

REPORT TO: COUNCILLOR DAN SWORDS, DEPUTY LEADER
AND PORTFOLIO HOLDER FOR REGENERATION

DATE: 22 SEPTEMBER 2022

TITLE: COMMUTED SUMS AND ALTERNATIVE SITES
(AFFORDABLE HOUSING – SUPPLEMENTARY
PLANNING DOCUMENT)

PORTFOLIO HOLDER: COUNCILLOR DAN SWORDS, DEPUTY LEADER
AND PORTFOLIO HOLDER FOR REGENERATION

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This is not a Key Decision
It is on the Forward Plan as Decision Number I013958
Call-in Procedures may apply
This decision will affect no ward specifically.

RECOMMENDED that:

- A** The Portfolio Holder for Regeneration agrees that the Draft Commuted Sums and Alternative Sites Affordable Housing Addendum – Supplementary Planning Document (as set out at Appendix A to the report), is published for the purposes of consultation under Section 12(b) of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- B** Authority is delegated to the Director of Strategic Growth and Regeneration, to make and approve any minor or inconsequential amendments to the Draft Commuted Sums and Alternative Sites for the Provision of Affordable Housing Addendum.

REASON FOR DECISION

- A** To enable the Draft Commuted Sums and Alternative Sites for the Provision of Affordable Housing Addendum to be published for a period of at least four weeks under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- B** To meet the legal requirements of developing and adopting a Supplementary Planning Document.

BACKGROUND

1. The Harlow Local Development Plan was adopted by the Council on 10 December 2020. It contains policies which ensure future development is sustainable by meeting the needs of residents, businesses, and visitors, while providing the required infrastructure and protecting environmental assets. These policies are material considerations in the determination of planning applications.
2. The Local Plan ensures that there is a sufficient supply of sustainable, high-quality homes across a range of tenures and types in the district, to fully meet Harlow's housing need.
3. The Plan contains policies for the provision of Affordable and Specialist Housing Supplementary Planning Document (SPD).
4. Whilst the policies in the Plan give significant detail of the Council's requirements, additional guidance contained in a SPD will expand on the adopted Plan, to provide additional guidance to developers when submitting planning applications, to officers when determining applications, and councillors when making decisions.
5. The Council resolved at Cabinet on 24 March 2022 to "actively pursue a policy of seeking to secure further commuted sums via section 106 agreements for private developments." These are sums paid by developers in lieu of affordable housing on a development site, where it is not appropriate or feasible to provide on-site affordable housing. This can cover the full cost of a scheme providing it is delivering appropriate tenure housing within the Harlow area.
6. To supplement the guidance already contained in the adopted Affordable and Specialist Housing SPD, an addendum to that document has been prepared which sets out how alternative sites for affordable housing and off-site commuted sums should be provided. This addendum will technically be an SPD in itself.
7. It should be noted that an SPD cannot introduce new policy over and above that contained in the adopted Local Plan. The Addendum SPD will be a material consideration in the determination of planning applications and will also inform pre-application discussions on relevant developments. The document has been prepared in accordance with Regulations 8 & 11 to 16 of the Town and Country Planning (Local Planning) (England) regulations 2012.

PROPOSALS

9. If a developer has indicated through negotiation and agreement with the Council that provision of affordable housing will be through development of an alternative site, the Council will calculate the number of affordable dwellings to be provided based on the assumption that 100 percent market housing will be provided on the original site. This will be considered when calculating the number of additional affordable dwellings required, based on the 30 percent Local Plan policy

requirement. An example calculation for this can be found within the Addendum SPD. The SPD set out some examples of exceptional circumstances where the Council could consider off-site provision or where a commuted sum may be considered acceptable.

10. If an alternative site cannot be identified, a commuted sum (which reflects the calculated number of affordable dwellings that should be provided) will be required based on a formula which includes average sales price data for the relevant main postcode(s).
11. Commuted sums will be expected to apply in different circumstances, for example, where the affordable housing requirement will wholly be on an alternative site, or when a proportion is on site and off site. The formula and an example can be found in the Addendum SPD.
12. This SPD gives additional guidance regarding the provision of alternative sites and commuted sums set out in the Affordable and Specialist Housing SPD. These documents together expand on the Council's requirements under Policy H8 of the Harlow Local Development Plan.
13. The Harlow Local Development Plan Policy H8 Affordable Housing outlines the various requirements of developers in relation to affordable housing. It sets out the expectations of what should be covered in discussions at pre-application or the submission of a full planning application stages and highlights the Council's process for securing the provision of affordable homes through Section 106 agreements.
14. Policy H8 also notes the Council's approach to viability and gives guidance on the design and layout of schemes to ensure affordable housing blends in with the overall housing scheme and is therefore 'tenure blind'. The policy reflects the corporate priority of delivering more Council housing and, in conjunction with the evidence base assembled for the adopted Local Plan, provides a robust position for the delivery of affordable housing by private developers.

NEXT STEPS

15. Following Portfolio Holder agreement, the Addendum SPD will follow the statutory process to adoption. The regulation cited above requires the Council to:
 - a) Publish the documents for a minimum 4-week consultation period, specify the date when responses should be received by and identify the address to which responses should be sent.
 - b) Make documents available by taking the following steps.
 - i) Make the document available at the Civic Centre and other places within the area that the Council considers appropriate.
 - ii) Publish the document on the Council's website.

16. The Addendum SPD consultation will be carried out in accordance the Council's Statement of Community Involvement. The Council will use its consultation database to inform statutory consultees, developers, registered providers and other consultees about the consultation.
17. Officers will then produce a consultation statement before adoption of the SPD which will set out who was consulted, a summary of the issues raised, and how these issues were incorporated into the SPD.

IMPLICATIONS

Strategic Growth and Regeneration

As set out in the report.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance

As contained in the report.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

As contained in the report.

Author: Andrew Murray, Director of Housing

Communities & Environment

As contained in the report.

Author: Jane Greer, Director of Communities and Environment

Governance and Corporate Services

The Council is following the statutory process for this consultation set out within the Town and Country Planning (Local Planning) (England) Regulations 2012.

Author: Simon Hill, Director of Governance and Corporate Services

Appendices

Appendix A

Draft Commuted Sums and Alternative Sites for the Provision of Affordable Housing Addendum 2022

Background Papers

Harlow Local Development Plan, Adopted December 2020

Affordable Housing and Specialist Housing SPD, Adopted October 2021

Glossary of terms/abbreviations used

SPD – Supplementary Planning Document