

REPORT TO: CABINET

DATE: 1 DECEMBER 2022

TITLE: COMMUTED SUMS AND ALTERNATIVE SITES FOR THE PROVISION OF AFFORDABLE HOUSING – SUPPLEMENTARY PLANNING DOCUMENT

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

LEAD OFFICER: ANDREW BRAMIDGE, DIRECTOR OF STRATEGIC GROWTH AND REGENERATION (01279) 446410

CONTRIBUTING OFFICERS: COLIN ENDEAN, SENIOR PLANNING OFFICER (01279) 446563

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This is a Key Decision
It is on the Forward Plan as Decision Number I013965
Call-in Procedures may apply
This decision will affect no ward specifically.

RECOMMENDED that Cabinet:

- A** Notes the responses received to the consultation and agrees the consequential amendments made to the Addendum to the Adopted Affordable and Specialist Housing Supplementary Planning Document (SPD) (as set out at Appendix B) to this report).
- B** Adopts the SPD addendum as set out in Appendix A to this report and delegates authority to the Director of Strategic Growth and Regeneration in consultation with the relevant Portfolio Holder to make and agree any minor or inconsequential amendments to the Supplementary Planning Document arising from any matters discussed and agreed at Cabinet.

REASON FOR DECISION

- A** To enable the Commuted Sums and Alternative Sites for the Provision of Affordable Housing – SPD 2022 to be formally adopted under Regulation 14 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. The Local Plan sets out a long-term vision for Harlow, identifying land where development will be acceptable and where it will be unacceptable.
2. The Local Plan contains policies for the provision of Affordable Housing, Accessible and Adaptable Housing and Self-Build & Custom-build Housing.
3. Whilst the policies in the plan in themselves provide significant detail of the Council's requirements, the additional guidance contained in a Supplementary Planning Document (SPD) will expand on the adopted plan, to give additional guidance to developers when making planning applications for housing developments, to officers when making recommendations, and Councillors when making decisions.
4. This SPD is an addendum to the adopted Harlow Council Affordable and Specialist Housing SPD 2021, and as such should be read in conjunction with that document.
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. This SPD will provide guidance to developers, registered providers, and others as to the Council's requirements to establish commuted sums and/or alternative sites in lieu of providing affordable housing on a housing development site. It will provide officers with a means of calculating the commuted sums, which will be used as the basis for negotiation with developers and others submitting planning applications for housing that should incorporate affordable dwellings.
7. The SPD was approved for public consultation by the Deputy Leader and Portfolio Holder for Regeneration on the 23 September 2022. Consultation commenced on 4 October 2022 on the draft SPD for a period of four weeks finishing on 4 November 2022.

Consultation

8. As required by the Regulations and the Council's Statement of Community Involvement (SCI), consultees were consulted by email, or post where no email address was provided. The consultation was also advertised via the Council's website and a newspaper circulating in the area.

9. In addition to those consulted under the regulations and SCI, groups and individuals were consulted that had a special interest in the policy areas, or had expressed a wish to be kept informed on any Local Plan related consultations. A list of those consulted is contained in the Consultation Statement appended to this report. A Consultation Statement is a statutory requirement of the regulations. The Consultation Statement is at Appendix B to this report.

ISSUES/PROPOSALS

10. During the consultation 16 representations were received, made by 6 respondents. Of the respondents, the majority had no comments to make. Only one respondent made substantive representations on the SPD.
11. The main issues raised through the consultation included comments made in respect of:
 - a) Guidance on the provision of alternative sites;
 - b) Uplift of affordable housing on alternative sites;
 - c) The calculation used to establish a commuted sum; and
 - d) The role of viability assessments.
12. A summary of the consultation representations is set out in a schedule in the appended Consultation Statement. This schedule outlines the comments by consultation group, the Council's response to these issues and any consequential changes to the SPD.

Next Steps

13. Regulation requires that the local planning authority must make the document available for public inspection along with an adoption statement. This will be at the Civic Centre, public libraries and on the Council's web site.
14. Following Cabinet resolution to adopt the SPD Addendum it will become 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.
15. Once adopted this SPD will become an addendum to the Affordable and Specialist Housing SPD 2021.

IMPLICATIONS

Strategic Growth and Regeneration

As contained within the report.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance

As contained within the report.

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

Housing

As outlined in the report.

Author: Andrew Murray, Director of Housing

Communities and Environment

None specific.

Author: Jane Greer, Director of Communities and Environment

Governance and Corporate Services

The Council has followed the procedure within Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Author: Simon Hill, Director of Governance and Corporate Services

Appendices

Appendix A - Modified Commuted Sums and Alternative Sites For The Provision of Affordable Housing – Supplementary Planning Document 2022

Appendix B - Consultation Statement

Background Papers

Harlow Local Development Plan - Adopted December 2020

<https://www.harlow.gov.uk/planning-and-building-control/planning-policy/harlow-local-development-plan/harlow-local>

Affordable and Specialist Housing SPD - Adopted 2021

<https://www.harlow.gov.uk/sites/default/files/documents/Affordable%20Housing%20and%20Specialist%20Housing%20Supplementary%20Planning%20Document.pdf>

Glossary of terms/abbreviations used

SPD – Supplementary Planning Document

SCI – Statement of Community Involvement