

**Bolsover District Council**

**Planning Committee**

**11<sup>th</sup> January 2017**

**Implications of Having a 5 year housing Supply**

**Report of the Joint Assistant Director of Planning and Environmental Health**  
**(Written by Bolsover Interim Planning Policy Manager)**

**Purpose of the Report**

- To update members in respect of the Council's 5 year land supply and related issues.

**1 Report Details**

**Background**

- 1.1. Members may recall in October 2012, receiving a report on the viability of affordable housing. The report by consultants had recognised the difficulties in terms of housing viability, the need for affordable housing, the need for seeing sites brought forward and our lack of a 5 year housing supply.
- 1.2. The consultants recommend that the Council suspends any policy requirement for residential development to provide a percentage of affordable housing subject to an undertaking to ensure that the site would be brought forward quickly.
  - a) The Council resolved to change the operation of its affordable housing requirement on the following basis:
    - The Council to require for residential applications of 25 or more a detailed viability analysis of the development proposal
    - Developers to pay the Council's costs in employing an expert to review such analysis; or alternatively and preferably to pay for and jointly commission with the Council an independent viability consultant whose findings will be accepted by both parties.
    - An affordable housing requirement, if viable, will then be negotiated based on the outcome of this analysis.
  - b) In view of current market conditions which introduced uncertainty about the viability of an affordable housing requirement within the District, and the need to secure a five year housing land supply, the Council will waive the requirement where an applicant enters into a planning obligation which provides :
    - an undertaking, supported by a performance related bond, to commence development and complete at least 10% of dwellings permitted within 3 years

from the grant of planning permission, and at least 50 % within 5 years from grant of planning permission.

- Failure to comply with this requirement would result in a development having to provide 10% of total permitted dwellings on the site as affordable housing, or an equivalent financial contribution for use in affordable housing provision off site.

1.3. This was to be an Interim approach that was to be subject to review in 2015. However, due to the changing circumstances around the Local Plan and as the housing market conditions had remained similar, with a 5 year housing supply having not been obtained, no review took place in 2015, and the approach was continued.

#### Current situation.

1.4. Members will recall that in October 2016, they received a report on the situation in relation to the 5 Year Housing Supply.

1.5. The report concluded that:

- a) The Council can now show, an upturn in planning permissions and build rates over recent years
- b) The Council can show sufficient supply to exceed the National Planning Policy Frameworks (NPPF) requirement for a 5 year supply plus 20% due to historic under provision.
- c) Overall the Council can also show sufficient supply to provide for at least the undersupply to date, plus over an additional 8 years of building at the adopted rate of 240 dw pa.

6.1 On this basis, the Planning Committee resolved to :

- I. Note the detailed issues set out in the report;
- II. Approve the assessment of the Council's current five-year supply of deliverable housing sites as set out at Appendix A;
- III. Authorise the publication of the five Year Supply Assessment (Appendix A) and Schedule of Deliverable Sites in the five year supply (Appendix B) on the Council's website.

1.6. Members will remember that for a number of years, Councils have been required to publish annually whether they have a five year supply of deliverable housing sites. This is particularly important as Paragraph 49 of the NPPF states:

*"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

1.7. In essence this means that where a Council could not demonstrate a five year supply of deliverable housing sites, housing applications fell to be considered in the context of the presumption in favour of sustainable development, as relevant policies for the supply of housing, policies regarding settlement boundaries and protection of the Countryside, would not be considered up to date. Therefore whether or not an authority had a five year supply, had a significant and direct impact on the Council's ability to influence the location of new housing.

- 1.8. It was reported that the adoption of a new Local Plan and achievement of a five year supply will give members greater control over the location of new housing development in the district
- 1.9. Already the existence of the 5 year supply has had an impact in relation to an Appeal in Stanfree, where an Inspector, on the basis of the Housing report, gave weight to the policies of the existing Plan and dismissed the appeal.
- 1.10. The report in October did bring an end to the interim position which was based on us not having a 5 year housing supply. However, whilst this was implicit in the report on us having a 5 year housing supply, there has been no explicit decision to cease to apply the interim approach.
- 1.11. Therefore the purpose of this report is to confirm that the interim approach to affordable Housing as set out in the report of 10<sup>th</sup> October 2010, shall no longer have effect, now that a 5 year housing supply has been agreed.
- 1.12. Whilst the viability of development sites remains important, the starting position in respect of affordable housing is the adopted position as set out in the 2010 Adopted Local Plan. The NPPF makes it clear that where planning requirements may prejudice the viability of a site, negotiation should be entered into and it may be that the previous approach may be considered as a suitable way forward in terms of negotiation, should delivery of affordable housing be proven to prejudice the delivery of the site.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 On the basis that the Council can now show a 5 year housing supply, there is no longer the same level of justification for the interim policy as there was before
- 2.2 Therefore, on the basis of this report and the report of 12<sup>th</sup> October 2016, it is recommend that:
  - i. The Council formally bring to an end the Interim Affordable Housing Policy agreed on the 10 October 2012.

## **3 Consultation and Equality Impact**

- 3.1 There has been no consultation in respect of this report, and there are no negative equality impacts identified.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 The Council could continue with the Policy, however, it can no longer be justified on the basis of the Council not having a 5 year housing land supply.

## **5 Implications**

### **Finance and Risk Implications**

- 5.1 None.

## Legal Implications including Data Protection

5.2 None

## Human Resources Implications

5.3 None.

## 6 Recommendations

6.1 That the Planning Committee:

- i. The Council formally bring to an end the Interim Affordable Housing Policy agreed on the 10 October 2012.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Not at this stage.
<b>District Wards Affected</b>	All
<b>Links to Corporate Plan priorities or Policy Framework</b>	The new Local Plan will identify suitable areas for development to help to deliver the Council's Growth Agenda. It will assist both developers and local residents by providing certainty about the way the district will develop over the Plan period. It therefore contributes to the following Corporate Aims and their identified priority actions: <ul style="list-style-type: none"><li>• Unlocking Our Growth Potential (main aim);</li><li>• Supporting Our Communities to be Healthier, Safer, Cleaner and Greener.</li></ul>

## 8 Document Information

Appendix No	Title
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	

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Report Reference –