

Place-making and Innovation Executive Advisory Board Report

Ward: All

Report of Head of Planning Services and Regeneration

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To report on the findings of the Planning Policy and Housing Delivery Board Sub Group

Executive Summary

The sub group to the Planning Policy and Housing Delivery Board was set up to drive forward some quick wins in speeding up housing delivery across the borough. After several meetings and research, the following list of initiatives was agreed to focus on:

- On housing schemes of x5 dwellings or more, to discuss with the applicant if they would be willing to reduce the amount of time permitted to build out developments from three years to two years by way of a standard condition.
- To look at re-using council properties/offices/garages to be used for housing.
- The planning team are undertaking a project to remove/adjust as many pre commencement-planning conditions from their standard list to be effective as of 1 October 2018. It is anticipated that only a handful of pre commencement conditions would remain post October, for example land contamination and archaeology.
- At pre-application stage, if it is known that viability will be cited for not providing affordable housing, to encourage the developer to undertake a viability assessment at the pre-application advice stage.
- Bite-sized training (pre committee) to be arranged for Councillors in the autumn on modular housing. To be provided by Paul Ciniglio of BM3E.
- At pre-application phase, and on major schemes, planning officers will ask developers if there are any issues that are likely to hold the development up

overall, and understand better why some sites aren't coming forward

- Encourage early consultation by developers with residents and local Councillors for developments of ten properties or more.
- The North Downs Housing Company be asked to consider initiatives which could include modular housing.
- The Planning Development Manager, Tim Dawes to undertake an analysis of appeal decisions received within the last six months, to look at recurring material themes that the Planning Inspectorate place weight on in concluding that an appeal should be permitted. The Sub-Group felt that an increasing number of appeals were being allowed and it was important for Councillors to understand any key underlying theme that might assist them in following good decision-making practices at Planning Committee meetings.

Several of these initiatives are being pushed forward already whereas others are slow burners. This report will explore each of these matters in more detail.

Recommendation to EAB

The EAB is asked to note the various initiatives to speed up the delivery of housing in Guildford Borough, and to see whether there are any further initiatives to be considered.

Reason(s) for Recommendation:

We are at a critical point from a planning perspective with the new local plan moving towards adoption at the start of the new year. We have for years struggled to build a sufficient number of houses in the borough, and it is considered that these measures identified should assist the quicker delivery of housing across the borough.

1. Purpose of Report

- 1.1 The purpose of this report is to ask the EAB to consider and comment on the initiatives that have come forward from the sub group of the Planning Policy and Housing Delivery board..

2. Strategic Priorities

- 2.1 The fundamental themes of the 2018-2023 Corporate Plan focuses on place making and delivering the Guildford Borough Local Plan and providing a range of housing that people need, particularly affordable homes, whilst protecting the environment.

3. Background

3.1 The sub group to the Planning Policy and Housing Delivery Board was set up to put together and implement a list of quick wins to drive forward and speed up the delivery of housing across the borough and to dovetail with the progress and adoption of the new Guildford Borough Local plan. It is worth reminding Councillors that paragraph 48 of the recently revised NPPF states that “Local Planning Authorities may give great weight to relevant policies in emerging plans according to: -

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given)
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the framework the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

3.2 Nine initiatives were put forward to the main group and these shall be looked at in more detail as to what they were and any progress made.

On housing schemes of x5 dwellings or more, to ask the applicant if they would be willing to reduce the amount of time permitted to build out developments from three years to two years by way of a standard condition

3.3 This is considered good practice and is one that is supported by government when appropriate to use. Officers within Development Management have been instructed to explore this measure with the applicants on all schemes where there is a net gain in housing. We have started to notice some success with this initiative. One notable one to point out is an allocated site in the new local plan for 148 units and a 70-space care home at Keens Lane, Worplesdon, currently subject to LPA approval. The developers have advised that they have never previously agreed to such a measure, but in this instance they feel they are in a position to move the site on quicker than normal and are happy to sign up to a 12 month implementation permission. The wording proposed to be used is as follows:

“The development hereby permitted shall be begun before the expiration of one year from the date of this permission.”

It is considered that this is a positive initiative, one that has begun to be implemented and will help speed up the delivery of housing.

- 3.4 The item was reported to Planning Committee on 12 September. Members of the Planning Committee deferred the item, concerned about the prematurity of the local plan, amongst other matters. Our retained barristers on the new local plan work (who have advised throughout) and our policy colleagues advise that during the local plan examination, there were no comments from the Inspector suggesting that the A22 Keens Lane site allocation should be removed from the Local Plan, as a matter of soundness. There are no modifications proposed to the site allocation policy A22 following the EIP hearing sessions, and the site remains proposed to be removed from the Green Belt in the Submission Local Plan. In light of this, the combined view is that considerable weight is attached to this site allocation policy as part of the emerging Local Plan in accordance with relevant NPPF guidance.

To look at re-using council properties/offices/garages to be used for housing

- 3.5 The Housing Development Manager undertook this exercise some years back with some redundant Council owned garage sites successfully coming forward for re-development. A process is currently underway to re-assess Council owned buildings and garage sites once again to see what, if any development opportunities could be identified. Further, the Housing Development Manager is actively looking to identify a Council owned site for a 'demo project' for modular housing.
- 3.6 The lead Councillor for Housing and for Development Management has been meeting with the Council's Managing Director to assess carefully our land and property portfolio to see whether any further or new opportunities can be identified and progressed.

The planning team are undertaking a project to remove/adjust as many pre commencement-planning conditions from their standard list to be effective as of 1 October 2018. It is anticipated that only a handful of pre commencement conditions would remain post October, for example land contamination and archaeology

- 3.7 Historically, the DM team have worked to a list of standard planning conditions totalling approximately 144 conditions. Roughly, 50 plus of these are pre commencement conditions. With this initiative, there has been an ongoing review and refresh of the standard conditions used and with careful re-wording it has been possible to remove nearly all pre commencement conditions to a point whereby only the essential ones remain, such as archaeology; ground contamination and site levels.
- 3.8 As well as this, the Town and Country Planning (Pre commencement Conditions Regulations 2018 came into force on 1 October 2018. From this date, planning permission may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition, except in the circumstances set out in Regulations. The provisions made in the Regulations apply only to conditions on a grant or modification of planning permission granted or modified after the coming into force of these Regulations.

- 3.9 Where a local planning authority has not been able to obtain written agreement to a pre-commencement condition it wishes to impose, in the course of negotiations it may decide to serve a notice, in accordance with the relevant Regulations, which must include the following information:
- a) the text of the proposed pre-commencement condition,
 - b) the full reasons for the proposed pre-commencement condition, set out clearly and precisely,
 - c) the full reasons for the proposed condition being a pre-commencement condition, set out clearly and precisely; and,
 - d) the date by which any response must be received which must not be before the last day of the period of 10 working days beginning with the day after the date on which the notice is given.
- 3.10 In the absence of a substantive response (that is one that states that the applicant does not agree to the imposition of the condition or one which provides comments on the proposed conditions) the local planning authority may impose the pre-commencement condition without the written agreement of the applicant. Officers have been advised to avoid using any pre commencement conditions wherever possible and this initiative has been in force for some weeks now. This initiative should have a positive effect on the commencement of development and remove red tape.
- 3.11 There is one caveat to that and that is larger majors and particularly ones that are subject to an outline submission with only means of access being considered. On these types of applications, there may still be a requirement for some pre commencement conditions.
- At pre-application stage, if it is known that viability will be cited for not providing affordable housing, to encourage the developer to undertake a viability assessment at the pre-application advice stage
- 3.12 Historically when applicants raise the issue of viability an assessment is normally produced during the course of determining of a planning application. We instruct our own assessors and the process is normally quite lengthy.
- 3.13 This initiative has been instigated and is now in place. In effect should viability be mentioned at the pre application advice stage we would seek to consult external experts to evaluate the viability of a scheme prior to any formal planning submission. We will as a matter of course be seeking to make viability reports publicly available in line with the latest government guidance (para 57 of the NPPF July 2018). It is also worth noting that justification from the applicant will be required from the applicant for the need for viability assessment.
- 3.14 It is probably worth pointing out that we would not be able to insist upon this initiative but it is something that we will very much encourage.

Bite-sized training (pre committee) to be arranged for Councillors in the autumn on modular housing. To be provided by Paul Ciniglio of BM3E.

- 3.15 Councillors have requested some training on modular housing to understand how this form of housing works and whether it can speed up delivery.
- 3.16 In conjunction with our colleagues in housing, we have identified and booked a company called BM3E to deliver training to one of our regular 'bite sized training sessions 'before Planning Committee on Wednesday 7 November.
- 3.17 The training will raise awareness of the contribution that prefabricated modular housing can make in helping to address the supply crisis of new housing. The pros and cons of modular housing as a comparison with traditional construction will be made. This will include consideration of cost, speed, quality, compliance and limitations. Details of several types of modern system building will be presented as examples of what is available to house builders. The trainer who is a chartered building surveyor will provide an independent view having worked extensively both in and for the affordable housing sector.

At pre-application phase, and on major schemes, planning officers will ask developers if there are any issues that are likely to hold the development up overall, and understand better why some sites aren't coming forward

- 3.18 This initiative is happening in practice already. As well as this, we hold a planning agents forum twice yearly with the next one scheduled for 12 November 2018, where the subject area could be discussed. In addition, the Director for Planning and Regeneration has initiated a 'Developers Forum' before the end of the year, where this issue will be raised and discussed directly with them.

Encourage early consultation by developers with residents and local Councillors for developments of ten properties or more.

- 3.19 This happens already, but there are clearly different measures employed by developers in executing this part of the process. Some make a significant effort to engage with residents and Councillors and others only provide a very light touch. We will be exploring this further with developers at the developers forum and potentially at the planning agents forum. Officers have been made aware of this as well and have been asked to raise this very early on in the process and to highlight proper engagement as best practice. In addition, the Planning Development Manager has raised this subject matter with the Planning Policy Manager as to whether there is merit in a supplementary planning document (SPD) that ties into the new local plan and sets out clearly what is expected in respect of early engagement for small scale and larger scale major developments, in line with paragraph 40 of the July 2018 NPPF.

The North Downs Housing Company to trial initiatives, which could include modular housing.

- 3.20 The Director of Community Services advises the company is keen to develop properties in its own right and is looking to acquire suitable sites. The land market is challenging in the borough and it is proving difficult to make appropriate acquisitions. The company are open to alternative methods of construction and are happy to consider options, including modular housing.

The Planning Development Manager, Tim Dawes to undertake an analysis of appeal decisions received within the last six months, to look at recurring material themes that the Planning Inspectorate place weight on in concluding that an appeal should be permitted. The Sub-Group felt that an increasing number of appeals were being allowed and it was important for Councillors to understand any key underlying theme that might assist them in following good decision-making practices at Planning Committee meetings.

- 3.21 Appendix 2 contains detailed quotes from housing appeal decisions and shows what Planning Inspectors are considering when reaching their decisions on larger housing schemes. These include the following themes:

- Provision of housing can be a significant consideration in weighing the planning balance
- Inability to demonstrate a 5 year supply of housing still carries great weight
- There has been a chronic past under-delivery of housing which lends weight to granting permission for housing schemes

- 3.22 The implications of these appeal decisions are that the bar is high for dismissal at PINS. Clearly, officers and Councillors need to balance harm against the benefits. It is evident though that housing shortage and inability to deliver reasonable housing numbers in the past is seen as very substantial and significant in the planning balance.

Delivery and completion of housing and trajectory numbers from the new local plan

- 3.23 It is worth considering the number of houses that are currently being built year in and year out and contrasting this delivery rate with the trajectory proposed over the coming years. Table 1 reflects housing completions in the three years preceding the current year of approximately 326 homes on average. The most recent annual figure reflects 299 homes being built in 2017/18.

- 3.24 However, post planned adoption of the Local Plan, a significant increase in the number of houses being built is anticipated, in what could be described as a step change.

- 3.25 Anticipated annual delivery of homes is planned to triple (to 905) from its most recent level (of 299) after the first two years of the Local Plan being in place, with delivery anticipated to peak in 2022/23 (at 1271).

Table 1: Housing completions (pre-adoption of Local Plan) vs. anticipated housing trajectory post planned adoption of Local Plan

Annual housing completions (pre-adoption of Local Plan)				Housing trajectory – anticipated supply (for 5 years post adoption of Local Plan)				
15/16	16/17	17/18	18/19*	19/20	20/21	21/22	22/23	23/24
387	294	299	284	518	905	1063	1271	1217

*forecast

Source: adapted - Guildford Borough Land Availability Assessment (LAA) October 2017: 2018 Addendum, September 2018

4. Consultations

- 4.1 The sub group is a Councillor group chaired by Councillor Tony Rooth, guided by the Planning Development Manager and Committee Officer. The sub group has reported on two occasions to the main group, which includes the Leader of the Council and Portfolio holder for parts of the Planning and Regeneration Service and the Portfolio holder for Development Management as well as several other Councillors and the Managing Director. The main group seemed satisfied with the progress made with these initiatives.

5. Equality and Diversity Implications

- 5.1 No implications apply

6. Financial Implications

- 6.1 There are no direct financial implications to the Council. If the Council decided to assess further their own sites or to submit applications on their own sites then there would be associated costs.

7. Legal Implications

- 7.1 The legal implications associated with this report are set out within the relevant sections.

8. Human Resource Implications

- 8.1 There are no human resource implications

9. Conclusion

- 9.1 In conclusion, the work of the subgroup has been very worthwhile in producing a series of initiatives to speed up housing delivery. Several of these measures have been acted upon and are already showing some signs of success. The exercise dovetails nicely with the new local plan coming forward and sites coming forward as part of that process. It also recognised that there are many component parts throughout the DM process from pre app; to application; potentially multiple reserved matters; discharge of conditions; ratifying section 106 legal agreement provisions and satisfying other matters such as 278 agreements or infrastructure requirements that need to work well and efficiently to deliver housing in a timely manner.
- 9.2 We are expecting a lot more major schemes to come forward in the coming months and there is genuine concern as to whether we are approving sufficient applications in order to deliver the number of houses we are detailing as part of the new local plan work and as detailed above.

10. Appendices

Appendix 1 Minutes of the Planning Policy and Housing Delivery Sub Group

Appendix 2 Inspector quotes from relevant housing appeal decisions

Service	Sign off date
<i>Finance / 151 Officer</i>	<i>24/09/18</i>
<i>Legal / Governance</i>	<i>24/09/18</i>
<i>HR</i>	<i>None</i>
<i>Equalities</i>	<i>None</i>
<i>Lead Councillor</i>	<i>25/09/2018</i>
<i>Director of PS</i>	<i>25/09/2018</i>
<i>Committee Services</i>	<i>Ongoing</i>