

# Chichester District Council

CABINET

5 January 2016

## Adoption of the Planning Obligations and Affordable Housing Supplementary Planning Document

### 1. Contacts

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**Cabinet Member:**

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### 2. Recommendation

**2.1. That the Council be recommended to:**

- (1) Approve the proposed responses to representations received during consultation on the draft *Planning Obligations and Affordable Housing Supplementary Planning Document* as set out in appendix 1 to the agenda report;**
- (2) Adopt the *Planning Obligations and Affordable Housing Supplementary Planning Document* attached to appendix 2 to the agenda report;**
- (3) Cancel *The Provision of Service Infrastructure Related to new Development in Chichester District Supplementary Planning Guidance*, which was adopted in December 2004 to supplement the *Chichester District Local Plan First Review April 1999*; and**
- (4) Authorise the Head of Planning Services, following consultation with the Cabinet Member for Housing and Planning, to make typographical and other minor amendments prior to publication.**

### 3. Background

3.1. On 15 January 2015, the Development Plan Panel considered the post consultation changes to the Planning Obligations and Affordable Housing Supplementary Planning Document (SPD). Since then a number of minor changes have needed to be made to the document. These changes are as follows:

- All References to the Highways Agency have been changed to Highways England, to reflect its new name and status.

- Paragraph 1.7 has been reworded to reflect the fact that it is now post April 2015.
- Details of non-rural settlements have been removed from paragraphs 1.9 and 4.6 to allow for any future changes in the designation of rural areas. Details will be provided in the appendix.
- The final sentence of paragraphs 1.9 and 4.6 has been reworded to provide greater clarification.
- New paragraph 1.10 has been added to reflect the changes made by government on 14 August 2015 to Planning Practice Guidance, which has exempted starter homes exception sites from making affordable housing or tariff-style S106 contributions.
- Paragraph 1.15 has been reworded to reflect the fact that the Chichester Local Plan: Key Policies has now been adopted.
- Reference to the affordable housing mortgage multiplier has been added to paragraphs 4.15 and 4.22 to provide greater clarification.
- The example in paragraph 4.22 has been further clarified.
- Paragraph 4.32 has been reworded for clarity.
- The previous paragraph 4.35 has now been deleted due to a high court challenge which has quashed the vacant building credit introduced by government guidance received in March 2015.
- Paragraph 4.66 has been updated to reflect that a figure has now been determined to mitigate adverse impacts within the zone of influence for Pagham Harbour, and referenced to make clear that the figure although a material consideration does not have the formal status and weight of a supplementary planning document.
- The cost for Primary School provision, in the table in paragraph 4.48 has been revised downwards to reflect the latest advice from WSCC (March 2015). Paragraphs 5.2 and 5.3 have been deleted as it has been determined that it is unlawful to collect a monitoring fee in respect of s106 obligations.

#### **4. Outcomes to be achieved**

- 4.1. The adoption of this SPD will provide guidance to prospective applicants as to what the Council expects in relation to planning obligations and affordable housing. It has been designed to supplement policies within the new Local Plan and to complement the Council's Community Infrastructure Levy.
- 4.2. S106 obligations will be monitored through the annual Authority's Monitoring Report (AMR).

#### **5. Proposal**

- 5.1. The proposal is to approve the adoption of the Planning Obligations and Affordable Housing Supplementary Planning Document, which will replace 'The Provision of Service Infrastructure Related to new development in Chichester District' SPG, which should be cancelled upon its adoption. The document to be approved is attached at Appendix 2.
- 5.2. The SPD is needed to reflect the government's scaling back of S106, and to provide clarity about the infrastructure which will now be provided through the CIL (as identified on the Council's Regulation 123 list), instead of through S106.

- 5.3. The Planning Obligations and Affordable Housing SPD will take effect from the date of the decision to adopt it.
- 5.4. Consultation on the draft A27 Contributions Methodology document is yet to take place. Once that document has been approved by the Council, it is anticipated that the SPD will then be amended by the inclusion of a new section to take account of this.

**6. Alternatives that have been considered**

- 6.1. There are no realistic alternatives other than to adopt a new Planning Obligations and Affordable Housing SPD, as without such an SPD, officers would find it more difficult to negotiate planning obligations.

**7. Resource and legal implications**

- 7.1. Following adoption (which takes effect immediately on the resolution of Council), the SPD will take effect from 1 February on the same date as the CIL. The Planning Obligations and Affordable Housing SPD will be published, along with a statutory ‘adoption statement’ and made available for inspection. Parties involved in the process will also be notified. There will be a period of six weeks for legal challenge, although the SPD would remain in effect pending the outcome of any challenge.

**8. Consultation**

- 8.1. The SPD was subject to statutory public consultation and these representations have been reported back to Members and published. The representations and responses to them are attached at Appendix 1 to this report.

**9. Community impact and corporate risks**

- 9.1. The adoption of this SPD provides transparency about where planning obligations will be sought, and the Council will be in a better position to negotiate planning obligations that will provide the infrastructure to mitigate impacts of development.
- 9.2. There is a risk that the SPD could be subject to a legal challenge as set out in paragraph 7.1 above.

**10. Other Implications**

<b>Are there any implications for the following?</b>		
	Yes	No
<b>Crime &amp; Disorder:</b> Paragraph 4.68 includes site specific public services to improve public safety or crime reduction.	✓	
<b>Climate Change:</b>		✓
<b>Human Rights and Equality Impact:</b> An Equalities Impact Assessment has been prepared and this shows that the SPD has no adverse impacts.	✓	

<b>Safeguarding:</b>		✓
<b>Other (Please specify): Biodiversity</b> Paragraphs 4.65 to 4.67 set out the requirements for site specific Habitats Regulations Assessment measures	✓	

## 11. Appendices

- 11.1. Appendix 1 – Representations received as a result of public consultation together with the proposed response.
- 11.2. Appendix 2 – Planning Obligations and Affordable Housing SPD.