyreforestdc.gov.uk/planning-and-buildings/planning-policy/supplementary-planning-documents.aspx>

### **3. Overview of Changes Introduced**

- 3.1 The changes introduced mean that affordable housing and tariff style planning obligations can no longer be sought on developments which comprise 10 dwellings or fewer and which have a maximum combined gross floorspace of 1,000 square metres or less. However, in designated rural areas, local planning authorities may choose to apply a lower threshold of 5 dwellings or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5 dwelling or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10 dwellings in the form of cash payments which are commuted until after completion of units within the development.
- 3.2 The designated rural areas within Wyre Forest District are:<sup>7</sup>
- Broome
  - Bewdley
  - Chaddesley Corbett
  - Churchill and Blakedown
  - Kidderminster Foreign
  - Ribbesford
  - Rock
  - Rushock
  - Stone
  - Upper Arley
  - Wolverley and Cookley.
- 3.3 The designated areas are mapped at Appendix 1 to this paper.
- 3.4 The restrictions on seeking planning obligations contributions do not apply to development on Rural Exception Sites – although affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension within the curtilage of the buildings comprising an existing home.

### **4. The Implications**

- 4.1 In the urban areas of Kidderminster and Stourport-on-Severn, Wyre Forest District Council will only seek affordable housing and any tariff style contributions from sites which deliver 11 dwellings or more or have a maximum combined gross floorspace of over 1,000 square metres. On these sites a 30% affordable housing contribution will be sought together with other relevant planning obligations in accordance with Local Plan policy. The affordable housing contribution will be required to be in accordance with the guidance set out within the Affordable Housing SPD and the planning

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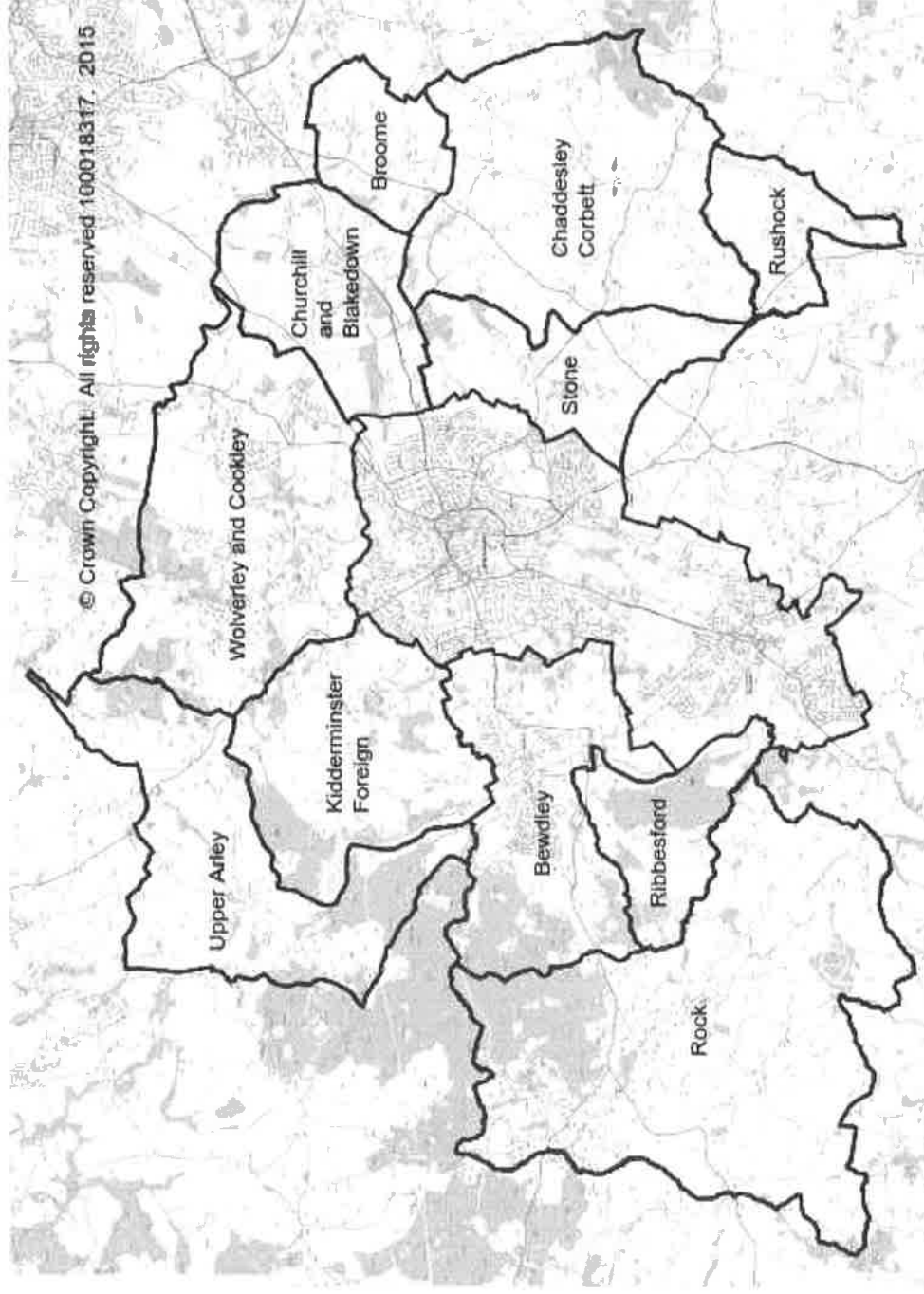
<sup>7</sup> As established under The Housing Act 1982 and The Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009

obligations will be sought in accordance with the most recent Planning Obligations SPD.

- 4.2 In designated rural areas (listed above), on sites of 6 to 10 dwellings, developer contributions will be sought in accordance with the Planning Obligations SPD. A financial contribution will be required towards the delivery of affordable housing. This will be sought in accordance with paragraphs 5.14-5.16 of the Affordable Housing SPD. All planning obligations relating to sites of 10 dwellings or fewer will be required to be paid upon completion of the development. This is in accordance with the lower threshold for affordable housing contributions in rural areas which is set out within the policy CP04 of the District Council's Adopted Core Strategy.
- 4.3 Policy SAL.DPL2 of the Site Allocations and Policies Local Plan provides policy relating to exception sites. This definition of exception sites is different to that set out within the NPPF. Therefore, sites which meet the definition of exception sites set out within the NPPF will need to be for 100% affordable housing which meets an identified local need. Any enabling market housing will need to be justified on the basis of a robust viability assessment which meets the requirements of policy SAL.DPL3 of the Site Allocations and Policies Local Plan. Any sites within the designated rural areas which do not fall under the NPPF definition of Exception Sites will need to demonstrate that they meet the requirements of policy SAL.DPL2. On sites of up to 5 dwellings, no tariff style planning obligations will be sought. On sites of 6-10 dwellings planning obligations will be sought in accordance with the most recent Planning Obligations SPD (as varied in this statement) and where housing is to meet an identified local need which is not affordable, a financial contribution to affordable housing will be sought in accordance with paragraphs 5.14-5.16 of the Affordable Housing SPD.



**Appendix 1: Map of Designated Rural Areas within Wyre Forest District**



*Wyre Forest District Council*  
Affordable Housing and Tariff Contributions – Policy Position Statement (February 2015)