

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 02 June 2014

Portfolio:	Planning and Development
Subject:	Planning Obligations & Affordable Housing Supplementary Planning Document for the Borough of Fareham (Excluding Welborne)- Draft for Consultation
Report of:	Director of Planning and Development
Strategy/Policy:	Fareham Local Plan
Corporate Objective:	To protect and enhance the environment To maintain and extend prosperity To ensure that Fareham remains a safe and healthy place to live and work To provide a reasonable range of leisure opportunities for health and fun To work with our key partners to enable and support a balanced housing market To build strong and inclusive communities To be a dynamic, prudent and progressive Council

Purpose:

This report summarises the content, scope and purpose of the draft Planning Obligations and Affordable Housing Supplementary Planning Document for the Borough of Fareham (Excluding Welborne), with a view to thereafter commencing a public consultation exercise.

Executive summary:

The Council has historically utilised planning obligations, often also commonly referred to as s106 agreements, from new development in order to secure contributions towards open space, transport improvements, schools provision etc. Following the introduction of the Community Infrastructure Levy (CIL) the amount of planning obligations being secured has been scaled back as the majority of infrastructure is now being secured through CIL. However, as CIL can only be used for infrastructure, planning obligations are still needed to secure a number of elements considered necessary to make development acceptable in planning terms. The SPD sets out the Council's approach for the use of planning obligations to secure satisfactory development and essential infrastructure for the Borough (excluding Welborne) where CIL is not being sought, including the delivery of affordable housing. The document will provide a useful Development Management tool against which planning applications can be assessed. It will also inform the review of the Borough Council's Community Infrastructure Levy charging schedule.

Recommendation:

That the Executive approves the following:

- (a) That the Draft Planning Obligations and Affordable Housing Supplementary Planning Document for the Borough of Fareham (Excluding Welborne), as set out in Appendix A, be published for a six-week public consultation.
- (b) That the Director of Planning and Development, in consultation with the Executive Member for Planning and Development and Executive Member for Health and Housing, be authorised to make any necessary minor changes to the document, prior to publication, providing that these do not change the overall direction, shape or emphasis of the document, and do not raise any significant new issues.
- (c) That the Draft Planning Obligations and Affordable Housing Supplementary Planning Document for the Borough of Fareham (Excluding Welborne) be endorsed as interim guidance to be afforded due weight in the determination of planning applications across the Borough.

Reason:

To fulfil the requirements of regulations 11-16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for the production of Supplementary Planning Documents.

Cost of proposals:

The cost of undertaking the publication of the Welborne Planning Obligations and Affordable Housing Supplementary Planning Document is covered within existing budgets.

Appendices:

A: Draft Planning Obligations and Affordable Housing Supplementary Planning Document for the Borough of Fareham (Excluding Welborne)

Background papers: Local Plan Part 1: The Core Strategy (August 2011)

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date: 02 June 2014

Subject: Planning Obligations and Affordable Housing SPD for the Borough of Fareham (Excluding Welborne) - Draft for Consultation

Briefing by: Director of Planning and Development

Portfolio: Planning and Development

INTRODUCTION

1. Supplementary planning documents (SPDs) should be produced where they can help applicants make successful planning applications and should build upon and provide more detailed guidance on the policies in the Local Plan, whilst not unnecessarily adding to the financial burdens on development (paragraph 153 of the National Planning Policy Framework refers).
2. The Planning Obligations and Affordable Housing SPD for the Borough of Fareham (Excluding Welborne) will be a material planning consideration for decision-making purposes and, in conjunction with the Core Strategy and the Development Sites & Policies Plan, will be used to assess planning applications across the Borough (but excluding Welborne). It is anticipated that the Development Sites & Policies Plan will be submitted for Examination in Public later this year.
3. In addition, the document provides essential background evidence for the review of the Community Infrastructure Levy charge for the Borough. This review will be the subject of a separate Examination in Public later this year. The production of the SPD at this stage will also, therefore, be a useful background document in both forthcoming Examinations by providing more certainty of the Council's policy requirements.

BACKGROUND

4. National planning policy and legislation allows local authorities to use certain mechanisms to facilitate necessary infrastructure provision and affordable housing needs of their area. The key mechanisms are principally through the use of planning obligations and Community Infrastructure Levy (CIL). Historically the Council has used planning obligations to deliver essential infrastructure, to address the effects of developments, or to control and/or enhance specific aspects of the development. However, following the introduction of CIL the use of planning obligations has been scaled back, with the majority of contributions towards infrastructure now secured through CIL.

5. The Core Strategy contains Policy CS20: Infrastructure and Developer Contributions sets out the Council's strategic approach to securing contributions and provides the Policy basis for the formulation of this SPD.
6. In addition to satisfying the requirements of the national guidance and expanding on Core Strategy Policy CS20, this SPD will also replace the detailed guidance currently contained with the Affordable Housing SPD (2006) and the Open Space Supplementary Planning Guidance (2002) into one up to date document. This document will cover the Borough, with the exception of Welborne, which has a separate bespoke SPD.

CONTENT OF THE DOCUMENT

7. The purpose of the Planning Obligations and Affordable Housing SPD for the Borough of Fareham (excluding Welborne) is to set out the approach to delivering infrastructure and securing appropriate development through the use of planning obligations. This is considered necessary to demonstrate clearly what the Council's approach to securing planning obligations will be in the light of the introduction of CIL.
8. The proposed format and scope of the document is set out below. An outline of the document showing section headings follows.
9. Section 1 Introduction - Setting out the purpose and scope of the document and how it has been produced.
10. Section 2 Policy Background - A run through of the relevant national and local policy background, including existence of a borough-wide CIL charge.
11. Section 3 Methods of Securing Developer Contributions – This provides information on the different methods the Council can use to secure developer contributions, including conditions, obligations, section 278 agreements and CIL.
12. Section 4 How will the Council use Planning Obligations? - This explains the relationship between CIL and planning obligations and in what circumstances the Council will seek to utilise planning obligations. It also sets out monitoring arrangements.
13. Section 5 Development Viability - This sets out the national guidance with regards to considering viability when seeking to secure developer contributions. This introduces the Council's approach which is that where viability issues are raised, and the required obligations cannot be met, a full viability assessment will need to be submitted, and the Council may seek to have this checked by a third party for validity.
14. Section 6 Types of Planning Obligations - This introduces the Council's approach to the more common types of planning obligations including affordable housing, Solent Special Protection Areas, transport and access, employment skills, on-site open space and ransom strips.
15. The document has three appendices which provide further guidance on affordable housing, the Solent Disturbance & Mitigation Project and on-site open space, outdoor sports provision and children's play equipment.

CONSULTATION AND NEXT STEPS

16. Following approval by the Executive, the SPD will be published for a six-week representation period between mid-June and late-July 2014. The public consultation will include written notification to relevant parties who will be invited to comment on the document. In addition, the consultation will be promoted on the Borough Council's website.
17. Following public consultation, officers will undertake any re-drafting considered necessary to address salient points raised. The draft document, responses to the consultation, and any proposed changes, will be available to inform the forthcoming Examinations into the Development Sites & Policies Plan and the revised CIL Charging Schedule. Once the document has been re-drafted, the finalised SPD will be brought back to the Executive for approval to adopt.

FINANCIAL IMPLICATIONS

18. The costs involved in undertaking publication and consultation of the Guidance is covered in existing budgets.

CONCLUSIONS

19. The Planning Obligations and Affordable Housing SPD for the Borough of Fareham (Excluding Welborne), as set out in Appendix A, would supplement the policies of the Core Strategy to secure the satisfactory delivery of new development, by helping to deliver the necessary essential infrastructure and affordable housing. It is therefore recommended that the requisite public consultation be undertaken to enable progression of the document to adoption.