

CIL & Planning Obligations SPD: Clarification of Approach to Securing Affordable Housing Provisions within Outline Approvals

The purpose of this note is to provide clarification on the approach to securing Affordable Housing as part of outline planning approvals.

GAH2 - Required Level of Affordable Housing identifies that the SPD's requirements will be put into practice by:

“In the case of outline consent, attaching appropriate conditions to the planning consent. This might be a requirement to submit an Affordable Housing scheme when reserved matters are submitted. A model planning condition is included in Appendix 2 (a).”

However, following legal advice this approach is now no longer considered appropriate for the vast majority of outline applications. Instead, as a general rule the matter will need to be covered in a section 106 legal agreement. This will either secure a set amount, or set out the mechanism for assessing viability during the reserved matters stage.

In cases where the full affordable housing contribution is not committed to at outline stage, the weight afforded to it as a benefit in determining the outline application will be restricted given that viability assessment would be carried out during the reserved matters process.

Applicants will need to be aware that the preparation of a legal agreement will take additional time. So the Council's Planning Legal Team should be contacted either before, or early into the application process. This service will require the payment of a fee. Non-completion of a legal agreement would result in refusal of the outline application.