

APPLICATION BY PHOENIX COMMUNITY HOUSING

LAND AT 2-4 RIVERPARK GARDENS, BROMLEY

PROPOSED REDEVELOPMENT OF SITE WITH EIGHT FLATS

PLANNING STATEMENT

BY

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1 INTRODUCTION

- 1.1 The purpose of this statement is to identify the planning context of the proposal, to identify the national, regional and local planning policies that are relevant, and to explain how the proposed development accords with these policies. This statement should be read in conjunction with the other submitted application documents, and in particular the Design and Access Statement produced by the project architects Bell Phillips Architects.

2 MAIN PLANNING FACTS

- 2.1 At present, the site contains a disused, two-storey building, formerly used as a shop at ground-floor level with a flat above, together with three lock-up garages, a storage unit and nine small lockable stores; the total floorspace of these buildings is 275m². The site lies within a wholly residential area. The area of the application site, including the proposed car parking spaces, is 0.081 hectare.
- 2.2 It is proposed to demolish the existing buildings and to redevelop the site with a three/four-storey block providing eight flats. The proposed dwellings are intended for open market sale.
- 2.3 There is no relevant planning history.
- 2.4 The site comprises previously-developed land by reference to the definition of that term at Annex 2 of the NPPF.
- 2.5 The site should be regarded as a windfall site by reference to the definition of that term at Annex 2 of the NPPF.
- 2.6 This application, which is for less than 10 dwelling units, is not a major development for the purposes of planning law (see Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010). The main consequence of this is that the determination period is eight weeks.
- 2.7 The site is not within a conservation area and there are no heritage assets within or adjacent to the land.

- 2.8 The trees on the application site are not protected by a tree preservation order.
- 2.9 The contamination risk assessment indicates that the site is not the subject of any contamination.
- 2.10 The site has a PTAL rating of 1b.
- 2.11 The former shop has been vacant and boarded-up since 2007, some six years before the site was acquired by Phoenix Community Housing. There are no planning policies that require the former shop to be reinstated as part of the proposed development.
- 2.12 Local residents of the Riverpark Gardens estate and the neighbouring roads were consulted by the applicant on the proposed housing scheme in November 2014.
- 2.13 Pre-application consultation with the Council took place in late 2014, with general advice being provided by the Planning Officer in a letter dated 17 November 2014.

3 THE APPLICATION DOCUMENTS

3.1 The application form and the submitted drawings are supported by the following documents:

- . Design and Access Statement by Bell Phillips Architects;
- . Planning Statement (this document);
- . Transport Statement by Cundall Johnston & Partners;
- . Arboricultural Impact Assessment by D F Clarke Bionomique Limited;
- . Ecological Assessment by TEP;
- . Daylight and Sunlight Report by GIA;
- . Daylighting Calculations Report by Stroma Technology;
- . Flood Risk Assessment by Herrington Consulting Limited;
- . Energy and Sustainability Statement by Stroma Technology;
- . Contamination Risk Assessment by Ground and Environmental Services Limited;
and
- . SAP (Standard Assessment Procedure) by Stroma Technology.

3.2 The planning application is validly made, satisfying the national information requirements, the local information requirements and the validation requirements as set out in the Council's pre-application response dated 17 November 2014.

3.3 The appropriate period within which the application ought to be determined is eight weeks (see paragraph 2.6 above).

4 PLANNING POLICY DOCUMENTS

- 4.1 By virtue of section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 4.2 The proposed development is affected by planning policies, advice and guidance in the following documents.
- (i) The development plan:
 - . The London Plan 2011;
 - . The London Plan Further Alterations 2014; and
 - . Bromley Unitary Development Plan 2006 (saved policies).
 - (ii) The Mayor of London's Supplementary Planning Guidance on Housing (2012).
 - (iii) The NPPF 2012.
 - (iv) The NPPG 2014.
- 4.3 It is only the documents at item (i) that constitute the development plan for the purposes of section 38(6). The remaining policies are material planning considerations to which varying weight must be attached according to the status of the document.
- 4.4 Where planning policies are at variance with one another, the protocol is generally as follows.
- . With regard to differences between development plan policies, the most recently adopted policy takes precedence.
 - . Where development plan and Government (NPPF) policies conflict, greater weight should be given to the NPPF.
 - . Development plan and Government policies are accorded more weight than non-statutory supplementary planning guidance.

5 NATIONAL PLANNING POLICY FRAMEWORK

5.1 The following parts of the National Planning Policy Framework, issued in March 2012, are considered to be of relevance to the proposal.

5.2 With regard to the respective status of development plan and government policy, the NPPF advises:

"12 This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place."

"13 The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications."

"14 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For **decision-taking** this means:

- . approving development proposals that accord with the development plan without delay; and"

5.3 In relation to the need to make efficient use of previously-developed (brownfield) land, the NPPF states:

"17 [planning should]

- . encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;"

"111 Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land."

From Annex 2 of the NPPF (Glossary):

"Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time."

5.4 With respect to the need to provide a wide choice of housing, the NPPF advises:

"50 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- . plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- . identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and"

5.5 With regard to design considerations, the NPPF provides the following guidance:

- "58 Planning policies and decisions should aim to ensure that developments:
- . will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - . establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - . optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - . respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - . create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - . are visually attractive as a result of good architecture and appropriate landscaping."
- "59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."
- "60 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

5.6 With regard to biodiversity issues, the NPPF states:

“118 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;”

6 THE LONDON PLAN

6.1 I set out below a summary of the London Plan policies that I consider to be relevant to this application.

6.2 *Policy 3.3 Increasing Housing Supply*

This policy confirms "the pressing need for more homes in London" and urges the boroughs "to achieve and exceed the minimum borough annual average housing target in Table 3.1". The policy notes, in particular, the potential to realise brownfield housing capacity through suitable intensification of development. The housing provision target for Bromley is given as 641 additional dwellings per annum.

6.3 *Policy 3.4 Optimising Housing Potential*

This policy states that development should optimise housing output for different types of location within the relevant density range shown in table 3.2. (This site has a PTAL rating of 1b, indicating an appropriate density range of 40 to 80 units per hectare.)

6.4 *Policy 3.5 Quality and Design of Housing Development*

This requires new housing developments to enhance the quality of local areas taking into account context, character, density and land-use mix, and recommends that housing should conform to minimum space standards set out in table 3.3.

6.5 *Policy 3.13 Affordable Housing Thresholds*

This states that boroughs should normally require affordable housing provision on a site that has a capacity to provide 10 or more homes.

6.6 *Policy 5.2 Minimising Carbon Dioxide Emissions*

This policy seeks "to ensure that major developments meet the following targets for

carbon dioxide emissions”. For residential buildings, the target equates to the energy requirements for level 4 of the Government’s Code for Sustainable Homes.

6.7 *Policy 5.3 Sustainable Design and Construction*

This policy requires development proposals to demonstrate that sustainable design standards are integral to the scheme. Major development proposals are required to meet the minimum standards set out in Supplementary Planning Guidance issued by the Mayor (relating to carbon dioxide emissions, efficient use of natural resources, pollution, waste and recycling, sustainable procurement of materials, green infrastructure, etc.), but, as noted above, this scheme is not a major development.

6.8 *Policy 5.12 Flood Risk Management*

This policy requires that new developments must comply with the appropriate flood risk assessment.

6.9 *Policy 6.9 Cycling*

This requires new developments to provide secure cycle parking facilities in line with the standard in table 6.3,

6.10 *Policy 6.13 Parking*

This policy requires developments to comply with the maximum (not minimum) parking standards set out in table 6.2. (In this case, the maximum parking requirement is nine spaces.)

6.11 *Policy 7.4 Local Character*

Policy 7.4 requires new buildings to provide a high quality design that has regard to the existing urban grain in terms of scale, proportion and mass, and makes a positive contribution to the character of the area.

6.12 *Policy 7.6 Architecture*

This requires that buildings

- . be of the highest architectural quality;
- . use design and materials that complement, not necessarily replicate, local character;
- . not cause unacceptable harm to the amenity of neighbouring buildings in relation to privacy and overshadowing;
- . provide high-quality indoor space and integrate well with surrounding streets; and
- . optimise the potential of sites.

7 BROMLEY UNITARY DEVELOPMENT PLAN

7.1 The relevant policies may be summarised as follows.

7.2 *Policy H1 Housing Supply*

This gives a housing provision target for the plan period and stresses the importance of:

- redeveloping windfall sites (paragraph (ii));
- making the most efficient use of sites (paragraph (vi)); and
- utilising previously-developed land (paragraph (viii)).

The housing target given in this policy has been superceded by the updated London Plan target (see 6.2 above) and is 6,413 units for the period 2015-2025, or 641 units annually.

7.3 *Policy H7 Housing Density and Design*

This policy sets out the criteria that new housing developments should meet, including:

- appropriate density;
- a mix of housing types and sizes;
- a high quality design and layout;
- adequate amenity space; and
- adequate off-street car parking.

7.4 *Policy H9 Side Space*

This policy states that for a residential development of two or more storeys in height, a minimum of one metre space from the side boundary should normally be provided.

7.5 *Policy T3 Parking*

This states that new developments are expected to provide off-street car parking facilities in accordance with the maximum standards set out in Appendix II of the UDP. (In this case, the standards would require a maximum of eight spaces.)

8 OTHER POLICY DOCUMENTS

8.1 The most relevant non-statutory planning guidance in this case is the advice in the Housing Supplementary Planning Guidance: November 2012 produced by the Mayor of London.

8.2 Space does not permit a detailed review of this lengthy (203-page) document, but I can confirm that the following parts of the SPG have been taken into account in the design of the scheme.

- . Use of brownfield land section 1.2, pages 21-22.
- . Small infill opportunities in residential areas section 1.2, page 25
- . Optimising housing potential section 1.3, pages 28-30
- . Density section 2.2, pages 31-39
- . Scale of development section 2.2, page 51
- . Design of residential development section 2.3, page 57
- . Car parking section 2.3, pages 59-60
- . Cycle storage section 2.3, page 60
- . Space standards (including floor areas) section 2.3, pages 62-68
- . Privacy/aspect section 2.3, page 70
- . Daylight and sunlight section 2.3, page 72
- . Climate change/sustainability section 2.3, page 73
- . Flooding section 2.3, pages 76-77

9 THE MAIN PLANNING CONSIDERATIONS

9.1 Having regard to the nature and location of the proposed development, it is considered that the main planning issues are as follows:

- . the principle of the development;
- . housing density;
- . design and townscape;
- . quality of accommodation;
- . effect on neighbouring properties;
- . transport and parking;
- . ecology and trees;
- . sustainability;
- . flood risk;
- . affordable housing; and
- . planning conditions and planning obligations.

9.2 My assessment of the above issues is set out in the following sections.

10 THE PRINCIPLE OF THE DEVELOPMENT

- 10.1 The NPPF identifies the need for additional housing and sets out ways in which the planning system can significantly boost the delivery of housing through the preparation of effective policy documents. The London Plan states that the Mayor is clear that London desperately needs more homes (paragraph 3.13) and this is reflected in London Plan policy 3.3. Paragraph 3.14 goes on to say that London's population is growing and that delivering more homes which meet a range of needs, are of a high design quality and are supported by essential infrastructure is a particular priority over the London Plan period. To meet this pressing need, the London Plan sets a target for the delivery of a minimum of 500 new dwellings per annum in Bromley (London Plan, table 3.1). This target is increased to 641 in the Mayor's Further Alterations to The London Plan (January 2014). At local level, policy H1 of the UDP (2006) sets a target of 11,450 new dwellings over the plan period (1997-2016), but this policy has been superceded by the London Plan.
- 10.2 The NPPF and the London Plan stress the importance of making efficient use of previously-developed land for new housing. The development of the application site with eight high quality dwellings would make a valuable contribution towards the supply of housing in Bromley. The surrounding area is wholly residential in character and the proposal would therefore be compatible with the land use in the immediate area.
- 10.3 The proposal is therefore consistent with the housing policies in the NPPF and with London Plan policy 3.3 and table 3.1 (as amended).

11 HOUSING DENSITY

11.1 London Plan policy 3.4 and UDP policy H7 seek to ensure that housing developments achieve the optimum intensity of use compatible with local context, design principles and public transport availability, with appropriate density ranges set out in table 3.2 of the London Plan. These policies are supported by the advice at section 1.3 of the Mayor's SPG. The application site has a Public Transport Accessibility Level (PTAL) rating of 1b. Having regard to the criteria set out in table 3.2 of the London Plan, I consider that the application site is in an urban setting where, for a development of the type proposed (with an average of 3.12 habitable rooms per unit), the appropriate density range is 40 to 80 units per hectare. The scheme as proposed represents a density of approximately 99 units per hectare.

11.2 However, the London Plan policies do not preclude schemes that are above the appropriate density range set out in table 3.2. Paragraph 3.28 of the London Plan states:

“It is not appropriate to apply Table 3.2 mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are important, as well as social infrastructure and open space.”

Paragraph 1.3.12 of the Housing SPG advises that:

“..... Table 3.2 in particular should be used as a guide rather than as an absolute rule so as to also take proper account of other objectives, especially for dwelling mix, environmental infrastructure as well as local circumstances

11.3 Also, paragraph 1.3.41 of the Housing SPG states that schemes that exceed the relevant density range can be permitted if other considerations weigh in their favour, including dwelling mix, quality of design, townscape context and whether the development respects nearby housing in terms of massing, scale and character and the other factors set out in sections 2.2 to 2.4 of the SPG. It is considered that, having regard to the factors summarised below, the density of the scheme would be appropriate and would not appear out of place.

- . The scale, height and design of the building respond well to its physical context and the character of surrounding housing. (standard 1.1.1)
- . The scheme has good access to public open space. (standard 1.2.1)
- . The mix of dwelling types and sizes is well-suited to this location. (standard 2.2.1)
- . The scheme would provide the maximum car parking required by London Plan policy 6.13. (standard 3.3.1)
- . The proposed dwelling units would exceed the minimum floorspace standards required by London Plan policies. (standard 4.1.1)
- . The dwellings would provide very good standards of privacy, aspect and daylight and sunlight. (standards 5.1.1, 5.2.1 and 5.5.2)

12 DESIGN AND EXTERNAL APPEARANCE

- 12.1 With regard to design, the proposal needs to be considered against the guidance in the NPPF, policies 3.5, 7.4 and 7.6 of the London Plan, policies H7 and H9 of the UDP and the advice in the Housing SPG.
- 12.2 The townscape context of the site and the approach that has been taken to the design of the development is fully explained in the Design and Access Statement. I consider that the main design features are as follows.
- . The scale, height and form of the development, a three-storey building with sensitively articulated triangular roof additions, would represent an appropriate visual transition between the four-storey maisonette block to the north and the two-storey housing to the south.
 - . The development would offer excellent outlook and views, especially to the east towards the public open space.
 - . The three duplex units would include roof terraces.
 - . Six of the eight flats would have dual aspect.
 - . The building would be constructed of high quality, durable and sustainable materials that would introduce an attractive contemporary theme into the otherwise traditional setting.
- 12.3 With regard to policy H9 of the UDP, it is considered that there are no sound architectural or townscape reasons to provide a one metre space between the north elevation of the development and the blank south elevation of 6-32 Riverpark Gardens. Indeed, the articulation of the roof of the new building and the visual transition between the four-storey maisonette block and the lower development to the south of the site would be less effective if such a gap were introduced. There would, of course, (by virtue of the public footpath that abuts the southern boundary) be a generous side space of 10 metres between the new building and the pair of semi-detached houses to the south. It should be noted that the side space policy in the UDP is not included in the more recent Housing SPG.

12.4 The design of the proposed building is a well-conceived and innovative solution to the constraints and opportunities of the site and is consistent with the guidance set out in the NPPF, the London Plan, the UDP and the Housing SPG.

13 QUALITY OF ACCOMMODATION

- 13.1 Housing quality is a key consideration in the assessment of applications for new developments. The London Plan seeks the delivery of new housing that is of a high quality of design. Policy 3.5 (Quality and Design of Housing Developments) states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To ensure the delivery of high quality, well-designed housing, the Mayor has prepared a Housing SPG. The document provides detailed guidance which seeks to assist in the design of new housing to ensure that new developments are of the highest quality and make a difference to the quality of life of new residents. The SPG is clear that increasing output of housing is not a simple end in itself; new housing must also enhance the environment, improve choice and affordability and provide better quality homes.
- 13.2 The Mayor's Housing SPG states that the Mayor seeks to encourage the kind of housing that provides comfortable and enjoyable places of retreat and privacy. Factors to be considered include privacy, the importance of dual aspect development, noise mitigation, floor-to-ceiling heights, daylight and sunlight.
- 13.3 London Plan policy 3.5 places a significant new focus on internal space standards for dwellings. The purpose of the policy is to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenure. London Plan table 3.3 and Housing SPG baseline standard 4.1.1 set out the minimum gross internal area for new flats. All of the proposed flats would comply with these standards.
- 13.4 The provision of usable private amenity space is central to the creation of a high quality environment. The Housing SPG identifies that private open space is highly valued and should be provided in all new housing developments. The baseline standard 4.10.1 states that there should be a minimum of five square metres of private outdoor space for one- to two-person dwellings and an extra one square metre for each additional occupant. As can be seen from the accommodation schedule in the Design

and Access Statement, all of the flats would meet this standard with five of the dwellings exceeding the minimum requirement by a factor of between five and ten. The average amenity space per flat would be 46.6m².

- 13.5 This imaginatively designed housing development would provide a very high quality living environment and would comply with policy 3.5 of the London Plan, policy H7 of the UDP and the advice in the Housing SPG.

14 EFFECT ON NEIGHBOURING PROPERTIES

14.1 The daylight and sunlight report establishes, on the basis of an analysis carried out in accordance with relevant BRE methodology, that the proposed development would not significantly affect any of the neighbouring residential properties in terms of daylight and sunlight. The report concludes:

“Accordingly, the proposals will not result in a noticeable change in daylight and sunlight levels to any surrounding property and are therefore considered fully acceptable.”

14.2 Having regard to the siting, layout, orientation, design and landscaping of the scheme, the proposal would result in no overlooking of or loss of privacy to nearby properties.

14.3 The proposal would therefore comply with the requirements and guidance in London Plan policy 7.6 and in the Housing SPG.

15 TRANSPORT AND PARKING

15.1 The Transport Statement demonstrates that:

- the site has good access to public transport and rail services, providing sustainable transport options for residents of the proposed development.
- the scheme would provide 12 car parking spaces: nine for the proposed flats and three as a replacement for the three lock-up garages on the site; and
- the development would include cycle storage at ground-floor level for 16 cycles.

15.2 The proposal would therefore meet the requirements of London Plan policies 6.9 and 6.13, London Plan parking standards at tables 6.2 and 6.3 and UDP policy T3.

16 ECOLOGY AND TREES

- 16.1 The ecological report shows that the development of the site would not prejudice protected species or result in the loss of any habitats of value.
- 16.2 The arboricultural report confirms that no trees on or adjacent to the site would need to be removed to carry out the development and that provided appropriate tree protection measures are implemented, the proposal would have no adverse impact on any trees.
- 16.3 The proposed development would therefore be consistent with London Plan policy 7.19 (biodiversity) and with paragraph 118 of the NPPF.

17 SUSTAINABILITY

- 17.1 The sustainability report shows that the construction of the building would incorporate excellent thermal insulation, solar panels, energy efficient building services and heating and would achieve level 4 of the Code for Sustainable Homes.
- 17.2 The development would therefore comply with policy 5.2 (minimising carbon dioxide emissions) and policy 5.3 (sustainable design and construction) of the London Plan.

18 FLOOD RISK

18.1 The flood risk assessment that has been carried out shows that the site is within a lower flood risk zone (zone 2) and that subject to the implementation of appropriate sustainable drainage systems, the development is acceptable in terms of flood risk.

18.2 The proposal would therefore comply with London Plan policy 5.12 and paragraph 103 of the NPPF.

19 AFFORDABLE HOUSING

- 19.1 The proposal is for market housing and no affordable housing is included. Policy 3.13 of the London Plan and policy H2 of the UDP require affordable housing provision for developments of 10 dwellings or more. Paragraph 012 (November 2014) of the NPPG on planning obligations makes it clear that contributions for affordable housing should not be sought from developments of 10 units or less.

20 PLANNING CONDITIONS AND PLANNING OBLIGATIONS

- 20.1 The applicant would be willing to accept planning conditions providing they satisfy the tests set out in the NPPF (paragraph 206) and in the Planning Practice Guidance: Use of Planning Conditions (March 2014).
- 20.2 The applicant would be willing to enter into any reasonable and necessary planning obligations under the provisions of section 106 of the Town and Country Planning Act 1990 provided such obligations meet the tests set out in the NPPF (paragraph 204) and in the Planning Practice Guidance: Planning Obligations. It should, in particular, be noted that paragraph 012 of the NPPG on planning obligations states that tariff-style planning obligations should not be sought from developments of 10 units or less.