

Public Document Pack



RUSHMOOR BOROUGH COUNCIL

CABINET

*at the Council Offices, Farnborough on
Tuesday, 17th September, 2019 at 7.00 pm*

To:

Cllr D.E. Clifford, Leader of the Council
Cllr K.H. Muschamp, Deputy Leader and Customer Experience and Improvement
Portfolio Holder

Cllr Marina Munro, Planning and Economy Portfolio Holder
Cllr A.R. Newell, Democracy, Strategy and Partnerships Portfolio Holder
Cllr M.L. Sheehan, Operational Services Portfolio Holder
Cllr P.G. Taylor, Corporate Services Portfolio Holder
Cllr M.J. Tennant, Major Projects and Property Portfolio Holder

Enquiries regarding this agenda should be referred to Chris Todd, Democracy,
Strategy and Partnerships, on 01252 398825 or e-mail: chris.todd@rushmoor.gov.uk

A G E N D A

1. **MINUTES** – (Pages 1 - 6)

To confirm the Minutes of the meeting held on 20th August, 2019 (copy attached).

2. **ADOPTION OF THE DRAFT STATEMENT OF COMMUNITY INVOLVEMENT** –
(Pages 7 - 34)
(Cllr Marina Munro, Planning and Economy Portfolio Holder)

To consider Report No. EPSH1945 (copy attached), which sets out responses to the Council's recent consultation exercise and seeks adoption of the Statement of Community Involvement 2019.

3. **ADOPTION OF THE AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT** – (Pages 35 - 68)
(Cllr Marina Munro, Planning and Economy Portfolio Holder)

To consider Report No. EPSH1946 (copy attached), which sets out responses to the Council’s recent consultation exercise and seeks adoption of the Affordable Housing Supplementary Planning Document.

4. **ARTICLE 4 DIRECTIONS AT CHURCH CIRCLE AND PINWOOD PARK, FARNBOROUGH** – (Pages 69 - 78)
(Cllr Marina Munro, Planning and Economy Portfolio Holder)

To consider Report No. EPSH1943 (copy attached), which sets out a proposal for the adoption of an Article 4 Direction to withdraw permitted development rights in relation to identified properties in Church Circle, Farnborough and the cancellation of an Article 4 Direction in respect of properties at Pinewood Park, Farnborough.

5. **RUSHMOOR'S UPDATED TENANCY STRATEGY** – (Pages 79 - 90)
(Cllr Marina Munro, Planning and Economy Portfolio Holder)

To consider Report No. EPSH1947 (copy attached), which sets out proposed updates to the Council’s Tenancy Strategy.

6. **EXCLUSION OF THE PUBLIC** –

To consider resolving:

That, subject to the public interest test, the public be excluded from this meeting during the discussion of the undermentioned item to avoid the disclosure of exempt information within the paragraph of Schedule 12A to the Local Government Act, 1972 indicated against such item:

Item No.	Schedule 12A Para. No.	Category
7	3	Information relating to financial or business affairs

7. **RUSHMOOR DEVELOPMENT PARTNERSHIP - APPROVAL OF PARSONS BARRACKS CAR PARK PROJECT PLAN** – (Pages 91 - 106)
(Cllr Ken Muschamp, Deputy Leader of the Council)

To consider Exempt Report No. RP1920 (copy attached), which seeks approval of the Rushmoor Development Partnership’s Project Plan in relation to the redevelopment of Parsons Barracks Car Park, Aldershot, for submission to the Council on 3rd October, 2019.

CABINET

Meeting held on Tuesday, 20th August, 2019 at the Council Offices, Farnborough at 7.00 pm.

Voting Members

Cllr D.E. Clifford, Leader of the Council

Cllr K.H. Muschamp, Deputy Leader and Customer Experience and Improvement Portfolio Holder

Cllr Marina Munro, Planning and Economy Portfolio Holder

Cllr A.R. Newell, Democracy, Strategy and Partnerships Portfolio Holder

Cllr M.L. Sheehan, Operational Services Portfolio Holder

Cllr P.G. Taylor, Corporate Services Portfolio Holder

Cllr M.J. Tennant, Major Projects and Property Portfolio Holder

The Cabinet considered the following matters at the above-mentioned meeting. All executive decisions of the Cabinet shall become effective, subject to the call-in procedure, from **3rd September, 2019**.

28. MINUTES –

The Minutes of the meeting of the Cabinet held on 23rd July, 2019 were confirmed and signed by the Chairman.

29. REVENUE BUDGET MONITORING AND FORECASTING 2019/20 - POSITION AT JULY, 2019 –

(Cllr Paul Taylor, Corporate Services Portfolio Holder)

The Cabinet considered Report No. FIN1924, which set out the anticipated financial position for 2019/20, based on the monitoring exercise carried out during July, 2019. Members were informed that the need for savings or income generation of around £3,931,000 had been identified for the year. During Quarter 1, net cost reductions of £3,198,000 had been built into the approved budget, leaving a budget savings target of £733,000 and an outturn target of £1 million. It was reported that the projected 2019/20 year-end balance of the General Fund stood at £2 million, which was at the top of the range set out in the Medium Term Financial Strategy. It was noted that the Stability and Resilience Fund could be used to support the General Fund balance, should the predicted reductions in net expenditure not be achieved.

The Cabinet NOTED the latest Revenue Budget monitoring position, as set out in Report No. FIN1924.

30. CAPITAL PROGRAMME MONITORING AND FORECASTING 2019/20 - POSITION AT JULY, 2019 –

(Cllr Paul Taylor, Corporate Services Portfolio Holder)

The Cabinet received Report No. FIN1925, which provided the latest forecast regarding the Council's Capital Programme for 2019/20, based on the monitoring exercise carried out during June, 2019. The Report advised that the Capital

Programme for 2019/20, allowing for slippages from the previous financial year and additional approvals, totalled £72,381,000. It was noted that projects of major financial significance to the Council in the Capital Programme for 2019/20 included the Aldershot Town Centre Integration and Union Street developments, the Farnborough Civic Quarter development, the finalisation of a loan to Farnborough International and the further acquisition of investment properties. The Report set out a request for additional approvals to facilitate capital projects within 2019/20 in respect of the Games Hub, Aldershot, the implementation of Office 365 for the Council and the Blunden Road Recreation Ground, Farnborough.

The Cabinet RESOLVED that

- (i) The latest Capital Programme monitoring position, as set out in Report No. FIN1925, be noted; and
- (ii) the additional capital requests for 2019/20, as set out in the Report, be approved.

31. REGENERATING RUSHMOOR 2019/20 - QUARTER 1 PROGRESS REPORT –
(Cllr Martin Tennant, Major Projects and Property Portfolio Holder)

The Cabinet received Report No. RP1914, which set out progress towards the Council's Regenerating Rushmoor Programme for the first quarter of 2019/20. In particular, the Report highlighted the current position in relation to the Galleries and High Street Multi-storey Car Park, Aldershot, the Farnborough Civic Quarter and the project to provide a new access road at Invincible Road, Farnborough.

The Cabinet NOTED the progress made towards delivering the Regenerating Rushmoor Programme, as set out in Report No. RP1914.

32. MOOR ROAD RECREATION GROUND - NEW FACILITIES –
(Cllr Adrian Newell, Democracy, Strategy and Partnerships Portfolio Holder / Cllr Maurice Sheehan, Operational Services Portfolio Holder)

The Cabinet considered Report No. DSP1908, which set out a proposal to provide new facilities at Moor Road Recreation Ground, Farnborough.

The Operational Services Portfolio Holder introduced the Report and it was noted that the Development Management Committee had given planning permission at its meeting on 14th August, 2019, subject to conditions. Members heard that the proposed new facilities would be likely to encourage more people to enjoy open spaces and become active. The project would be mainly funded from Section 106 developers contributions but successful funding awards had also been received from Sport England and Prospect Estate Big Local (PEBL). It was also requested that £20,000 should be drawn down from the Car Park Enhancements Earmarked Reserve and the sum of £1,020 should be included in future budgets to allow for the inspection costs of the facilities.

The Cabinet welcomed the proposal and, in response to a question, it was confirmed that the installation of CCTV at the site would be considered as part of a wider review of CCTV provision in the Borough.

The Cabinet RESOLVED that

- (i) the provision of new facilities at the Moor Road Recreation Ground be approved, in accordance with the proposals set out in Report No. DSP1908 and the Head of Democracy, Strategy and Partnerships be authorised to proceed with the delivery of the project; and
- (ii) the drawdown of £20,000 from the Car Park Enhancements Earmarked Reserve and the inclusion of annual inspection costs of the facilities of £1,020 per annum from 202/21 onwards, as set out in the Report, be approved.

33. EXCLUSION OF THE PUBLIC –

RESOLVED: That, taking into account the public interest test, the public be excluded from the meeting during the discussion of the under mentioned items to avoid the disclosure of exempt information within the paragraph of Schedule 12A to the Local Government Act, 1972 indicated against the items:

Minute Nos.	Schedule 12A Para. No.	Category
34, 35 and 36	3	Information relating to financial or business affairs

**THE FOLLOWING ITEMS WERE CONSIDERED
IN THE ABSENCE OF THE PUBLIC**

34. APPLICATION FOR SECTION 49 REMISSION OF NON-DOMESTIC RATES –
(Cllr Paul Taylor, Corporate Services Portfolio Holder)

The Cabinet considered Exempt Report No. FIN1926, which set out an application for the remission of non-domestic rates on the grounds of hardship.

Members assessed the application from Wimpey (Aldershot) Limited, Nos. 29 – 31 Wellington Centre, Aldershot, taking into account the evidence of financial hardship supplied and whether it was in the interests of local taxpayers to subsidise the business. The Cabinet took into account the nature and circumstances of the business and the availability of alternative facilities in the area. The Corporate Services Portfolio Holder and the Council's Principal Revenues and Benefits Officer were due to meet with the proprietor at the premises to discuss the application in detail on 21st August, 2019.

In response to a question, it was agreed that, in future, applicants for hardship relief would be encouraged to seek a rent reduction at the same time, if applicable.

The Cabinet RESOLVED that, subject to the outcome of the Corporate Services Portfolio Holder's visit to the premises on 21st August, 2019, 50% hardship relief be granted to Wimpey (Aldershot) Limited for the period from 1st April, 2019 to 31st March, 2020.

35. **ALDERSHOT REGENERATION - SITE ASSEMBLY –**
(Cllr Martin Tennant, Major Projects and Property Portfolio Holder)

The Cabinet considered Exempt Report No. RP1918, which set out a proposal for the acquisition of a site that formed part of the Council's Aldershot town centre regeneration proposals.

The Report set out details of the proposed acquisition. Authority to acquire the site had been granted previously by the Cabinet but this Report set out additional associated holding costs that had been identified as part of the due diligence process. It was felt that this site was integral to the regeneration proposals for Aldershot town centre, which would be taken forward by the Rushmoor Development Partnership.

The Cabinet RESOLVED that

- (i) the acquisition of the freehold associated with the site identified in paragraph 1.1 of Exempt Report No. RP1918, at the value identified in paragraph 3.5, be approved; and
- (ii) the Executive Head of Finance be authorised to enact the financial arrangements outlined in paragraph 4.5 of the Report.

36. **SURRENDER OF LEASE - UNION STREET, ALDERSHOT –**
(Cllr Martin Tennant, Major Projects and Property Portfolio Holder)

The Cabinet considered Exempt Report No. RP1915, which set out a proposal for the surrender of a lease for a premises of which the Council was the freeholder. It was considered that the site was integral to the Council's regeneration proposals for Aldershot town centre.

The Council had been negotiating with the leaseholder for the previous six months and had now reached a provisional agreement for the surrender on the terms that were set out in the Report. It was also proposed to provide a budget for specific costs that were likely to be incurred once vacant possession had been secured.

In discussing this matter, the Cabinet expressed support for the proposed approach and considered this to be a key step in the overall proposals for the town centre regeneration.

The Cabinet RESOLVED that

- (i) the acceptance of the lease offer from the leaseholder, as set out in paragraph 3.3 of Exempt Report No. RP1915, be approved;
- (ii) the ringfencing of the final quarter rental income apportionment opportunity of £50,000, to cover revenue implications (holding costs) for the period prior to the property being redeveloped by the Rushmoor Development Partnership, as set out in the Report, be approved, with actual expenditure and variances thereof to be reported through budget monitoring;

- (iii) the Executive Head of Regeneration and Property, in consultation with the Major Projects and Property Portfolio Holder, be authorised to agree the final terms of the surrender offer; and
- (iv) the Executive Head of Finance be authorised to utilise the monies to be received in respect of the lease surrender, which might include, but not be limited to, using the monies as a revenue contribution to capital outlay.

The Meeting closed at 7.38 pm.

CLLR D.E. CLIFFORD, LEADER OF THE COUNCIL

This page is intentionally left blank

CABINET

COUNCILLOR MARINA MUNRO
PLANNING AND ECONOMY PORTFOLIO HOLDER

17 SEPTEMBER 2019

REPORT NO. EPSH1945

KEY DECISION? YES

**ADOPTION OF THE DRAFT STATEMENT OF COMMUNITY INVOLVEMENT
(SCI)****SUMMARY AND RECOMMENDATIONS:**

The Council's current Statement of Community Involvement (SCI) that the Rushmoor Local Plan was examined against was adopted in 2013 and since this time, there have been a number of changes to planning legislation that need to be reflected. Therefore, an updated SCI was subject to six weeks public consultation. Following the public consultation minor amendments have been made to the document.

It is recommended that Cabinet, adopt the Statement of Community Involvement (2019).

1. INTRODUCTION

- 1.1. The purpose of this report is to present to Councillors the final Statement of Community Involvement (SCI) (attached as Appendix A). A draft version of the SCI was subject to six weeks public consultation between the 3 June 2019 and 15 July 2019. A summary of the representations received to the consultation is detailed within this report.
- 1.2. The production of a Statement of Community Involvement (SCI) is a legal requirement as is the requirement to update the document every five years. The Council's current SCI was adopted in 2013 and since this time, there have been a number of changes to planning legislation that need to be reflected.
- 1.3. The purpose of the SCI is to set out how people and groups can engage with the planning system in the best way by setting out how the public, businesses and interest groups within the Borough can get involved in the creation of local planning policy, neighbourhood planning and the planning application decision-making process.
- 1.4. The adoption of this document is a key decision as it is likely to *be significant in terms of its effects on communities living or working in an area comprising two or more wards within the Borough.*

2. BACKGROUND

- 2.1. The preparation of a SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (Section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017. This legislation requires the Council to prepare a statement for how it will involve those with an interest in development in the area, including the preparation and review of the Local Plan and Supplementary Planning Documents, Neighbourhood Plans/Orders, Community Infrastructure Levy and the consideration of planning applications.
- 2.2. A draft version of the Statement of Community Involvement (2019) was subject to six weeks public consultation between the 3 June 2019 and 15 July 2019. During the consultation period 5 responses were received which are summarised below:

Organisation	Comments	RBC Officer response
East Hampshire District Council	No comments	Noted
Historic England	Support the general aims and approach. Recommend that the SCI makes clear that Historic England is also a statutory consultee in the planning application process	The purpose of the document is to make it clear to the public how they can engage with the planning process. The consultation requirements for statutory consultees (such as Natural England) on planning applications are set out in legislation.
Natural England	Supportive of the principle of meaningful and early engagement in local planning matters.	Noted
Thames Water	consider it would be helpful if the specific sewerage/water undertakers covering the area are listed e.g. Thames Water	Comments noted, however details of the specific infrastructure providers are contained in our Infrastructure Delivery Plan.
Waverley Borough Council	No comments	Noted

- 2.3. Due to the nature of the comments received, the only changes that have been made to the SCI following the public consultation are the removal of the section on public consultation and the removal of paragraph 1.9 (why we are updating our Statement of Community Involvement). The SCI 2019 is attached as Appendix A.

3. DETAILS OF THE PROPOSAL

- 3.1. The proposal is that Cabinet adopt the Statement of Community Involvement 2019 which will supersede the 2013 Rushmoor Statement of Community Involvement.

Alternative Option

- 3.2. The alternative option would be not to adopt the updated SCI. However, this would mean that the Council would not be in conformity with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2017 (as amended).

Consultation

- 3.3. The draft SCI was subject to six weeks public consultation.

4. IMPLICATIONS

Risks

- 4.1. There are not considered to be any risks associated with the implementation of the recommendations of this report.

Legal Implications

- 4.2. The preparation of a SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (Section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017.

Financial and Resource Implications

- 4.3. There are not considered to be any financial implication arising from the decision.

Equalities Impact Implications

- 4.4. The purpose of this report is to adopt an up to date Statement of Community Involvement (SCI) that sets out how the Council will engage with the community, including hard to reach groups. Therefore, there are not considered to be any equalities implications.

5. CONCLUSIONS

- 5.1 The adoption of the SCI 2019 will ensure that the planning authority is complying with current planning legislation.

BACKGROUND DOCUMENTS:

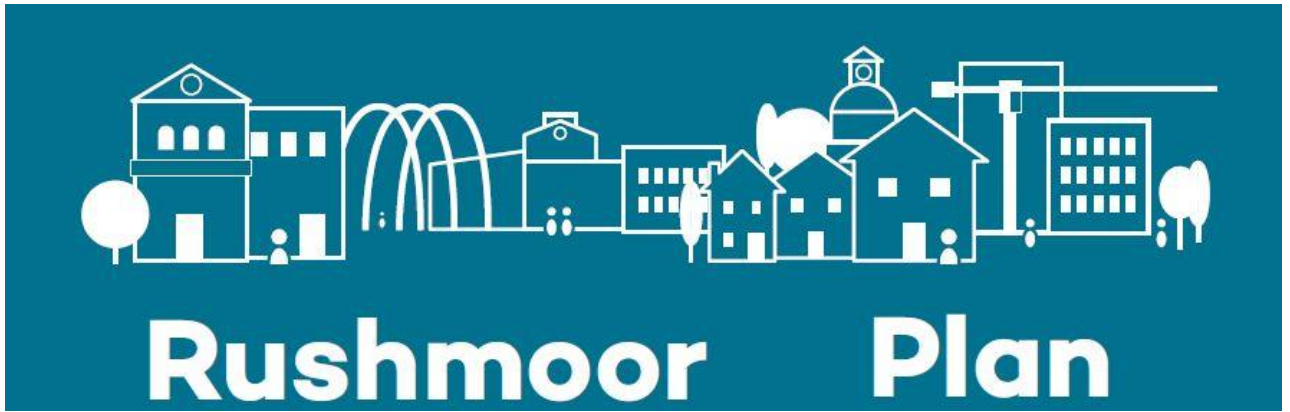
Appendix A – Rushmoor Statement of Community Involvement 2019.

The current Rushmoor Statement of Community Involvement (2013) that will be superseded following the adoption of the SCI 2019 can be accessed from the following link: <https://www.rushmoor.gov.uk/sci>

CONTACT DETAILS:

Report Author – Katharine Makant / katharine.makant@rushmoor.gov.uk / 01252 398416

Head of Service – Tim Mills / tim.mills@rushmoor.gov.uk / 01252 398542



STATEMENT OF COMMUNITY INVOLVEMENT

September 2019

Foreword

The Statement of Community Involvement (SCI) sets out the ways in which residents, businesses and other interested parties can become involved in planning for land use and development in Rushmoor. It also helps us, as a Council, to meet the requirements for consultation and engagement that are set out in national planning legislation. The Council will always meet these requirements and, where resources allow, will try to go beyond them to seek broader community involvement in plan-making.

This Statement of Community Involvement was subject to six weeks public consultation between 3 June 2019 and 15 July 2019 and was adopted by the Councils Cabinet on 17 September 2019.

Contents

Foreword.....	2
Contents.....	3
1. Introduction	4
2. National Planning Policy and Guidance	6
3. Community Involvement Principles.....	8
4. Local Planning Policy.....	9
5. Neighbourhood Planning	17
6. Community Infrastructure Levy (CIL).....	19
7. Community involvement in determining planning applications.....	19
8. How we publicise planning applications.....	21
Appendix 1: Consultation Groups Involved in Local Plan production.....	23

1. Introduction

- 1.1 Planning affects everybody in our community. The decisions that the Council makes as a local planning authority will have an impact on the type of development that takes place in the Borough, where it is located and what it looks like.
- 1.2 Therefore, it is only right that you, as residents, businesses and stakeholders, get the opportunity to be involved in the planning process and influence the decisions we make.

What is a Statement of Community Involvement?

- 1.3 A Statement of Community Involvement (SCI) sets out the ways in which residents, businesses and other interested parties can become involved in planning in Rushmoor. It also helps us, as a Council, to meet the requirements for consultation and engagement set out in national planning legislation.¹
- 1.4 Our SCI seeks to ensure that as many people as possible can voice their opinion on planning matters. Part of this is making sure that we consult people in the right way and at the right time.
- 1.5 The SCI sets out how you can get involved in:

Planning Policy:

- The Rushmoor Local Plan
- Supplementary Planning Documents (SPDs)
- Neighbourhood Planning
- Community Infrastructure Levy (CIL)

Development Management:

- Planning Applications

Who will be involved?

- 1.6 There are statutory requirements for those we must consult when preparing planning policy documents. For example, organisations like other local authorities, Natural England, Historic England and utility companies. A full list of those we must consult (specific consultation bodies) can be found at Appendix 1. It is important that we aim to involve as many people and groups as possible in Rushmoor to help us develop our planning policies. Anyone can make comments on the future planning for

¹ Planning and Compulsory Purchase Act 2004 (section 18) and Local Government and Public Involvement in Health Act 2007 (Section 138)

development in Rushmoor and it is particularly important that our local community does so.

1.7 We aim to involve the full cross-section of Rushmoor's community including 'hard-to-reach' groups who are under-represented in the planning process. Such groups may have specific needs and include but are not limited to:

- young people;
- older people;
- ethnic minorities; and
- people with disabilities.

1.8 To achieve wider involvement we intend to:

- use social media (e.g. Facebook, Twitter) where appropriate;
- Involve the Senior Citizens Forum and Rushmoor Youth Forum (once established) in the future development of the Borough;
- Work closely with organisations who represent and / or support young people, older people, people with disabilities and ethnic minorities, including the Nepali community; and
- Understand our communities better, using the most up-to-date information available including census data and other sources, so that we can meet the needs of our community in terms of how best to involve them.

2. National Planning Policy and Guidance

- 2.1 National planning policies are set out in the National Planning Policy Framework (NPPF).² The NPPF provides a framework within which locally-prepared plans for housing and other development can be produced and it is a material consideration in planning decisions e.g. on planning applications.
- 2.2 Guidance on how the NPPF should be applied is set out in the Government’s Planning Practice Guidance, which is a web-based document that is regularly reviewed and updated.³
- 2.3 The rules governing how the Council’s local planning policy documents must be prepared, including public consultation, are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)⁴.

Duty to Co-Operate

- 2.4 Local authorities have a duty to co-operate with specific bodies in relation to planning of sustainable development and strategic matters.⁵ A ‘strategic matter’ is defined as:
- a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including infrastructure that is; and
 - b) sustainable development or use of land if the development or use –
 - i. is a county matter;
 - ii. has or would have a significant impact on a county matter.
- 2.5 The specific bodies prescribed for the purposes of the duty to cooperate are outlined in Appendix 1.

Community Rights and the Localism Act

- 2.6 The Localism Act came into force in 2011.⁶ The Act focussed on devolving power from central government to local communities. A major aim of the Act was to reform the

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

³ <https://www.gov.uk/government/collections/planning-practice-guidance>

⁴ <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

⁵ Section 33A of the Planning and Compulsory Purchase Act 2004 (local development),

⁶ <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

planning system to make it more effective and democratic, and to give new powers to both individuals and communities.

- 2.7 As a result of the Localism Act, the following community rights were introduced:
- **Community right to challenge** enables local community groups to procure important local services and deliver them for the borough;
 - **Community right to bid** enables local groups to buy buildings that the local authority has placed on a list of community assets;
 - **Community right to build** enables members of the local community to bring forward proposals for what they would like to see built in their local area.
- 2.8 You can find out more about community rights at <http://mycommunityrights.org.uk/> and how to nominate a building or land of local importance to the register of assets of community value at <https://www.rushmoor.gov.uk/communityrighttobid>.

3. Community Involvement Principles

3.1 The benefits of early community engagement are:

- a greater focus on the priorities identified by local communities;
- more influence over the provision of infrastructure to ensure that it meets local needs;
- an improved sense of ownership of the plan by the community;
- better understanding of how planning policies are developed and linked to each other;
- more support for local planning policies;
- cutting down on costly and unnecessary conflict.

3.2 We aim to make sure that there is a clear and proper consultation procedure that shows what the community and stakeholders should expect from it. To achieve this we will adhere to the following five principles:

- **Ensuring equal opportunity** – we are committed to ensuring that all members of the community involved in engagement are treated fairly without discrimination;
- **Keeping the community informed** - we will inform the community when we are consulting and how the consultation process will work, aiming to provide balanced and objective information to help people understand the process;
- **Ensuring the community is involved** – we want as many interested parties to be involved as possible, so we want to make the process of having your opinion heard as easy as possible throughout the process. Community engagement will be readily accessible, with the relevant documents available for inspection at specified public places and on the Council’s website. Electronic forms of communication will be used where it is best placed to serve the community;
- **Ensuring community engagement is relevant** – we aim to focus our engagement on the groups/individuals to which the subject matter is relevant. This includes those who are not recognised as a statutory consultee.
- **Providing feedback** – we will analyse all responses to consultations and respond as appropriate. This may be in the form of consultation statements, reports following any research and the Authority Monitoring Report, which will show how we are performing against our adopted Local Plan policies.

Data Protection

3.3 We will comply with our obligations under the General Data Protection Regulations 2018, and the principles of the Data Protection Act 2018, in how we manage any personal data collected through consultation processes. You can find out more on our website at <https://www.rushmoor.gov.uk/dataprotection>.

4. Local Planning Policy

- 4.1 Every local authority is required to produce a development plan for its area.⁷ The plan must include strategic policies (over a minimum 15-year period) to address the priorities for the development and use of land in the area and can also contain more detailed non-strategic policies.
- 4.2 We also produce [Supplementary Planning Documents](#) (SPDs) that provide additional detail to enable us to implement the planning policies contained within the adopted Local Plan. These documents are required to go through one stage of public consultation and do not go through the Examination in Public process. The Council is able to adopt SPDs subject to completion of the consultation period and any subsequent changes considered appropriate in the light of responses.
- 4.3 The Council's [Local Development Scheme](#) sets out the programme for preparing our future planning documents. It outlines what documents we are working on and the timetables for producing them.

The Local Plan

- 4.4 The [Rushmoor Local Plan](#) is the main planning policy document produced by the Council. The Rushmoor Local Plan was adopted on 21 February 2019 following public consultation and examination by a Planning Inspector. It has replaced the 2011 Core Strategy and saved policies from the 2000 Local Plan Review and provides the planning policies that will guide new development within the Borough to 2032. The policies in Local Plans must be reviewed every five years - sooner if there are significant changes in national policy, local circumstances or housing requirements. Updates to the adopted Local Plan, or certain policies within it, must follow the statutory plan-making procedure, including public consultation.
- 4.5 A new Local Plan (or any significant change to it) is required to go through two stages of public consultation and is then examined by a Planning Inspector before the Council can formally adopt it. Early community engagement is essential to ensure that residents, businesses and stakeholders have the greatest possible input to the shaping of the Plan. As plan preparation proceeds through the statutory process, opportunities to comment become more focussed on the wording of the policies.

How you can be involved

- 4.6 The minimum legal requirements for community involvement and public participation are set out in the 2012 Regulations⁷ (as amended). The consultation methods utilised

⁷ Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations)

by the Council will depend on the type of document being produced and its subject matter.

- 4.7 Tables 1 and 2 below outline both the statutory requirements and some of the additional ways in which we may seek to involve people in respect of the Local Plan and Supplementary Planning Documents. It is not an exhaustive list - we will use the methods that we consider are most effective in terms of resources and outcomes.

What happens to the comments received?

- 4.8 We will acknowledge the written comments we receive and anyone making comments on early stages of a document will be added to our consultation database (unless they request otherwise) and automatically consulted at later stages. At the end of the consultation period, we may analyse the written responses and/or the results from the community involvement process and create a summary report. This will then be made available on our website, reported to the relevant Council elected members group and referred to in the relevant documents.
- 4.9 All representations received will be made available to the public via the Council's website, except where consultation responses (e.g. libellous or threatening comments) are deemed inappropriate for publication by the Council.

Monitoring

- 4.10 If necessary, we will review our procedures for involving the community and monitor their effectiveness in our [Authority Monitoring Report](#), which is usually published annually. Wherever possible we will look to make improvements to ensure that we are as effective as we can be when involving our local communities in the planning process.

Statement of Community Involvement

- 4.11 This Statement of Community Involvement (SCI) is reviewed regularly to ensure it is in accordance with the regulations and the Council's consultation procedures. Should fundamental changes take place that warrant a new SCI, the Council will undertake public consultation for a minimum period of six weeks.
- 4.12 There is no legal requirement to notify specific consultation bodies, however the Council will notify those bodies considered relevant. Reference copies will be made publicly available at the Council Offices. A summary of public representations submitted during consultation will be provided within the Schedule of Officer Responses to Representations Received and will be made publicly available on the

Council's website. Those who submitted representations can request to be notified of when the document has been adopted.

Local Plan Sustainability Appraisal

- 4.13 A sustainability appraisal is a systematic process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- 4.14 When undertaking sustainability appraisals, as required by the Environmental Assessment of Plans and Programmes Regulation 2004, the Council will:
- Consult stakeholders, including the Environment Agency, Natural England and Historic England (required bodies) on the scope of the appraisal;
 - Consult key stakeholders and the public on Sustainability Appraisal Reports as part of public participation in the preparation of the Local Plan;
 - Undertake public consultation on the final Sustainability Appraisal which supports the Proposed Submission Local Plan.

Table 1 The Local Plan

Activity	Involvement & Notification What we will do <i>(Legal requirements are italicised)</i>	When will you be involved? <i>(Legal requirements are italicised)</i>	How will you be involved? <i>(Legal requirements are italicised)</i>
Initial evidence gathering and informal community engagement	<p>We may employ the following engagement techniques as deemed appropriate, depending upon the subject matter:</p> <ul style="list-style-type: none"> • Articles in the Council’s Arena magazine • Issue press release/newsletter • Social media • Workshops for key stakeholders • One-to-one meetings • Presentations to interested parties 		<p>Register your contact details on the Planning Policy Consultation Database</p>
Issues and Options Stage/Preferred Approach (Regulation 18)	<p><i>Notify specific and general consultation bodies (see Appendix 1) as the local planning authority consider appropriate.</i></p> <p><i>Publish information on our website</i></p> <p>Dependent upon the subject matter of the Local Plan, we may employ further engagement techniques such as</p> <ul style="list-style-type: none"> • Workshops for key stakeholders • One-to-one meetings 	<p><i>Specific and general consultation bodies will be notified of the consultation period prior to the publication of the document.</i></p> <p><i>The consultation will run for a period not less than 6 weeks.</i></p> <p>In addition, we will contact all those on our consultation database who have asked to be consulted on planning</p>	<p><i>Documents will be published on the website and placed in the Council Offices and local libraries.</i></p> <p>Dependent upon the subject matter of the Local Plan, we may employ further engagement techniques as deemed appropriate.</p> <p>We encourage comments to be submitted online wherever possible. For</p>

Activity	Involvement & Notification What we will do <i>(Legal requirements are italicised)</i>	When will you be involved? <i>(Legal requirements are italicised)</i>	How will you be involved? <i>(Legal requirements are italicised)</i>
	<ul style="list-style-type: none"> • Presentations to interested parties • Articles in the Council's Arena magazine • Issue press release/newsletter • Social media 	policy documents, with details of how they can comment.	those who find this difficult, we will provide comment forms that can be completed electronically or in hard copy and submitted via email or post.
Publication of a Local Plan (Regulation 19) and Representations relating to a Local Plan (Regulation 20)	<p><i>Make available for inspection the pre-submission plan, supporting documents and information on how to respond (the "statement of representations procedure")</i></p> <p><i>Invite statutory consultation bodies and general consultation bodies to make representations under Regulation 18 and provide them with:</i></p> <ul style="list-style-type: none"> • <i>A statement of the representations procedure;</i> • <i>A statement of the fact that the Submission Documents are available for inspection and of the places and times at which they can be inspected.</i> 	<p><i>Specific and general consultation bodies will be notified on publication of the pre-submission plan.</i></p> <p><i>The consultation will run for a period not less than 6 weeks.</i></p> <p>In addition, we will contact all those on our consultation database who have asked to be consulted on planning policy documents, with details of how they can comment on the pre-submission plan.</p>	<p><i>Documents will be published on the website and placed in the council offices and local libraries.</i></p> <p><i>Any person may make representations about a Local Plan which the local planning authority proposes to submit.</i></p> <p>We encourage comments to be submitted online wherever possible. For those who find this difficult, we will provide comment forms that can be completed electronically or in hard copy and submitted via email or post.</p>

Activity	Involvement & Notification What we will do <i>(Legal requirements are italicised)</i>	When will you be involved? <i>(Legal requirements are italicised)</i>	How will you be involved? <i>(Legal requirements are italicised)</i>
	<p>Dependent upon the subject matter of the Local Plan, we may employ further engagement techniques such as</p> <ul style="list-style-type: none"> • Social media • Articles in the Council's Arena magazine • Issue press release/newsletter • Presentations to interested parties 		
Independent Examination (Regulation 24)	<p>A Pre-Examination Hearing may occur 6 weeks prior to the Examination in Public (EiP)⁸.</p> <p><i>At least 6 weeks before the examination starts, the Council will</i></p> <ul style="list-style-type: none"> • <i>Publish details on website</i> • <i>Notify people who made representations of the date the examination starts and name of person appointed to hold examination</i> 	<p><i>All those who have submitted a representation will be notified of the dates and times of both the Pre-Examination Hearing (if held) and the EiP.</i></p> <p>In addition, the oral hearings are open to the public to attend although only those who have submitted objections to the Plan have the right to be heard by the Planning Inspector.</p>	<p><i>All those who have objected to the Plan have the right to appear before the Planning Inspector at the oral hearings.</i></p> <p><i>An independent Programme Officer appointed to oversee the Examination process will advise objectors and other participants of the timetable and check that those who have previously stated their intent to provide oral evidence at the EiP still wish to do so.</i></p>

⁸ The Planning Inspectorate - Examining Development Plan Documents: Procedure Guidance June 2016 (4th Edition)

Activity	Involvement & Notification What we will do <i>(Legal requirements are italicised)</i>	When will you be involved? <i>(Legal requirements are italicised)</i>	How will you be involved? <i>(Legal requirements are italicised)</i>
Main Modifications to the Local Plan	<p><i>We will consult on any proposed Main Modifications to the Plan which may arise as a result of the examination process.</i></p> <p>At this stage, the consultation will focus ONLY on the wording of the proposed modifications – general comments on the Plan will not be accepted.</p>	<p><i>Specific and general consultation bodies will be notified on publication of the proposed main modifications.</i></p> <p><i>The consultation will run for a period not less than 6 weeks.</i></p> <p>In addition, we will contact all those on our consultation database who have asked to be consulted on planning policy documents, with details of how they can comment on the proposed main modifications.</p>	<p><i>The modifications will be published on the website and made available for inspection at the council offices.</i></p> <p><i>Any person may make representations about the proposed main modifications.</i></p> <p>We encourage comments to be submitted online wherever possible. For those who find this difficult, we will accept written comments by email or post.</p>
Adoption (Regulation 26)	<p><i>As soon as is reasonably practicable after we adopt a Local Plan, we will:</i></p> <ul style="list-style-type: none"> • <i>Make available the adopted Plan, adoption statement and sustainability appraisal report for inspection</i> • <i>Notify anyone who requested to be notified of adoption</i> • <i>Send an adoption statement to the Secretary of State</i> 		<p><i>All statutory consultation bodies and anyone else who submitted a representation will be sent the adoption statement. The adopted Local Plan will be made available at the Council Offices, local libraries and on our website.</i></p>

Table 2 Supplementary Planning Documents

Activity	Involvement & Notification What we will do	When will you be involved?	How will you be involved?
Public Participation (Regulation 12) and Consultation (Regulation 13)	<p><i>Copies of the SPD document and a consultation statement setting out who has been consulted, issues raised and how they have been addressed will be made available for inspection at the Council Offices, local libraries and on our website.</i></p> <p>The Council will also notify the general public via social media and, where deemed appropriate, press releases and carry out targeted engagement with local residents for site specific SPD's.</p>	<p><i>Specific and general consultation bodies, identified by the Council as relevant to the context of the SPD, will be notified of the consultation on publication of the document.</i></p> <p>The consultation will run for a period of not less than 4 weeks. However, the Council will usually consult for 6 weeks to ensure maximum opportunity for engagement.</p>	<p>For site-specific SPD's, the Council will seek to engage with local residents/businesses through events and focus groups in the early stage of developing the SPD and continue engagement through to adoption.</p> <p>For issue-based SPDs, appropriate groups and organisations will be involved in developing options and approaches. Where the issue has wider public interest general surveys may also be undertaken.</p>
Adoption (Regulation 14)	<p>As soon as reasonably practicable after adoption, we will:</p> <ul style="list-style-type: none"> • Make the SPD and adoption statement available for inspection • Notify anyone who requested to be notified of adoption 		<p><i>All relevant statutory/general consultation bodies and anyone else who submitted a representation will be sent the adoption statement.</i></p>

5. Neighbourhood Planning

- 5.1 Neighbourhood planning was introduced by the Localism Act 2011 and updated by the Neighbourhood Planning Act 2017. It gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They can choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and (through Neighbourhood Development Orders) grant planning permission for the new buildings they want to see go ahead.
- 5.2 The policies set out within neighbourhood plans must be 'in conformity' with national planning policy and the up-to-date Local Plan. Communities may decide that they could achieve the outcomes they want to see through other planning routes, such as incorporating their proposals for the neighbourhood into the Local Plan or through pre-application consultation on development proposals.
- 5.3 Once confirmed, neighbourhood plans become part of the Local Plan and the policies within them are used in the determination of planning applications. In areas where there are no Town or Parish Councils, such as Rushmoor, only designated neighbourhood forums are allowed to produce neighbourhood plans and the plans must be approved by an independent examiner and local referendum before they can be formally approved.
- 5.4 You can find out more about neighbourhood planning on our website <https://www.rushmoor.gov.uk/planningpolicy>, at the Government's website at <https://www.gov.uk/guidance/neighbourhood-planning--2> and there are further details, including financial and technical support available for communities interested in creating a neighbourhood plan, at <https://neighbourhoodplanning.org/>.
- 5.5 The Council will offer the following support to communities interested in preparing neighbourhood plans:
- We will provide advice on the statutory criteria for setting up a neighbourhood forum to develop a neighbourhood plan for a designated neighbourhood area and how to go about applying to us for formal designation;
 - On receipt of a valid application for designation as a neighbourhood area and/or neighbourhood forum, we will publicise and invite comments on the application and determine it according to the statutory timescales;

- Should we decide to designate a smaller neighbourhood area than has been applied for, or should we refuse an application for designation as a neighbourhood forum, we will explain our reasons;
- We will take a proactive and positive approach, working collaboratively with designated neighbourhood forums on each key stage, sharing our evidence base and seeking to resolve any issues, including potential conflicts with national policy and the Local Plan, to ensure that the draft neighbourhood plan has the greatest chance of success at independent examination;
- Following the submission of the draft neighbourhood plan, we will undertake the relevant public consultation and organise and fund the examination and referendum within the statutory timescales.

5.6 Like local plans, there are regulations covering the preparation of neighbourhood plans, including consultation requirements. Up to the submission of the draft plan, the neighbourhood forum is responsible for public consultation and engagement with relevant consultees (e.g. infrastructure providers) in its preparation.

6. Community Infrastructure Levy (CIL)

- 6.1 The Community Infrastructure Levy (CIL) is a charge which local authorities can set to require contributions from developers bringing forward new development, in order to help deliver infrastructure. As of February 2019, Rushmoor Borough Council has not introduced CIL and relies on a different method of developer contributions (known as Section 106 legal agreements) to fund infrastructure that is required to support development. Information about how much has been collected in developer contributions and what it is spent on is set out in the Authority Monitoring Report.
- 6.2 If we do decide to introduce CIL, we can only do so once we have prepared and adopted a CIL charging schedule. This must go through a process of consultation and independent examination before we can adopt it. Under current regulations, councils must carry out a two-stage process for consulting on a draft CIL charging schedule. However, the latest draft amendments to the regulations, published for consultation in December 2018, propose that this is reduced to one stage of public consultation.
- 6.3 Further information about our approach to CIL is set out on the website at: <https://www.rushmoor.gov.uk/CIL>

7. Community involvement in determining planning applications

- 7.1 With any planning application, we must display a site notice or advise neighbours by letter and take into account any relevant responses we receive. However, in some cases, especially where the development is on a large scale, there are further requirements for us in terms of publicity.⁹
- 7.2 To encourage developers and agents to discuss their plans for developments, we can provide some informal advice before they make a formal application. We offer more detailed written pre-application advice on a fee-paying basis. Pre-application advice aims to ensure that the application is complete and valid when we receive it, and to address any issues which might make it unacceptable. This also helps with the aim of seeing the community fully involved in shaping and deciding the development that occurs in Rushmoor, as at this point we strongly encourage developers of major or potentially controversial proposals to carry out their own consultation of the local community. We believe this is the most helpful time for developers to engage with the community, as it will allow their views to be heard and considered before the

⁹ As set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015

process is too far along, and allow them to understand what the proposal may look like.

7.3 Community consultation by developers will be expected in relation to the following types of development:

- Residential schemes over 100 units;
- Employment and warehouse/distribution schemes over 10,000 square metres;
- Retail schemes totalling over 5,000 square metres;
- Leisure schemes totalling over 2,000 square metres;
- All applications for telecommunication development.

7.4 Any consultation by developers will need to adhere to the same principles that we use ourselves, although we are happy for developers to use a range of methods and techniques to engage with the community. Potential applicants are advised to discuss their proposals for community consultation with the Council beforehand. Their methods could include:

- Identifying and contacting all key stakeholders and members of the community directly or indirectly affected by the proposals;
- Using websites, social media and emails;
- Producing newsletters, leaflets and posters to keep people informed;
- Organising local exhibitions;
- Holding stakeholder workshops and focus groups;
- Informing consultees through local media and specific newsletters;
- Producing a public consultation statement.

7.5 This statement is required to be submitted at the same time as the planning application. The results of the consultation will be reported and taken into consideration in any decisions made by, and on the behalf of, the Council.

8. How we publicise planning applications

Type of development	Statutory Requirements	Additional publicity
<p>Application accompanied by an Environmental Impact Assessment (EIA)</p> <p>Development which is contrary to the provisions of the Local Plan</p> <p>Development affecting a public right of way</p>	<p>Site notice display in at least one place on or near the land to which the application relates for not less than 21 days;</p> <p>and</p> <p>By publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.</p>	<p>Neighbours and properties considered likely to be affected by the proposal notified by letter and given 21 days to respond.</p>
<p>Major development</p>	<p>By site notice display in at least one place on or near the land to which the application relates for not less than 21 days;</p> <p>or</p> <p>By serving the notice on any adjoining owner or occupier;</p> <p>and</p> <p>By publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.</p>	<p>Neighbours and properties considered likely to be affected by the proposal notified by letter and given 21 days to respond.</p>
<p>Minor development/ Householder/ Certificate of Lawful Use</p>	<p>By site display in at least one place on or near the land to which the application relates for not less than 21 days;</p> <p>or</p> <p>By letter to anyone sharing a boundary with the application site.</p>	<p>Neighbours and properties considered likely to be affected by the proposal notified by letter and given 21 days to respond.</p>
<p>Development affecting the setting of a listed building</p>	<p>The Secretary of State may prescribe requirements as to publicity for applications for planning permission in cases where the local planning authority think that the development of land would affect the setting of a listed building.</p>	<p>Advertisement in newspaper;</p> <p>and</p> <p>Site notice;</p> <p>and</p> <p>Neighbours and properties considered likely to be affected by the proposal notified by letter and given 21 days to respond.</p>
<p>Development affecting the character or appearance of a conservation area</p>	<p>The Secretary of State may prescribe requirements as to publicity for applications for planning permission in cases where the local planning authority think that the</p>	<p>Advertisement in a newspaper;</p> <p>and</p> <p>Site notice;</p> <p>and</p> <p>Neighbours and properties considered likely to be affected</p>

	development of land would affect the setting of a listed building.	by the proposal notified by letter and given 21 days to respond.
--	--	--

8.1 As well as the above, we will publish the following on our website:

- The address or location of the proposed development;
- A description of the proposed development;
- The date by which any representations about the application must be made (usually 14 days from the date on which the information is published);
- Where and when the application may be inspected
- How representations may be made about the application
- That, in the case of a householder application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Secretary of State and there will be no opportunity to make further representations.

8.2 Public comments received in relation to publicised planning applications will be taken into consideration by the Council as part of the determination process. Comments must be relevant to planning matters in order to be deemed a material consideration for determination purposes.

Appendix 1: Consultation Groups Involved in Local Plan production

Specific Consultation bodies

The council must involve the following statutory organisations in the Local plan process. These along with the government departments listed below form the specific consultation bodies as defined in the Town and Country Planning (Local Planning) (England) Regulations 2012. These are:

- Environment Agency
- Historic England
- Natural England
- Network Rail
- Secretary of State for Transport
- Highways England
- Hampshire County Council (Strategy, Transport and Planning)
- Adjacent local authorities
- Enterprise M3 (Local Enterprise Partnership)
- Local Nature Partnership
- Civil Aviation Authority
- Clinical Commissioning Groups
- Hampshire Police
- Police and crime commissioner
- Relevant telecommunications companies
- Relevant electricity and gas companies
- Relevant water and sewerage undertakers
- Homes England

General consultation bodies

- Voluntary bodies some or all of whose activities benefit any part of the Borough
- Bodies that represent the interests of different racial, ethnic or national groups in the Borough
- Bodies that represent the interests of different religious groups in the Borough
- Bodies, which represent the interests of disabled persons in the Borough
- Bodies, which represent the interests of persons carrying on business in the Borough.

Duty to co-operate bodies

- Environment Agency
- Historic England
- Natural England
- The Mayor of London
- Civil Aviation Authority

- Homes England
- Clinical Commissioning Groups
- Office of Rail Regulation
- Transport for London
- Hampshire County Council
- Highways England
- Enterprise M3 Local Enterprise Partnership
- Local Nature Partnership

Other Consultees

Many other bodies and individuals are registered on our planning policy database. These have been grouped and include:

- Individual Residents, residents associations, local strategic partnership, community groups, societies and political parties
- Councillors - Local and County
- Local businesses, business associations, chamber of commerce, commercial companies
- Planning Officers in other local authorities, developers, agents, planning consultants, architects, surveyors, landscape architects, housing associations
- Landowners, Estate agents (residential and commercial)
- Disabled groups, public agencies, charity organisations, voluntary organisations, ethic groups, care providers, health providers, leisure groups, minority groups, religious groups, sports bodies, young people, allotments groups, police, older people, faith groups, equalities groups, community support groups.
- Environment, nature and historic groups, Conservation Area Advisory Committees
- Infrastructure providers, schools and education institutes, transport groups
- Members of Parliament
- Government Departments

CABINET

COUNCILLOR MARINA MUNRO
PLANNING AND ECONOMY PORTFOLIO
HOLDER

17 SEPTEMBER 2019

REPORT NO. EPSH1946

KEY DECISION? YES

**ADOPTION OF THE AFFORDABLE HOUSING SUPPLEMENTARY PLANNING
DOCUMENT****SUMMARY AND RECOMMENDATIONS:**

The purpose of the Affordable Housing Supplementary Planning Document (SPD) is to provide further guidance to support the implementation of the affordable housing policy contained in the recently adopted Rushmoor Local Plan and the housing delivery objectives of the Rushmoor Housing and Homelessness Strategy 2017-2022.

A draft version of the Affordable Housing SPD was subject to six weeks public consultation. Following the public consultation minor amendments have been made to the document.

It is recommended that Cabinet, adopt the Affordable Housing Supplementary Planning Document.

1. INTRODUCTION

- 1.1. The purpose of this report is to present to Councillors the Affordable Housing Supplementary Planning Document (SPD) (attached as Appendix A) and recommend that it be adopted. A draft version of the Affordable Housing SPD was subject to six weeks public consultation between the 3 June 2019 and 15 July 2019. A summary of the representations received to the consultation is detailed within the Consultation Statement (attached as Appendix B)
- 1.2. The purpose of the Affordable Housing SPD is to provide further guidance to support the implementation of the affordable housing policy of the Rushmoor Local Plan (Policy LN2: Affordable Housing) and the housing delivery objectives of the Rushmoor Housing and Homelessness Strategy 2017-2022.
- 1.3. Upon adoption the Affordable Housing SPD will supersede the affordable housing guidance (2014).
- 1.4. The adoption of this document is a key decision as it is likely to *be significant in terms of its effects on communities living or working in an area comprising two or more wards within the Borough.*

2. BACKGROUND

- 2.1. The purpose of an SPD is to build upon and provide more detailed advice or guidance on policies contained in an adopted Local Plan. SPDs are a material consideration in decision-making but cannot introduce new planning policies into the development plan or add unnecessarily to the financial burdens on development.
- 2.2. To support the Implementation of Local Plan Policy LN2: Affordable Housing the SPD provides further guidance on:
 - how to undertake early engagement with expertise within the Council
 - how an appropriate mix of affordable units will be calculated
 - the Council's rent setting framework in relation to the Local Housing Allowance
 - procuring a registered provider
 - grant funding available to support affordable housing schemes
 - vacant building credit
 - commuted sums to fund off site affordable housing provision.
- 2.3. The supporting text to Local Plan Policy LN2 (paragraph 10.18) commits the Council to publishing and adopting guidance in the form of an SPD to provide further detail on the type and mix of affordable housing to best meet local needs. The adoption of the Affordable Housing SPD will satisfy this commitment.
- 2.4. A draft version of the Affordable Housing SPD (2019) was subject to six weeks public consultation between the 3 June 2019 and 15 July 2019. During the consultation period 5 responses were received which are detailed in the Consultation Statement (Appendix B). As a result of the consultation responses several changes have been made to the SPD which are summarised below:
 - clarified that the updated National Planning Policy Framework (NPPF) affordable housing definition and policy requirements (such as the expectation that at least 10% of homes to be available for affordable home ownership) applies to planning decisions in the Borough.
 - ensured consistency in the use of terms throughout the document such as subsidised rent (social rent or affordable rent models) and intermediate housing (low cost home ownership).

3. DETAILS OF THE PROPOSAL

- 3.1. The proposal is that Cabinet adopt the Affordable Housing SPD which will supersede the current affordable housing guidance (adopted 2014).

Alternative Option

- 3.2. The alternative option would be not to adopt an Affordable Housing SPD. However, this would mean that the Council will not have published up to date guidance on securing affordable housing delivery, potentially undermining the Council's ability to implement the Affordable Housing policy of the recently adopted Local Plan.

Consultation

- 3.3. The draft Affordable Housing SPD was subject to six weeks public consultation in accordance with the Council's adopted Statement of Community Involvement. A Consultation Statement summarising the responses received is attached as Appendix B.
- 3.4. Officers presented the Affordable Housing SPD to Strategic Housing and Local Plan Group (SHLPG) on 28 August 2019.

4. IMPLICATIONS

Risks

- 4.1. There are not considered to be any risks associated with the implementation of the recommendations of this report.

Legal Implications

- 4.2. There are legal issues to consider in adopting the SPD, specifically satisfying Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply a judicial review of that decision no later than 3 months after the date on which the SPD was adopted.

Financial and Resource Implications

- 4.3. There are not considered to be any financial implications arising from the decision.

Equalities Impact Implications

- 4.4. The adoption of the Affordable Housing SPD is likely to lead to positive equalities implications, as it will ensure that affordable housing provision secured from development meets local needs.

5. CONCLUSIONS

- 5.1 The Rushmoor Local Plan (February 2019) commits the Council to adopting guidance in the form of an SPD to provide further detail on the type and mix of affordable housing to best meet local needs. The adoption of the SPD will provide up to date guidance to support the delivery of the Local Plan and the housing delivery objectives of the Rushmoor Housing and Homelessness Strategy 2017-2022.

BACKGROUND DOCUMENTS:

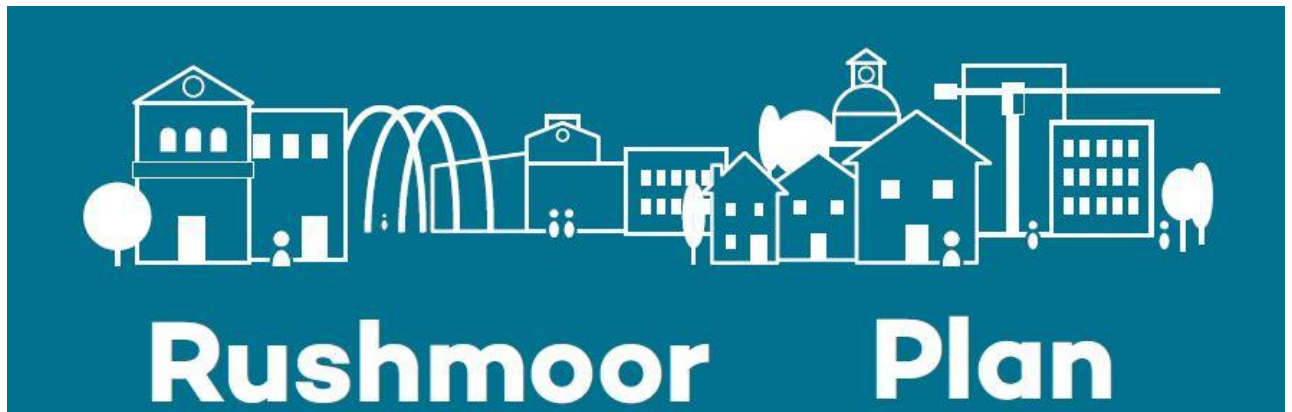
Appendix A – Affordable Housing Supplementary Planning Document.

Appendix B – Affordable Housing SPD Consultation Statement

CONTACT DETAILS:

Report Author – Zoe Paine / zoe.paine@rushmoor.gov.uk / 01252 398687

Head of Service – Tim Mills / tim.mills@rushmoor.gov.uk / 01252 398542



**AFFORDABLE HOUSING SUPPLEMENTARY PLANNING
DOCUMENT**

September 2019

1. Introduction.....	3
What is a Supplementary Planning Document?	3
What is the purpose of this SPD?.....	3
National Policy Context.....	3
Local Policy Context	4
When does this guidance apply?	5
Early Engagement	5
2. Affordable Housing: On Site Provision	6
Mix of affordable units.....	6
Affordability of rented units	7
Procuring a Registered Provider	8
Difficulty Procuring a Registered Provider.....	8
Accessible and Adaptable Homes	9
Internal Space Standards	9
Residential Amenity Space Standards.....	9
Other Design considerations.....	10
3. Affordable Housing Off Site Provision (Commuted Sums)	11
4. Viability	14
Viability Appraisals to justify a departure from Policy LN2	14
Grant Funding	15
Vacant Building Credit.....	15
Glossary.....	17

1. Introduction

What is a Supplementary Planning Document?

- 1.1. A Supplementary Planning Document (SPD) elaborates upon policies in the Development Plan, in this instance the Rushmoor Local Plan 2014-2032¹ (adopted February 2019). SPDs are one of the material considerations that can be taken into account when determining a planning application.
- 1.2. This SPD elaborates upon Local Plan Policy LN2: Affordable Housing and was subject to six weeks public consultation between 3 June 2019 and 15 July 2019 and adopted by the Councils Cabinet on 17 September 2019.

What is the purpose of this SPD?

- 1.3. The purpose of this SPD is to provide further guidance to support the implementation of the affordable housing policies of the Rushmoor Local Plan and housing delivery objectives of the Rushmoor Housing and Homelessness Strategy 2017-2022².
- 1.4. A core purpose of this SPD is to ensure the delivery of affordable housing that meets residents' needs and aspirations, and which supports the delivery of sustainable, inclusive communities.

National Policy Context

- 1.5. Chapter 5 of the National Planning Policy Framework (NPPF), 2019 confirms the importance of significantly boosting the supply of homes and delivering housing needed for different groups in the community, including those who require affordable housing.
- 1.6. Paragraph 62 states that planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
 - a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 1.7. Paragraph 63 states that *'the provision of affordable housing should not be sought for residential developments that are not major developments... To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.'*

¹ <https://www.rushmoor.gov.uk/rushmoorplan>

² <https://www.rushmoor.gov.uk/housingstrategies>

- 1.8. The national planning policy definition of affordable housing is included in the Glossary of the NPPF which is repeated in the Glossary of this document. However, an extract of the definition is provided below:

Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) *Affordable housing for rent*
- b) *Starter homes*
- c) *Discounted market sales housing*
- d) *Other affordable routes to home ownership*

Local Policy Context

- 1.9. To support the provision of the overall level of housing required, and the mix of housing types and tenures, the Council jointly commissioned a Strategic Housing Market Assessment (SHMA)³ with Hart and Surrey Heath councils. The SHMA (2016) identifies a need in Rushmoor for 160 affordable subsidised rented homes per annum (social or affordable rent). In addition, there is a need for 220 intermediate (subsidised home ownership) homes a year.
- 1.10. The SHMA and Local Plan Viability Evidence have informed the Local Plan Affordable Housing Policy (LN2) detailed below:

Policy LN2 - Affordable Housing

The delivery of affordable housing will be supported by requiring developments, subject to site viability, to provide:

- a) *On sites of 11 or more dwellings, a minimum of 30% of dwellings as affordable homes;*
- b) *On sites within Aldershot and Farnborough town centres of 11 or more dwellings, a minimum of 20% of dwellings as affordable homes;*
- c) *A site appropriate mix of dwelling sizes designed to meet local needs, as set out in the SHMA (2016) or any subsequent update;*
- d) *Predominantly subsidised rented affordable housing, in order to best meet local needs as set out in the SHMA (2016) and any subsequent update, with a smaller proportion of intermediate affordable housing, to help create mixed communities;*
- e) *The integration of affordable housing with market housing, unless the development is 100% affordable housing;*

³ <https://www.rushmoor.gov.uk/shlaa>

- f) On sites of 15 or more dwellings, on-site provision of affordable housing, unless there are exceptional circumstances, in which case a commuted sum of equivalent value will be required;*
- g) On sites of 11 to 14 dwellings, either on-site provision of affordable housing or a commuted sum of equivalent value; and*
- h) Subject to site suitability, affordable dwellings to be built to accessible and adaptable standards to meet the requirements of Building Regulations M4(2) and, where evidenced by local need, a proportion of affordable dwellings to be built as wheelchair user dwellings to meet the requirements of Building Regulations M4(3).*
- 1.11. On site affordable housing provision in accordance with Local Plan Policy LN2 will be secured by a Planning Obligation (Section 106 Legal Agreement) unless the developer can demonstrate that the development would be made unviable as a result of the policy requirements or the developer has difficulty procuring a Registered Provider (see paragraphs 2.15-2.17 for further information).
- 1.12. The Rushmoor Housing and Homelessness Strategy 2017-2022⁴(2017) aims to ensure that Rushmoor's residents have access to good-quality homes that are affordable and appropriate to their needs. It identifies the need for housing for different groups and includes actions in relation to the delivery of specialist housing. These groups include those leaving the Army and their families, who have priority status for home ownership schemes and 'local connection' status with any local authority to which they present as homeless, and the Nepali community, many of whom are former Gurkhas and their families who have settled in the Borough. The Council works in partnership with providers to meet the specialist needs of disabled veterans and the older population through the Housing and Homelessness Strategy and to address issues of access to housing.

When does this guidance apply?

- 1.13. This guidance applies to all schemes in the Borough that generate a need to provide affordable housing in accordance with Rushmoor Local Plan Policy LN2 – Affordable Housing.

Early Engagement

- 1.14. We recommend that development proposals be discussed with the Council's Housing Strategy and Enabling Team before a planning application is submitted to identify and resolve any issues at an early stage. The Housing Strategy and Enabling Team can advise on the tenure mix and design of policy compliant schemes, which meet housing need, as

⁴ Housing and Homelessness Strategy <https://www.rushmoor.gov.uk/housingstrategies>

well as capital funding available to support scheme viability. There is no charge for this advice.

- 1.15. In addition, the Council's Development Management Team can provide pre-application planning advice; this is a fee charging service. Further information on pre-application can be found here: <https://www.rushmoor.gov.uk/article/3433/Pre-application-advice>

2. Affordable Housing: On Site Provision

Mix of affordable units

- 2.1. The Local Plan is based on evidence contained in the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (SHMA) 2014-2032. Affordable housing should secure 70% for subsidised rent (social rent or affordable rent models) and 30% for intermediate housing (low cost home ownership). As private market rents are high in Rushmoor compared to local incomes, social rents should be offered wherever possible to support low-income households who live and work in the Borough.
- 2.2. The Local Plan identifies the following house size mix to enable the Council to meet affordable housing need in the longer term:
 - One-bedroom: 30%
 - Two-bedrooms: 30-40%
 - Three or more bedrooms: Around 30%, with 10% sought as 4 bedrooms.
- 2.3. To best meet housing needs, the two-bed requirement should provide a mix of houses and flats. To offer maximum flexibility, two-bed homes should be able to accommodate occupation by four people.
- 2.4. The Council recognises that the full house type mix may not be appropriate on all sites, however, the Council's objective is to secure policy compliant development wherever possible. The developer must evidence where this is not appropriate and consult with the Housing Strategy and Enabling Team before submitting a planning application.
- 2.5. The Local Plan and its supporting evidence base identify that greatest need for affordable homes in the Borough is for social rented properties. Therefore, the starting point for a developer is to assume that tenure mix requirements will be 70% for subsidised rent and 30% for intermediate products (e.g. shared ownership). The National Planning Policy Framework (2019) states that where major development involving the provision of housing is proposed, decisions should expect at least 10% of the homes to be available

for affordable home ownership⁵ as part of the overall affordable housing contribution from the site, unless this would significantly prejudice the ability to meet the identified affordable housing needs of specific groups or where the development is a type that is exempt⁶. However, the exact affordable mix will be dependent upon site-specific circumstances (e.g. site size and location), local needs and viability. All affordable tenures must meet the definitions set out in Annex 2 of the National Planning Policy Framework (repeated in the Glossary of this document).

Affordability of rented units

- 2.6. Affordable homes must be genuinely affordable to those whose incomes do not allow them to rent or buy a home that is suitable for their needs on the open market. Importantly affordable and social rented homes in the Borough must be affordable to the households in the Rushmoor Housing Allocation Pool (those residents who the Council nominates to rented homes). Local income data informs the Council's approach to rent setting.
- 2.7. The measure of affordability that developers should consider when appraising schemes is that rents should not exceed 30% of lower quartile gross household incomes.
- 2.8. Income data can be accessed at www.ons.gov.uk. In addition, income data for those waiting for affordable housing in Rushmoor is available on request from the Housing Strategy and Enabling Team.
- 2.9. The Council's preference is for social rent, wherever possible, Homes England capital grant is available to subsidise the delivery of social rent in Rushmoor (see Section 4 for more details). Social rented units delivered in Rushmoor should be calculated using the National Guidance on Rents available at www.gov.uk/government/publications/guidance-on-rents-for-social-housing
- 2.10. Where Affordable Rents are used the Councils preferred rent-setting framework is:
 - One-, two- and three-bed properties: 70% of the open market rent or the Local Housing Allowance, whichever is the lower;
 - Four- and five-bedroom properties: 65% of open market rent or the Local Housing Allowance, whichever is the lower;
 - A rent cap in the region of £250 per week for a four-bed property;
 - Other such rents as agreed with the Council.

⁵ Affordable home ownership includes starter homes, discounted market sale housing, and other affordable routes to home ownership (including shared ownership and shared equity), as set out in Annex 2 of the NPPF.

⁶ NPPF (February 2019), Paragraph 64 provides further detail on the exemptions

- 2.11. Local Housing Allowance rates are available at:
<https://www.rushmoor.gov.uk/article/3079/Local-Housing-Allowance-LHA-for-private-tenants>

Procuring a Registered Provider

- 2.12. Registered Providers own and / or manage the affordable housing stock (social rent and shared ownership) in the Borough. Therefore, early engagement with Registered Providers (RPs) that operate in the Borough is actively encouraged as this will potentially reduce design related issues with the dwellings, but also in the longer-term early engagement of an RP could result in reduced management costs to future residents. The Council's Housing Strategy and Enabling Team maintain a list of RP partners that are active in the Borough, which can be provided upon request.
- 2.13. Once a Registered Provider has been secured for a development, the Council will enter into a nomination agreement with them. This is a contract, which allows the Council to nominate those in housing need to affordable homes as they become available.
- 2.14. It is important to note that Registered Providers let their properties in accordance with their own tenancy policies. However, the Borough Council encourages RPs to take account of the Council's Tenancy Strategy⁷ when setting their policies.

Difficulty Procuring a Registered Provider

- 2.15. The Council recognise that for some development, particularly on smaller sites, a situation may arise where the developer is unable to fulfil the affordable housing obligations as, despite all reasonable efforts, no Registered Provider (RP) is willing to procure the affordable dwellings. This may be due to a number of factors, such as the tenure proposed does not fit the RPs business model or the financial offer submitted by the RP may not cover the developers reasonable build costs.
- 2.16. In these circumstances and where provision has been made within the Section 106 legal agreement the developer may apply to the Council to commute onsite provision of affordable housing to a financial sum. The Council will need to be satisfied that the developer has made all reasonable efforts to dispose of the affordable housing to an RP and they will be required to evidence details of any offers received from RPs or correspondence with RPs. This may also include financial information on the sum the developer is seeking for the affordable dwellings to ensure that cost is not the overriding factor in the failure to procure an RP.

⁷ www.rushmoor.gov.uk/housingstrategies

- 2.17. If the Council agrees, the affordable housing obligations may be commuted to a financial payment to fund off site provision (see below). However, it is important to note that the Council's priority remains the provision of affordable housing on the application site and this cascade to a financial sum is the last resort. Before considering requests, the Council will first explore with the developer whether an amended affordable housing scheme, including changes to the number, type, tenure and location within the site, will make on site provision possible.

Accessible and Adaptable Homes

- 2.18. Rushmoor Local Plan Policy LN2 (criteria h) requires affordable housing to be accessible and adaptable standards to meet the requirements of the Building Regulations M4(2), unless the site is unsuitable. This is to support the ageing population and the specific needs of people with mobility problems.
- 2.19. In addition, where evidenced by local need, a proportion of affordable dwellings should be built as wheelchair-user homes to meet the requirements of Building Regulations M4(3). The Housing Strategy and Enabling Team can advise on the level of need.
- 2.20. Standards for accessible and adaptable homes are contained within Building Regulations Approved Document M: Volume 1 (2015). This is available online at: <https://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m>

Internal Space Standards

- 2.21. To achieve a satisfactory living environment, homes should meet the internal space standards set out in Local Plan Policy DE2 – Residential Internal Space Standards. These standards reflect the nationally described space standard, which was published by the government in 2015.

Residential Amenity Space Standards

- 2.22. Access to outside green space is important to people's health and well-being, particularly children. To achieve a satisfactory living environment, homes should meet the standards set out in Local Plan Policy DE3 – Residential Amenity Standards.
- 2.23. Amenity space can be in the form of private or communal gardens, balconies, and/or roof terraces. The minimum requirements for private outdoor space are:
- Flatted development: a balcony of a 5 sq m which is accessible from the main habitable room
 - 1 or 2 bed houses: 15 sq m garden

- Residential units of Two bedrooms or more: 30 sq m garden space

2.24. For flatted developments, if it is not possible to provide external balconies, Juliet balconies with compensating internal space in the living area may be acceptable. Ideally, balconies should have enclosures that are safe, offer some degree of privacy, and be robust enough to take clothes-drying equipment and furniture.

Other Design considerations

2.25. Housing design must be genuinely tenure blind, therefore affordable and market dwellings must be completely indistinguishable across the different tenures. It is preferable if affordable units are dispersed throughout the development.

2.26. The Council has analysed the outcome of new-build affordable housing schemes in the borough, and it is our view that consideration of the issues set below can reduce housing management issues in completed properties. The council therefore requires:

- Circulation space near the entrance to allow space to accommodate outside items, such as prams, umbrellas, coats and shoes.
- Direct entry from the outside into a living room should be avoided.
- Clear circulation space provided in bathrooms, that meet (or preferably exceed) the standards set in Optional technical Standard M4(2) of building regulations. This will allow properties to be used by a wide range of occupiers, including those with mobility problems.
- In larger homes, careful thought should be given when designing open-plan living and dining and kitchen areas, taking into account the number of potential occupiers and the need for some quiet space.
- All rooms, except internal bathrooms, should have natural light.
- Double and twin bedrooms must be capable of being used interchangeably to reflect the occupancy rates expected of affordable housing. A minimum width of 2.75 metres allows this to be achieved.
- Layouts should be planned so that the effect of noise from adjoining properties is minimised in sound-sensitive rooms (for example, bedrooms).

2.27. In addition, lack of internal and external storage space is frequently identified as an issue in new dwellings. The provision of internal built-in storage space in excess of the nationally described space standard will therefore always be welcomed.

2.28. Good design can incorporate bin storage into a scheme so that bins are easily accessed from the home but do not harm the appearance of the development. Arrangements that require rubbish to be taken through the home should be avoided. Consideration should be given to the size of the bin stores and how bins will be collected. Further information is available online at: www.rushmoor.gov.uk/article/3434/Rubbish-and-recycling-bins-at-new-or-converted-properties

High-density developments (flats)

- 2.29. Although high density usually results in the development of flats, concentrations of similar housing types should be avoided, and developers should aim to provide a mix of housing types wherever possible, although it is acknowledged that site specific factors (such as location) will influence the type and density of residential units provided.
- 2.30. To enable the effective management of residential buildings containing flats, the number of units served by a single entrance should be limited. The Council and its partners have found that no more than 12 units served by a single entrance point works well.

3. Affordable Housing Off Site Provision (Commuted Sums)

- 3.1. Local Plan Policy LN2 enables the use of commuted sums (a financial contribution) towards off site affordable housing provision for schemes of between 11 and 14 dwellings or schemes greater than 15 units in exceptional circumstances.
- 3.2. The Council's preference is to deliver affordable housing units on-site. As noted above, in exceptional circumstances, the Council may agree that the local housing need can best be met by a financial contribution for off-site provision.
- 3.3. The financial contribution will be calculated using the following formula:

$$\text{Gross Development Value (with 100\% market housing)} - \text{Gross Development Value (with 30\% affordable housing)}$$

In Aldershot and Farnborough Town Centres, the financial contribution will be calculated as follows:

$$\text{Gross Development Value (with 100\% market housing)} - \text{Gross Development Value (with 20\% affordable housing)}$$

Note: that the calculation of Gross Development Value with affordable housing should be based on 70% subsidised rented and 30% intermediate tenure.

- 3.4. It is important to note that the developer will be asked to provide financial appraisals to support the inputs / assumptions for determining the financial contribution. The Council will submit this appraisal for an independent financial assessment, with the costs borne by the developer. All commuted sum funding received is ring-fenced for affordable housing delivery.
- 3.5. A worked example of how to calculate commuted sums is shown below for a 160 unit residential scheme in a part of the Borough where the 30% affordable housing requirement applies is set out overleaf:

Step 1 - Calculate Gross Development Value of the scheme with 100% market housing as shown below:

Dwelling Type	Number of units	Open Market Value Per Unit	GDV per dwelling unit type
1 bedroom	38	£230,000	£8,740,000
2 Bedroom	42	£300,000	£12,600,000
3 bedroom	80	£400,000	£32,000,000
			£53,340,000

Step 2 – Calculate the number of affordable units by dwelling type required by Local Plan Policy DE2 with a split of 70% Subsidised Rent and 30% Intermediate.

Dwelling Type	Total Number of units	Total Number of affordable units (30%)	Subsidised Rent units	Intermediate units
1 bedroom	38	11	8	3
2 Bedroom	42	13	9	4
3 bedroom	80	24	17	7
	160	48	34	14

Step 3 – Calculate the Development Value of the Affordable Housing units on the assumption that subsidised rented units are valued at 45% of the Open Market Value (OMV) and Intermediate units are valued at 35% of the OMV.

Dwelling Type	Open Market value	Subsidised Rent Value (45% OMV)	Intermediate Value (35% OMV)
1 bedroom	£230,000	£103,500	£80,500
2 Bedroom	£300,000	£135,000	£105,000
3 bedroom	£400,000	£180,000	£140,000

Step 4: Calculate the Gross Development Value of a policy compliant scheme using the four steps below:

a) Market Homes (70%)

Dwelling Type	Market Units	Market Value	Total value
1 bedroom	27	£230,000	£6,210,000
2 Bedroom	29	£300,000	£8,700,000
3 bedroom	56	£400,000	£22,400,000
			£37,310,000

b) Subsidised rented units

Dwelling Type	Number of subsidised rent units	Subsidised rent units value	Subsidised Rented total value
1 bedroom	8	£103,500	£828,000
2 Bedroom	9	£135,000	£1,215,000
3 bedroom	17	£180,000	£3,060,000
			£5,103,000

c) Intermediate units

Dwelling Type	Number of intermediate units	Intermediate rent units value	Intermediate total value
1 bedroom	3	£80,500	£241,500
2 Bedroom	4	£105,000	£420,000
3 bedroom	7	£140,000	£980,000
			£1,641,500

d) GDV of policy compliant scheme = £44,054,500 (£37,310,000+£5,103,000+£1,641,500)

Step 5 – Calculate Commuted sum

Gross Development Value (with 100% market housing) – Gross Development Value (with 30% affordable housing)

£53,340,000 (Step 1 output) – £44,054,500 (Step 4 output) = **commuted sum £9,285,500**

4. Viability

Viability Appraisals to justify a departure from Policy LN2

- 4.1. The Local Plan is supported by Evidence base including the Local Plan and Community Infrastructure Levy Economic Viability Study (2017)⁸ that has considered the effect of the requirements in the Local Plan to ensure that the combined total impact of such requirements does not threaten the viability of the sites and scale of development identified in the development plan.
- 4.2. Where schemes do not meet the policy requirements for potential viability reasons (such as those set out in Policy LN2: Affordable Housing), the Council will require applicants to submit an open book viability assessment in line with [government guidance](#) as part of the planning application submission. It is important to note that this information will be made available in the public domain. In such cases, the Council will commission an independent review of the viability assessment, the cost of which should be met by the applicant.
- 4.3. Where the viability case is supported by the independent review and the Council accepts that meeting the full affordable housing requirement makes the scheme unviable, flexible arrangements relating to the timing and level of planning obligations may be considered if the scheme would otherwise not be able to proceed.
- 4.4. A Financial Viability Assessment (FVA) is only current at the time it is prepared. Financial viability will vary over time with the changing economic and property markets. Therefore the council will require viability review mechanisms through s106 agreements where policy requirements are not met in full at the time permission is granted.
- 4.5. On large sites that are expected to be built out over a period of time or in phases, viability may need to be re-assessed at different points (such as prior to the commencement of each phase). In order to ensure that appropriate affordable housing provision is secured in circumstances where there is a change in viability of a development scheme during its implementation, the associated Section 106 agreement will contain a requirement for re-assessment at later stages in its construction. The Council would expect that all large

⁸ <https://www.rushmoor.gov.uk/article/10136/Background-evidence-on-viability>

developments including residential development would include at least an out turn retest 75% of the way through the development to compare actual costs and values with those assessed at the application stage and that if viability has improved, for additional affordable housing to be provided on site wherever possible, and an in lieu contribution to off site affordable housing otherwise

Grant Funding

- 4.6. The Council may be able to provide capital grant funding in support of affordable housing schemes. Affordable housing must therefore comply with the space standards; these standards also ensure development meets the grant conditions of Homes England. In addition, each scheme must also:
- Meet the standards set out in this SPD;
 - Provide homes for rent that comply with the Council's rent-setting formula (see paragraph 2.10);
 - Provide the Council with nomination rights;
 - Provide an opportunity for chain lettings; and
 - In the case of shared ownership, offer additional units to the shared ownership requirement of an s106 agreement or offer a return to the Council in the form of a ground rent or a share in capital growth.
- 4.7. To assist with the pre-application process, the Council has an online pre-application checklist. This can be found at:
www.rushmoor.gov.uk/article/3433/pre-application-advice-for-developers

Vacant Building Credit

- 4.8. The National Planning Policy Framework (NPPF) (paragraph 63) provides an incentive for brownfield development on sites containing vacant buildings. National Planning Practice Guidance⁹ (NPPG) requires that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.
- 4.9. The Local Plan acknowledges that the Vacant Building credit is intended to incentivise brownfield development on sites with empty or redundant buildings, and that if applicable a 'credit' should be then applied which is the equivalent of the gross

⁹ NPPG Paragraph: 021 Reference ID: 23b-021-20160519 <https://www.gov.uk/guidance/planning-obligations>

floorspace of any relevant vacant buildings being brought back into use (converted) or demolished.

4.10. The Local Plan makes it clear that in considering Vacant Building Credit applications, the Council will have regard to the national policy, which is to incentivise brownfield redevelopment and not simply to reduce the affordable housing requirement of schemes that would have come forward anyway. Sites allocated for development within the Local Plan in Aldershot and Farnborough Town Centres may not be eligible for Vacant Building Credit, as the Affordable Housing requirements have already been reduced in these locations to reflect the higher costs associated with redeveloping brownfield land.

4.11. It is important to note that the vacant building credit does not apply to buildings that have been abandoned. The Council will determine on a case by case basis whether building is vacant or abandoned. As a general principal to qualify for the vacant building credit a building should be vacant at the time a planning application is registered. The credit is only applicable to relevant vacant buildings; the Council will not accept for example sheds and non-permanent buildings for the purposes of vacant building credit.

4.12. In instances where the Council considers that a proposed development qualifies for Vacant Building Credit, the following formula should be used for schemes providing on-site affordable housing provision:

Step 1 - Calculate the number of dwellings that should be provided as affordable housing on a given site in accordance with Local Plan Policy LN2: Affordable Housing

Step 2 - Calculate as a proportion, the extent of existing floorspace compared against the proposed floorspace.

Step 3 - Make a deduction to the number of affordable dwellings to be provided based on the proportion identified at Step 2.

4.13. This will be calculated by the formula $RAH = AH - (AD \times E / P)$ where:

RAH = Revised number of affordable housing units to be provided

AH = Expected number of affordable housing units to be provided prior to application of credit in accordance with Local Plan Policy LN2

E = Existing floorspace to be demolished

P = Proposed floorspace to be created

Glossary

Affordable Housing (National Planning Policy Framework 2019 definition): housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Chain Lettings: Chain letting is an important approach in managing and securing the best use of affordable housing. It ensures that as many tenants as possible are housed in accommodation that is suitable for their needs and encourages mobility of tenants into the right sized home.

For example:

A housing association tenant currently under-occupying moves into a new build one-bed property releasing their property to house an overcrowded household. The smaller property

released by the overcrowded household can be allocated as a management move to another household OR be used to house an applicant in the housing allocation pool and so on. Using this approach can achieve several right sizing moves through a single new build property.

Intermediate Housing: Homes for sale and rent provided at a cost above social rent but below market levels. They can include shared equity (shared ownership and equity loans), other low-cost homes for sale and intermediate rent, but not affordable rented housing.

Nomination Rights: Allow the local authority to send referrals (nominations) to RPs to fill a certain percentage of their vacant at the beginning of a new development and as vacancies arise (re lets). Households or individuals nominated must come from the council's allocations scheme. Nomination Rights are relevant for both rented and intermediate tenures.

Registered Providers: Government-funded not-for-profit organisations that provide affordable housing. They include housing associations, trusts and co-operatives. They work with local authorities to provide homes for people who meet the affordable homes criteria. As well as developing land and building homes, they undertake a landlord function by maintaining properties and collecting rent.

Social rented Housing: Owned by local authorities and private registered providers, as defined in Section 80 of the Housing and Regeneration Act 2008, for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental agreements to the above, as agreed with the local authority or with the Homes and Communities Agency (HCA).

Strategic Housing Market Assessment: An evidence base document that:

- Estimates housing need and demand in terms of affordable and market housing
- Determines how the distribution of need and demand varies across the Hart, Rushmoor and Surrey Heath Housing Market Area; and
- Consider future demographic trends and identify the accommodation requirements of specific groups.

The Rushmoor Plan: Affordable Housing Supplementary Planning Document (SPD)

Consultation Statement

Regulation 12 Town and Country Planning (Local Development) (England) Regulations 2012

Persons consulted when preparing the supplementary planning document

The Draft Affordable Housing SPD was subject to public consultation for a period of 6 weeks between 3 June 2019 and 15 July 2019. Copies of the draft document and supporting information (namely a Strategic Environmental Assessment Determination and the Statement of Matters and Availability (see Appendix 1)) were made available to view at the following locations during opening hours:

- Rushmoor Borough Council Offices
- Aldershot Library
- Farnborough Library

The SPD and supporting information was also made available to view online at <https://www.rushmoor.gov.uk/planningpolicyconsultations> (see Appendix 2) and also promoted on the Council's homepage (Appendix 3) and Planning service homepage (Appendix 4).

Representations were invited via post or via email.

Consultation emails

The Council notified all registered members on the Rushmoor Local Plan consultation database. The database covers a wide range of stakeholders including local residents, businesses, statutory bodies such as English Heritage and civic groups such as the Farnborough Society and Aldershot Civic Society. In total, there are approximately 900 contacts on the database. All members were contacted via email (see Appendix 5).

Documents available on the Council's website

Copies of the draft SPD and the Strategic Environmental Assessment Determination were made available to view/download on the Council's website at <https://www.rushmoor.gov.uk/planningpolicyconsultations>

Summary of the main issues raised by those persons

A total of five individuals and organisations responded to the draft SPD. The comments made are set out in full in the schedule attached as Appendix 6.

There was general support for the SPD with recognition that truly affordable homes can help to reduce inequalities and support broader health, social and economic benefits. In addition, support was expressed for the affordable homes to be tenure blind, although it was expressed that the requirement for even dispersal of affordable units across the site to be strengthened.

Concern was expressed that the recently adopted Local Plan is based on the 2012 NPPF and a SHMA published in 2016. As a result, neither relate to the revised version of the NPPF and specifically the definitions of affordable housing now set out in Annex 2.

A respondent suggests that the Council should consider producing a SHMA addendum, considering the extent of needs for affordable rent to buy, and how the SPD can better implement Policy LN2 in the context of the updated NPPF.

How those issues have been addressed in the supplementary planning document

The Officer comments relating to these concerns and how they have been addressed in the final version of the SPD can be found in Appendix 6.

Appendix 1 Statement of SPD Matters and Availability



Draft Affordable Housing Supplementary Planning Document (SPD)

Statement of SPD Matters and Availability

Regulation 12 Town and Country Planning (Local Development) (England) Regulations 2012
(as amended)

Title: Draft Affordable Housing Supplementary Planning Document (SPD)

Area Covered: Rushmoor Borough

Subject Matter: The Affordable Housing SPD seeks to provide further guidance to support the implementation of the affordable housing policy of the Rushmoor Local Plan (Policy LN2: Affordable Housing) and the housing delivery objectives of the Rushmoor Housing and Homelessness Strategy 2017-2022.

Representation Period: 03 June 2019 – 5pm 15 July 2019

Copies of the draft documents and the supporting information are available to view at:

- **Rushmoor Borough Council Offices** between 8:30am and 5pm Monday to Thursday, and between 8:30am and 4:30pm Friday
- **Aldershot Library**, 109 High Street, Aldershot, Hampshire GU11 1DQ at the following times:
 - Monday to Wednesday - 9.00am - 5pm
 - Thursday 9.00am - 7pm
 - Friday and Saturday 9.00am - 5pm
- **Farnborough Library**, Pinehurst, Farnborough, GU14 7JZ at the following times:
 - Monday to Thursday - 9.30am - 6pm
 - Friday - 9.30am - 7pm
 - Saturday 9.30am - 5pm
- **Online** at www.rushmoor.gov.uk/planningpolicyconsultations

Representations to be sent to:

Planning Policy, Rushmoor Borough Council, Council Offices, Farnborough Road,
Farnborough, Hants GU14 7JU

Or by email to planningpolicy@rushmoor.gov.uk

Adoption Notification: If you wish to be notified of the adoption of this SPD, please request this as part of your submissions.

Appendix 2 Planning Policy Consultations webpage

You are in Planning
Planning policies
The Rushmoor Local Plan
Supplementary planning documents and advice notes
Get involved in developing our planning policies
Statement of Community Involvement
Planning policy consultations
Community Infrastructure Levy and planning obligations
National, regional and county planning policy documents
Neighbourhood planning
Former local plans and policies

Planning policy consultations




We are consulting on the Draft Affordable Housing Supplementary Planning Document (SPD) and the Draft Statement of Community Involvement (SCI).

Current consultations

Draft Affordable Housing Supplementary Planning Document (SPD)

The purpose of the Draft Affordable Housing SPD is to provide further guidance to support the implementation of the affordable housing policy of the recently adopted Rushmoor Local Plan (Policy LN2: Affordable Housing) and the housing delivery objectives of the Rushmoor Housing and Homelessness Strategy 2017-2022.

You can read the The draft Affordable Housing SPD, Statement of Matters and Availability, and Strategic Environmental Assessment (SEA) Screening Assessment / Habitats Regulations Assessment (HRA) Screening Assessment below.

-  [Affordable Housing SPD - Consultation Draft \[729kb\]](#)
-  [Affordable Housing SPD - Statement of Matters and Availability \[151kb\]](#)
-  [Affordable Housing SPD - SEA HRA Screening \[322kb\]](#)

Draft Statement of Community Involvement (SCI)

The production of a Statement of Community Involvement (SCI) is a legal requirement and its purpose is to set out how people and groups can engage with the planning system in the best way.

Following the adoption of the Rushmoor Local Plan, we have produced a consultation draft SCI (2019), which you can read below:

-  [Draft Statement of Community Involvement 2019 \[855kb\]](#)
-  [SCI 2019 - Statement of Availability \[150kb\]](#)

Upon adoption, the Statement of Community Involvement (2019) will supersede the current SCI (2013).

Have your say

You will need to send your comments on the draft documents to us by using one of the methods below.

Email

planningpolicy@rushmoor.gov.uk

Post

Planning Policy
Rushmoor Borough Council
Council Offices
Farnborough Road
Farnborough
Hampshire
GU14 7JU

The closing date for both of the consultations is 5pm on Monday 15 July.

Related documents

-  [Affordable Housing SPD - Consultation Draft \[729kb\]](#)
-  [Affordable Housing SPD - Statement of Matters and Availability \[151kb\]](#)
-  [Affordable Housing SPD - SEA HRA Screening \[322kb\]](#)
-  [Draft Statement of Community Involvement 2019 \[855kb\]](#)
-  [SCI 2019 - Statement of Availability \[150kb\]](#)

[▶ Help with PDF documents](#)

Contacts

Planning policy

planningpolicy@rushmoor.gov.uk

Tel: 01252 398735

[▶ View full details](#)

Share this page

 Facebook

 Twitter

 LinkedIn

 Reddit

 Tumblr

Appendix 3 Council homepage

The screenshot shows the Rushmoor Borough Council website in a browser. The address bar displays 'https://www.rushmoor.gov.uk/home'. The page features a dark blue header with the council's logo and navigation links. A search bar is located in the top right corner. Below the header is a horizontal menu with categories such as Home, Your Council, Environment, Planning, Housing and Benefits, Community and Leisure, Business and Licensing, Travel and Parking, Health and Support, Education, and About Rushmoor.

Planning policy consultations

Have your say on planning policies about affordable housing and community involvement.

► Read more about Planning policy consultations

The banner includes a photograph of a public consultation display with various informational panels and a printer. Below the main text are four colored buttons: Aldershot Lido (pink), Planning policy consultations (blue), Our parks and open spaces (orange), and Aldershot and Farnborough (green).

Latest news

Zero tolerance on littering leads to expensive court date for Farnborough man

A Farnborough man has been ordered by the courts to pay ...

Antisocial behaviour must stop

Unreasonable antisocial behaviour caused by a few ...

► See all news stories

In my area

Please enter your details below to find information about your area

Enter house number

Enter postcode

► Don't know your postcode?



Do it online

Pay for it	Council tax	Parking fine	Planning fees
	Apply for it		
Report it	Garden waste recycling	Business rates	Invoices

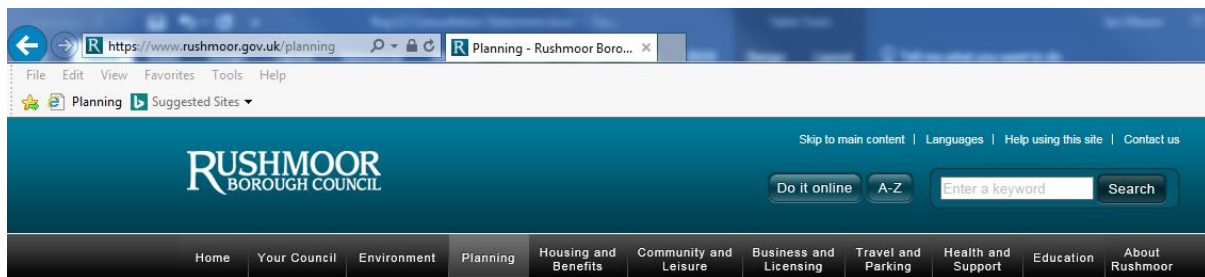
► See all online services

Top tasks

- Bin collections
- Planning
- Looking for a home
- Council tax
- Leisure facilities
- Registering to vote
- Jobs
- नेपालीमा जानकारी

Contact us

Appendix 4 Main Planning Service Webpage



[Home](#) > [Planning](#)

Planning policy consultations

Have your say on planning policies about affordable housing and community involvement.

[Read more about Planning policy consultations](#)



[Planning policy consultations](#)

[Recent planning applications](#)

[Do I need permission?](#)

[Public notice advertising](#)



Do I need planning permission?

Find out if you need planning permission for building work, household projects and larger home extensions.



Planning applications

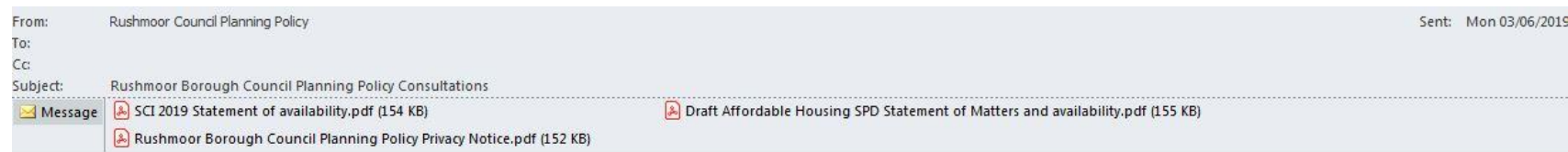
Find out about, and apply for, planning permission, search and view planning applications and decisions and make appeals.

Planning

In this section, you will find details about planning applications - including how to apply for planning permission and how to find out about applications - and building control.

You can also find out about our planning policies, Farnborough Airport, conservation areas, listed buildings and protected trees.

Appendix 5 Email to Consultees



Dear Sir / Madam,

We are contacting you as you have previously asked to be notified of planning policy consultations undertaken by Rushmoor Borough Council.

Current Planning Policy Consultations

The Council is currently consulting on the following planning policy documents for a period of six weeks:

- Draft Affordable Housing Supplementary Planning Document
- Draft Statement of Community Involvement (2019)

Details of where the documents can be viewed and how to respond can be found in the attached documents. Comments should be received by **5pm on Monday 15 July 2019**.

Future notifications

Following the adoption of the [Rushmoor Local Plan](#) on the 21st February 2019, we are also contacting you to confirm that you still wish to be kept informed of planning policy consultations undertaken by Rushmoor Borough Council. Please find attached our Privacy Notice of how we will use your information.

If you wish to remain on our planning policy consultation mailing list, please respond to this email by 5pm Monday 15 July 2019. If you do not contact us by this date, your details will be removed from our mailing list.

Regards

Planning Policy and Conservation Team
Council Offices
Farnborough Road
Farnborough
Hampshire
GU14 7JU

Appendix 6 Draft Affordable Housing Supplementary Planning Document – Consultation Responses and Officer Comments

Respondent	Response	Officer Comment
East Hampshire District Council	Thank you for consulting East Hampshire District Council. Officers have assessed the document and have no comments to make.	Comments noted.
Hampshire County Council – Public Health	<p>Truly affordable homes can help to reduce inequalities and support broader health, social and economic benefits. We therefore welcome and strongly support the proposed Affordable Housing SPD. We specifically note and support the following, with our additional recommendations added where relevant:</p> <ul style="list-style-type: none"> • Mix of affordable units – especially the requirement for two-bedroom homes to be able to accommodate up to four people to aid greater flexibility and the requirement for a tenure mix of 70% for social rent and 30% for intermediate products, as we believe that socially rented homes will benefit the most vulnerable in Rushmoor. • Affordability of rented units – we note and support the inclusion of a definition of “affordability” • Procuring a Registered Provider – we note and support the recommendation that developers embark on early engagement with registered social housing providers. We would also welcome a requirement that developers involve social housing providers in the earliest design stages so that innovative options for land use can be explored. A good example of this is Whitehill & Bordon Healthy New Town, where early engagement with the RP (Radian) resulted in the development of a 	<p>Support noted.</p> <p>It is not usually feasible for Registered Providers to be involved in the design stages of a development. However, we would be supportive of such an approach being taken for strategic residential led schemes that will deliver a mix of dwellings.</p>

Respondent	Response	Officer Comment
	<p>community café, operated by the RP, which is run for community benefit and incorporates a range of community uses.</p> <ul style="list-style-type: none"> • Accessible and Adaptable Homes - we note and support the requirements for affordable homes to be built to Building Regulations M4(2) • Internal Space Standards - we support the requirement for homes to be built to nationally described standards. There is good evidence that adequate space benefits health and wellbeing, not least through prevention of overcrowding. • Residential Amenity Space Standards - we support the requirement for affordable homes to meet the same residential amenity standards and those designed for private sale/rent. <p>Other Design considerations - we support the requirement for affordable homes to be built “tenure-blind”. We would like to see the requirement for even dispersal across a site to be strengthened. We also welcome and support the range of requirements outlined in points 3.26, 3.27 and 3.28 of the draft SPD.</p> <p>We question whether the SPD should include reference to existing policy on car parking. We would also like to see requirements for secure, covered cycle parking for all</p>	<p>Even dispersal is not always possible to disperse affordable units within a development and for management reasons such an approach may not be supported by Registered Providers. It is for this reason that the SPD states that ‘it is preferable if affordable units are dispersed throughout the development’.</p> <p>Appendix A of the Councils Car and Cycle parking standards Supplementary Planning Document (2017) sets out the parking standards that apply to residential dwellings. Principle 18 of the SPD states that ‘parking for cycles must be</p>

Respondent	Response	Officer Comment
	affordable homes, especially for flats, to avoid the storage of bicycles in hallways or on balconies.	secure, weather proof and accessible' with paragraphs 8.2 to 8.6 providing further guidance.
Historic England	We have no comments to make on the proposed SPD in historic environment terms. If any specific heritage issues arise as a result of the consultation, please not hesitate to contact us.	Noted
Natural England	Whilst we welcome the opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interest to any significant extant. We therefore do not wish to comment.	Noted
Tetlow King Planning (on behalf of Rentplus UK Ltd)	<p>The recently adopted Local Plan is based on the 2012 NPPF and a SHMA published in 2016. As a result, neither relate to the revised version of the NPPF and specifically the definitions of affordable housing now set out in Annex 2.</p> <p>The Local Plan states that a large proportion of intermediate (subsidised home ownership) housing is met through the private rented sector, but as agreed by PRS cannot truly meet needs due to inherent insecurity and myriad quality issues.</p> <p>The introduction of rent to buy in the national definition of affordable housing brings with it a recognition that many of those families previously assessed as requiring affordable rented housing may also have their needs met through rent to buy.</p>	<p>To ensure consistency with the updated NPPF, paragraph 2.1 (previously 3.1) of the SPD has been amended to state:</p> <p><i>The Local Plan is based on evidence contained in the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (SHMA) 2014-2032. Affordable housing should secure 70% for <u>subsidised rent (social rent or affordable rent models)</u> and 30% for intermediate housing (<u>low cost home ownership</u>). As private market rents are high in Rushmoor compared to local incomes, social rents should be offered wherever possible to support low-income households who live and work in the Borough.</i></p>

Respondent	Response	Officer Comment
	<p>We note the text at para 3.6 which seeks affordable rented housing that is genuinely affordable to local people – Rentplus homes are specifically tailored to meet local affordability constraints, working directly with each planning authority to set rent levels that meet local needs.</p> <p>We recommend that the Council seek an additional review of local affordability and how tenures such as rent to buy can help meet the full range of local housing needs.</p>	<p>To ensure greater consistency with the updated NPPF, paragraph 2.5 (previously 3.5) of the SPD has been amended to state:</p> <p><i>The Local Plan and its supporting evidence base identify that greatest need for affordable homes in the Borough is for social rented properties. Therefore, the starting point for a developer is to assume that tenure mix requirements will be 70% for <u>subsidised rent</u> and 30% for intermediate products (e.g. shared ownership). <u>The National Planning Policy Framework (2019) states that where major development involving the provision of housing is proposed, decisions should expect at least 10% of the homes to be available for affordable home ownership¹ as part of the overall affordable housing contribution from the site, unless this would significantly prejudice the ability to meet the identified affordable housing needs of specific groups or where the development is a type that is exempt². However, the exact affordable mix will be dependent upon site-specific circumstances (e.g. site size and location), local needs and viability. <u>All affordable tenures must meet the definitions set</u></u></i></p>

¹ Affordable home ownership includes starter homes, discounted market sale housing, and other affordable routes to home ownership (including shared ownership and shared equity), as set out in Annex 2 of the NPPF.

² NPPF (February 2019), Paragraph 64 provides further detail on the exemptions

Respondent	Response	Officer Comment
	<p>The (Local) Plan is not considered out-of-date simply because it does not reflect the tenures in the revised NPPF, but it is important for this SPD guidance to reflect the widened definition, as demonstrated in a recent appeal decision.</p> <p>We ask that the Council seek to produce a SHMA addendum, considering the extent of needs for affordable rent to buy, and how the SPD can better implement Policy LN2 in the context of the NPPF. The emphasis on meeting local affordable needs for rented accommodation can be met through a combination of social rent, affordable rent and affordable rent to buy, providing clear choice to local people.</p> <p>Text elsewhere in the SPD on ‘intermediate’ affordable housing should be updated, as the term is now almost obsolete – the NPPF no longer refers to home ownership options in this way, and continued use of the term will cause confusion and uncertainty for developers over the long term.</p>	<p><u>out in Annex 2 of the National Planning Policy Framework (repeated in the Glossary of this document).</u></p> <p>The Local Plan was recently examined and found to be sound by a planning inspector. The plan was subsequently adopted by the Council in February 2019. It is important to note that SPDs can not conflict with the Local Plan.</p> <p>The Council will update its housing evidence base to support a future review of the Local Plan.</p> <p>Changes to paragraphs 2.1 and 2.5 detailed above address this issue.</p>

CABINET

COUNCILLOR MARINA MUNRO
PLANNING AND ECONOMY
PORTFOLIO HOLDER
REPORT NO. EPSH1943

17 SEPTEMBER 2019

KEY DECISION? NO

**ARTICLE 4 DIRECTIONS AT CHURCH CIRCLE (FARNBOROUGH) AND
PINWOOD PARK (FARNBOROUGH)**

SUMMARY AND RECOMMENDATIONS:

Cabinet previously approved the making of an immediate Article 4 Direction to withdraw certain permitted development rights from several properties at Church Circle in Farnborough, which forms part of the South Farnborough conservation area. This report seeks Cabinet's approval to 'confirm' the Article 4 Direction. If it is not confirmed, the Direction will expire in early January 2020, with the consequence that the permitted development rights could undermine the area's character and appearance.

This report also seeks Cabinet's approval to cancel an Article 4 Direction which withdraws a number of permitted development rights from properties at Pinewood Park in Farnborough. The Direction has been in force since the late 1970s but is no longer considered to be serving a useful purpose. National planning policy advises that Article 4 Directions should be cancelled in such circumstances.

It is recommended that Cabinet approves the confirming of the Article 4 Direction affecting properties at Church Circle and the cancelling of the Article 4 Direction affecting properties at Pinewood Park under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1. INTRODUCTION

- 1.1. Cabinet approved the making of an immediate Article 4 Direction in February 2019 to withdraw permitted development rights from a number of residential properties at Church Circle in Farnborough, which forms part of the South Farnborough conservation area. The permitted development rights removed by the Direction relate to the replacement of windows, the alteration or removal of chimneys, the removal of front boundary walls and the laying of hard surfaces on front garden areas. This report seeks Cabinet's approval to 'confirm' the Article 4 Direction.
- 1.2. This report also seeks Cabinet's approval to cancel an Article 4 Direction which withdraws permitted development rights from residential properties at Pinewood Park in Farnborough. The Direction has been in place since the late 1970s and withdraws permitted development rights relating to the

erection of extensions, porches, outbuildings, fences and other means of enclosure.

2. BACKGROUND

- 2.1 Set out in national legislation, permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application.
- 2.2 Local planning authorities can remove permitted development rights from a defined area by drafting and implementing an Article 4 Direction. An Article 4 Direction does not prevent the development to which it applies but instead requires that planning permission is first obtained from the local planning authority for that development. Rushmoor currently has three Article 4 Directions in place, and this paper is concerned with two of them.

Church Circle Article 4 Direction

- 2.3 Part of the South Farnborough conservation area, which was designated in July 1987, Church Circle is a significant and visually coherent development of properties constructed, for the most part, in the late nineteenth and early twentieth century. Comprised of properties located on the inner and outer circumference of Church Circle, the development retains a distinctive and cohesive Victorian character, with buildings finished in red brick with slate roofs and sash windows. Twelve of the original semi-detached properties within the inner ring retain original sliding sash windows on their front elevations, whilst buildings within the inner and outer circles have largely retained their brick chimney stacks and pots, as well as their front gardens.
- 2.4 As summarised within Cabinet Report EPSH1908, permitted development rights allow single dwelling houses to replace windows, to remove chimney stacks and to turn over their front gardens to hard surfacing without the need for planning permission. To preserve the architectural and historic character of this part of the South Farnborough conservation area, Cabinet was asked in February 2019 to authorise the making of an immediate Article 4 Direction to remove permitted development rights from a number of properties at Church Circle relating to the replacement of windows, the alteration or removal of chimneys, the removal of front boundary walls and the laying of hard surfaces on front garden areas, thereby bringing such matters under planning control.
- 2.5 Following Cabinet approval, the Corporate Manager – Legal Services, in consultation with the Head of Economy, Planning and Strategic Housing, made an immediate Article 4 Direction on 4th July 2019 to withdraw the permitted development rights from identified properties, with the Direction coming into force on 5th July 2019.

Pinewood Park Article 4 Direction

- 2.6 Although an Article 4 Direction can remain in place permanently once it has been confirmed, the government's National Planning Practice Guidance (NPPG) recommends that local planning authorities 'monitor any Article 4 Directions regularly to make certain that the original reasons the Direction was made remain valid'. It further highlights that an Article 4 Direction can be cancelled if it is no longer considered necessary.¹
- 2.7 In addition to the Church Circle Article 4 Direction, Rushmoor has a further two Article 4 Directions in place. One came into effect in February 2018 and withdraws permitted development rights related to the change of use of offices, light-industrial units, and storage or distribution units to residential use at 'Strategic Employment Sites' and 'Locally Important Employment Sites' identified within the Rushmoor Local Plan. The reasons for making this Direction are still considered to be valid. The other Direction which affects properties at Pinewood Park in Farnborough is no longer considered to serve a useful purpose.
- 2.8 Located in north Farnborough off Sandy Lane and immediately adjacent to Hawley Woods and Rushmoor's administrative boundary with Hart District, Pinewood Park is a housing estate comprised of more than 400 properties. Constructed within the mid- to late 1970s and originally located within Hart District, the estate is subject to an Article 4 Direction which withdraws a number of permitted development rights from the properties. The Article 4 Direction was made by Hart District Council in February 1978 but was inherited by Rushmoor when the administrative boundary was redrawn in the 1980s to incorporate Pinewood Park within Rushmoor.
- 2.9 The Direction removes the following permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as described by Part 1 of Schedule 2 and Part 2 of Schedule 2 of the Order.
- The enlargement, improvement or other alteration of a dwellinghouse;²
 - The erection or construction of a porch outside any external door of a dwellinghouse;³
 - The provision within the curtilage of the dwellinghouse of:
 - a. any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
 - b. a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.⁴
 - The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.⁵

¹ National Planning Practice Guidance (2014) para. 019, ref. ID: 13-049-20140306.

² Class A of Part 1 of Schedule 2.

³ Class D of Part 1 of Schedule 2.

⁴ Class E of Part 1 of Schedule 2.

⁵ Class A of Part 2 of Schedule 2.

- 2.10 The reasons for making the Article 4 Direction are not entirely clear, but it is likely that the Direction was intended to preserve the appearance, character and amenity of Pinewood Park. Characterised by a Radburn-inspired design, the estate consists of blocks of terraced housing which face on to internal footpaths, with rear garden gates and garages providing access to the street. Pinewood Infant School and a park, which is a designated open space within the adopted Rushmoor Local Plan, lie towards the centre of the development. Although no longer considered to be a positive design concept for new housing developments for various reasons, Radburn design separated vehicle and pedestrian movements and aimed to create a sense of community around communal paths and green spaces. Considering the design of Pinewood Park, the Article 4 Direction was likely intended to retain a sense of uniformity in house design, to ensure that access to the street could be maintained through the rear gardens of properties, and to protect the open nature of the estate's internal footpaths by preventing residents from enclosing their front garden areas.
- 2.11 Since the Direction came into effect in 1978, and following the realignment of the administrative boundary with Hart District which relocated Pinewood Park into Rushmoor, the Council has granted permission for a significant number of developments of the nature covered by the Direction at the estate; such schemes include the erection of rear and side extensions, conservatories, and boundary walls and fences. In addition, a number of properties have undertaken development without first seeking planning permission, perhaps unaware that the Article 4 Direction is in place, with the result that the Council has had to take enforcement action on occasion.
- 2.12 Given the amount of householder development that has taken place at Pinewood Park, the Article 4 Direction is no longer considered necessary or to be serving a useful purpose.

3. PROPOSAL

To Confirm the Church Circle Article 4 Direction

- 3.1. As noted above, the Council made an immediate Article 4 Direction on 4th July 2019 to remove permitted development rights from several residential properties at Church Circle. In line with the statutory procedures for making an Article 4 Direction, notice was served on the affected properties on 5th July 2019, thereby bringing the Direction into effect. Notice of the Direction was also made by site display and by local advertisement (within Issue 358 of the Hampshire Independent, published on 5th July 2019), and Hampshire County Council and the Secretary of State for Housing, Communities and Local Government were informed. The Council invited views on the Direction between 5th July and 28th July 2019, but no comments were received.
- 3.2. Whilst immediate Article 4 Directions come into force once notice has been served on affected property owners and occupiers, they expire after six

months unless they are 'confirmed' by a local planning authority. Officers do not consider that there have been any changes in planning policy at a national or local level since the making of the Direction which would have an impact on the decision of whether to confirm it. Cabinet is therefore asked to approve the confirming of the Direction. If confirmed, it will become permanent and continue to have effect beyond January 2020.

To Cancel the Pinewood Park Article 4 Direction

- 3.3 National planning policy is clear that the use of Article 4 Directions 'should be limited to situations where [it] is necessary to protect local amenity or the well-being of [an] area'.⁶ According to the National Planning Practice Guidance (NPPG), the harm that a Direction is intended to address or avoid should be 'clearly identified', and 'justification for both its purpose and extent' must be given.⁷ The NPPG also notes that Article 4 Directions can be cancelled if they are no longer necessary, highlighting that 'it is important for local planning authorities to monitor any Article 4 Directions regularly to make certain that the original reasons the Direction was made remain valid'.
- 3.4 It is considered that there is no longer a strong justification to retain the Article 4 Direction. As noted above, a significant amount of development has taken place at Pinewood Park since the inception of the Direction, and this has likely had a cumulative impact upon the estate's original character and appearance. Moreover, the permitted development rights removed by the Direction are no longer considered a threat to local amenity or the well-being of the area. They are subject to a range of conditions and limitations to control impacts and to protect local amenity, which are now considered adequate. As such, it is recommended that the Direction be cancelled and that the permitted development rights be reinstated.
- 3.5 A local planning authority can cancel an Article 4 Direction by drafting and implementing a subsequent Direction. The normal procedures for making and confirming an Article 4 Direction apply. It is therefore proposed that a Direction is made which cancels the existing Direction and reinstates the removed permitted development rights.
- 3.6 From the regulations in place at the time of the making of the Pinewood Park Article 4 Direction, it is understood that the Direction came into effect when notice was first served. In this respect, and following the procedures for cancelling Directions, as outlined within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposed Direction cancelling the existing Direction would likely be one which takes immediate effect. Like the Article 4 Direction at Church Circle, the proposed Direction would therefore take effect on the date that notice is first served but would expire unless it is confirmed within six months.

⁶ National Planning Policy Framework (2019) para. 53.

⁷ National Planning Practice Guidance (2019) para. 038, ref. ID: 13-038-20190722; (2014) para. 037, ref. ID: 13-037-20140306.

Alternative Options

Church Circle Article 4 Direction

- 3.7 The alternative option is to not confirm the Article 4 Direction at Church Circle. The Direction came into effect on 5th July 2019 but will expire on 5th January 2020 if it is not confirmed. If the Direction were to expire, the permitted development rights would be reinstated and the matters would no longer fall under planning control, with the consequence that the rights could be used in a way that undermines the character and appearance of this part of the South Farnborough conservation area.

Pinewood Park Article 4 Direction

- 3.8 The alternative option is to not make a Direction to cancel the existing Article 4 Direction at Pinewood Park. The current Direction would therefore remain in force and continue to remove permitted development rights from affected properties. However, without a strong justification for withdrawing the permitted development rights, this option would conflict with national planning policy.

Consultation

- 3.9 A local planning authority can only make an Article 4 Direction by following a statutory procedure which requires affected parties to be notified and consulted.
- 3.10 In terms of Church Circle, as per the defined statutory procedure for making an Article 4 Direction, the Council notified owners and occupiers of the affected properties by letter on 5th July 2019, and notification was made by site display and by advertisement within a local newspaper. Representations on the Direction were also invited between 5th July and 28th July 2019, but no comments were received.
- 3.11 A local planning authority can cancel an Article 4 Direction by making and confirming a subsequent Direction. In the case of Pinewood Park, those affected by the making of a Direction to cancel the existing Direction would have the opportunity to comment. All representations received would be considered when deciding whether to confirm the new Direction. As noted above, the proposed Direction would likely be an immediate Direction and would expire if not confirmed within six months.

4. IMPLICATIONS

Compensation Claims

4.1 If a local planning authority makes an Article 4 Direction, 'it can be liable to pay compensation to those whose permitted development rights have been withdrawn', but only if it subsequently:

- Refuses planning permission for development which would otherwise have been permitted development; or
- Grants planning permission subject to more limiting conditions than the General Permitted Development Order.

The grounds for claiming compensation 'are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights'.⁸

4.2 In respect of the Church Circle Article 4 Direction, it is considered that there is a very limited risk of compensation claims being made against the Council. As noted in Cabinet Report No. EPSH1908, the Direction will affect a relatively small number of properties. Moreover, it is not intended to prevent the replacement of windows but rather to exercise appropriate control over their design and appearance. The retention of chimneys and the prevention of hard surfacing of front garden areas are also considered likely to enhance the value of the properties affected.

4.3 In terms of Pinewood Park, the cancelling of the current Article 4 Direction through the implementation of a new Direction would lead to the previously withdrawn permitted development rights being reinstated. It is considered that there would be very little risk of successful compensation claims in this instance because the compensation regulations only make provision for the withdrawal of permitted development rights.

4.4 In the event of a successful compensation claim, it would likely constitute revenue expenditure.

Intervention by the Secretary of State

4.5 The Secretary of State has the power to make a Direction which modifies or cancels an Article 4 Direction made by a local planning authority at any time before or after it is confirmed. However, there is no risk of this arising at Church Circle because the Secretary of State is prohibited from making a Direction that affects any part of a conservation area where a Direction made by a local planning authority relates to development of the type referred to in the Church Circle Article 4 Direction. Moreover, it is considered that the risk of intervention is very low at Pinewood Park, considering that the making and confirming of a new Direction to cancel the existing Direction would restore previously removed permitted development rights to affected properties

⁸ National Planning Practice Guidance (2014) para. 042, ref. ID: 13-042-20140306.

Legal Implications

- 4.6 There is no statutory appeal against the making or confirming of an Article 4 Direction. The proposed Directions at Church Circle and Pinewood Park would therefore be open to challenge by way of judicial review. However, because Rushmoor will follow the prescribed process for making and confirming the Directions, a successful judicial review is considered unlikely. Moreover, the Council would consider applications for the prescribed classes of development at Church Circle on a case-by-case basis, whilst permitted development rights would be restored to properties at Pinewood Park.

Financial and Resource Implications

- 4.7 The principal costs of making and confirming an Article 4 Direction include officers' time, printing notices for site display, advertising notices within a local newspaper and notifying owners and occupiers of affected properties, the County Council and the Secretary of State of Housing, Communities and Local Government by post. The costs of making and confirming the proposed Directions can be absorbed by existing budgets.

Equalities Impact Implications

- 4.8 There are no equalities impact implications associated with the proposal.

5 CONCLUSIONS

- 5.1 The confirming of the Article 4 Direction which affects residential properties at Church Circle in Farnborough will prevent it from expiring in January 2020, thereby enabling it to become permanent. The Article 4 Direction is considered to have considerable long-term benefits in terms of preserving the important and cohesive architectural character of this part of the South Farnborough conservation area.
- 5.2 The Church Circle Article 4 Direction could give rise to queries or requests for Directions to be implemented in Rushmoor's other conservation areas. Although no queries or requests have been received to date, the Planning team is currently undertaking an appraisal of the Borough's conservation areas, and the need for further Article 4 Directions will be identified as part of this work.
- 5.3 The cancelling of the Article 4 Direction at Pinewood Park in Farnborough, which came into force in the late 1970s, would restore previously removed permitted development rights to affected residential properties. As noted above, there is no longer considered to be a strong justification for the removal of the rights. A large amount of householder development has taken place at the estate since the Direction was made, and the conditions and limitations embedded within the rights to control impacts and to protect local amenity are considered adequate.

BACKGROUND DOCUMENTS

Cabinet Report EPSH1908: Article 4 Direction for Church Circle (5th February 2019)

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

CONTACT DETAILS:

Report Author

Jamie Adcock jamie.adcock@rushmoor.gov.uk 01252 398736

Head of Service

Tim Mills tim.mills@rushmoor.gov.uk 01252 398542

This page is intentionally left blank

CABINET

COUNCILLOR MARINA MUNRO
PLANNING AND ECONOMY PORTFOLIO HOLDER

17 SEPTEMBER 2019

REPORT NO. EPSH1947

KEY DECISION? YES

RUSHMOOR'S UPDATED TENANCY STRATEGY**SUMMARY AND RECOMMENDATIONS:**

The Localism Act 2011 places a statutory obligation on each Local Authority to publish a Tenancy Strategy to which Registered Providers (RP's) delivering affordable housing must refer to when producing their own Tenancy Policies.

The council published its first Tenancy Strategy in 2012. This updated strategy reflects the council's experience of delivering the 2012 strategy and the changed political drive in this area of housing policy since the 2018 Housing Green Paper was published.

The strategy is brought to Cabinet following consultation with the council's RP partners, neighbouring authorities and through the work of the Overview and Scrutiny Panel RP Review Programme.

It is recommended Cabinet approve the Tenancy Strategy.

1. INTRODUCTION

- 1.1. The report is presented to Cabinet for approval to enable the council to meet its statutory obligation under the Localism Act 2011 to have an up to date Tenancy Strategy in place. The updated Tenancy Strategy is attached to this report as Appendix A.

2. BACKGROUND

- 2.1. The council produced its first Tenancy Strategy in 2012 which sets out its tenancy objectives and expectations for RPs delivering and managing affordable homes in the borough.
- 2.2. The 2011 Localism Act introduced Fixed Term tenancies and the Affordable Rent model to the social housing sector. The expectation was that Fixed Term Tenancies would encourage movement within the social housing stock across the country, reducing under occupancy and overcrowding and that the Affordable Rent model would support the delivery of more affordable homes for rent.

- 2.3. Each RP Board agrees and publishes their own Tenancy Policy. The purpose of the Local Authority Tenancy Strategy is to provide guidance to RPs to support a consistent approach throughout the borough.
- 2.4. The initial Tenancy Strategy is now seven years old, since it was published national housing policy direction has changed. Until 2017 the political drive was towards compulsory Fixed Term Tenancies, since the publication of the 2018 Housing Green Paper, this is no longer the case. The updated Tenancy Strategy reflects the national policy shift.
- 2.5. The Tenancy Strategy is (as required by the 2011 Localism Act) supported by the following strategies and policies:
 - The Housing Regulator Tenancy Standard
 - Rushmoor's Housing and Homelessness Strategy
 - Rushmoor's Housing Allocation Policy

3. DETAILS OF THE PROPOSAL

General

- 3.1. The new Tenancy Strategy has been produced to reflect the change in policy emphasis, and to maintain the council's consistent approach with RPs.
- 3.2. The new strategy has been informed by data from the following sources:
 - Local Lettings Plans
 - CORE lettings information
 - Rushmoor Housing Allocation Pool
 - Scheme profiles completed by RPs on new developments
- 3.3. Rushmoor data shows that in most cases Fixed Term Tenancies are renewed rather than ended, this finding is reflected nationally. Fixed Term Tenancies are not therefore delivering the level of movement in the housing stock envisaged by national policy makers.
- 3.4. Rushmoor data also shows, since the initial Tenancy Strategy was published, that most households in the Rushmoor Housing Allocation Pool would struggle to pay an Affordable Rent if they are not in receipt of benefits. In these circumstances Affordable Rents can contribute to financial hardship particularly for low-income working households.

In 2018 Homes England made additional capital funding available to Rushmoor's RPs to deliver Social Rent at typically 50% of the open market rent in recognition that 80% of market rent is not affordable for most households in need. Rushmoor's Affordable Housing Supplementary Planning Document now specifies Affordable Rents are set Local Housing Allowance levels rather than 80% of market rent, with a rent cap for four-bedroom homes set at £250 per week. These rents are reflected in the new

Tenancy Strategy; the council is successfully securing rents at these levels through S106 agreements.

Consultation

- 3.5. The 2019 Tenancy Strategy has been produced in consultation with RP partners through regular RP meetings and the work of the Overview and Scrutiny Committee Panel RP Review Programme. A draft has been published on the council website for residents' comments.

4. IMPLICATIONS

Risks

- 4.1. There are no risks immediately associated with the publication of the Tenancy Strategy.

Legal Implications

- 4.2. It is a legal requirement for the council to have an up to date Tenancy Strategy in place.

Financial and Resource Implications

- 4.3. There are no financial or resource implications to the council in adopting the Tenancy Strategy.

Equalities Impact Implications

- 4.4. The Tenancy Strategy provides tenancy protection to vulnerable tenants which may include groups of people with protected characteristics.

Other

- 4.5. N.A

5. CONCLUSIONS

- 5.1. The revised Tenancy Strategy has been produced to enable the council to meet its statutory duty and to incorporate a new national policy direction in terms of the use of Fixed Term Tenancies.
- 5.2. The revised Tenancy Strategy allows the council to offer consistent guidance in respect of partner RPs Tenancy Policies.

BACKGROUND DOCUMENTS:

- Rushmoor Housing and Homelessness Strategy
- Rushmoor Housing Allocation Policy
- Rushmoor Affordable Housing Supplementary Housing Document (SPD)

CONTACT DETAILS:

Report Author – Zoë Paine/ [zoe.paine@rushmoor.gov.uk/](mailto:zoe.paine@rushmoor.gov.uk) 01252 398687

Head of Service – Tim Mills/ [tim.mills@rushmoor.gov.uk/](mailto:tim.mills@rushmoor.gov.uk) 01252 398542

Rushmoor Tenancy Strategy 2019

Overview:

The tenancy strategy enables the council to meet its obligations set out in the 2011 Localism Act by way of providing guidance to Registered Providers delivering affordable housing in the borough.

The strategy sets out the preferred use of different tenancy types and rent models which aim to support the needs of households in the Housing Allocation Pool as well as new housing development.

Contents

1. Aim of the strategy.....	3
2. National policy context & background.....	3
3. Consultation.....	3
4. Supporting documents.....	3
5. Monitoring and data sources.....	3
6. Tenancy objectives for Rushmoor.....	4
7. How providers currently deliver Rushmoor’s tenancy strategy.....	4
8. Lifetime tenancies.....	4
9. Fixed term tenancies.....	4
10. Renewal of fixed term tenancies.....	5
11. Review of fixed term tenancies - process.....	6
12. Advice and assistance.....	6
13. Affordable rent: new lets.....	6
14. Social rent.....	7
15. Affordable rent: re-lets.....	7
16. Advanced rent payments.....	7
17. Rightsizing.....	7
18. Equalities.....	7

1. Aim of the strategy

Rushmoor is a non-stock holding authority having transferred its stock in 1995; the aim of this strategy is to support sustainable and affordable communities and a consistent approach to the use of fixed term tenancies for our Registered Provider (RP) partners.

2. National policy context & background

Rushmoor adopted its first tenancy strategy in 2012. This revised strategy reflects our experience of fixed and lifetime tenancies and the introduction of the affordable rent model as well as the business needs of our RP partners, the Tenancy Standard and the approach of the 2018 Social Housing Green Paper.

The 2011 Localism Act introduced fixed term tenancies as a tenancy option to support movement within the social housing stock, the expectation was that it would reduce under-occupancy and overcrowding. The Act also placed a statutory requirement on all Local Authorities to publish a tenancy strategy, the purpose of which is to set out matters that stock owning RPs in the borough, must have regard of, specifically:

- The type of tenancies they issue; fixed term or lifetime
- The circumstances in which they will issue particular types of tenancy
- The length of fixed term tenancies
- The circumstances, in which, fixed term tenancies are renewed.

The Housing Regulator's Tenancy Standard does not specify the length of tenancies, their requirement is that, *"RPs shall offer tenancies of terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of their housing stock"*.

Until 2017 the political drive was toward compulsory fixed term tenancies, however the August 2018 Social Housing Green Paper

relaxed this standpoint; the use of fixed term tenancies remains discretionary.

In Rushmoor there are currently 20 RPs managing 6,586 affordable homes in the borough. Each RP has its own Tenancy Policy, which reflects the requirements of Rushmoor's 2012 Tenancy Strategy. Different RP Boards have taken individual decisions on the use of fixed term tenancies; all offer a range of tenancies to meet their customer's different circumstances.

3. Consultation

The 2019 tenancy strategy has been produced in consultation with local stakeholders and partner organisations; through regular RP meetings and the work of Rushmoor Borough Council's Overview and Scrutiny Panel RP Review Programme and with residents via the Rushmoor Borough Council website.

4. Supporting documents

This tenancy strategy has been prepared, having due regard for the following supporting documents, as required by the Localism Act:

- The Housing Regulator Tenancy Standard
- Rushmoor's Housing and Homelessness Strategy
- Rushmoor's Housing Allocation Policy

5. Monitoring and data sources

The 2012 tenancy strategy has been monitored using data from the following sources:

- Local lettings plans
- CORE letting information
- Rushmoor Housing Allocation Pool
- Scheme profiles compiled by each RP for new developments

This information, as well as feedback from our RP providers informs the new strategy.

6. Tenancy objectives for Rushmoor

The council's overarching aim is to create successful and sustainable communities where people want to live. In order to achieve this Rushmoor's tenancy strategy covers the following:

1. Meeting the housing needs and aspirations of our residents at the start of their first tenancy and as they change over time
2. Ensuring each household is provided with an appropriate level of security for their needs
3. The protection of vulnerable residents
4. Making best use of the limited housing stock available to us
5. Working collaboratively with RPs
6. Encouraging the development of affordable homes

The council supports tenancies which provide tenants with:

- Clear information about their tenancy type, the processes around review and renewal of their tenancy and their right to appeal
- A minimum term of 6 years (5 years with an additional year as a starter tenancy)
- Presumption always in favour of renewal of tenancies to provide stability for people and communities
- Protection for vulnerable people with lifetime tenancies
- The development of working protocols with the council's Housing Options team especially where tenancies are being ended

7. How providers currently deliver Rushmoor's tenancy strategy

All RPs operating in Rushmoor have a tenancy policy. On newbuild homes most RPs offer a 12 month starter tenancy followed by a fixed term of at least 5 years. Re-let homes are typically let as assured (lifetime) tenancies following a 12 month starter tenancy.

We have found that fixed term tenancies are only being ended in very exceptional circumstances resulting in a negligible

amount of homes being released to those households in the Housing Allocation Pool.

8. Lifetime tenancies

Whilst RPs will develop their own tenancy policies, they must have regard to the council's view that, to protect vulnerable people, the following tenants will be offered lifetime tenancies:

- Tenants of sheltered housing
- People over state retirement age, in general needs housing, occupying property appropriate to their needs
- Tenants of supported housing and people with a long-term medical or welfare need for secure accommodation, whose circumstances are not expected to change
- Tenants who already hold a lifetime tenancy who downsize to a development specifically built to be allocated to under-occupiers, or who downsize under the council's under occupation scheme
- Ex-service personnel who have been medically discharged as a consequence of operational deployment
- Bereaved spouses or civil partners of members of the armed forces leaving Service Family Accommodation following the death of their spouse or partner on operational deployment. (Partners living outside SFA should be considered on a case by case basis)

9. Fixed term tenancies

Where fixed term tenancies are used the council expects that:

- It is clear from the point at which a property is advertised that the landlord offers fixed term tenancies
- There is clear information available to prospective tenants on the nature and consequences of the tenancy type
- Tenancies will be no shorter than five years in length with an additional year as a starter tenancy. However, we would prefer to see fixed term tenancies of 10 years' duration

- If an RP is considering shorter tenancies, it must demonstrate that there are exceptional circumstances that justify that approach

The council also expects that:

- In the case of families with children in full time education, RPs will consider the impact that non-renewal of a tenancy may have on the family including the impact on children's education. Families with children are to be considered to be appropriately occupying their home until the youngest child residing in the home reaches 18 years or 21 years if in full time education or in an apprenticeship. The Housing and Planning Act 2016 allows a 10 year fixed term for households with children aged nine or under to support this
- Where fixed term tenants in adapted properties have families with disabled members, the presumption is that their tenancy will be renewed with further fixed term tenancies until the adaptations are no longer required
- Tenants who are granted a fixed term tenancy must be made fully aware of the criteria against which their housing situation will be considered when the RP makes the decision whether to renew their tenancy, and how they can appeal against a decision not to renew. RPs tenancy policies should state clearly how appeals are undertaken

The Council will only sanction the non-renewal of a fixed term tenancy to deal with anti-social behaviour or problems with the conduct of the tenancy if:

- The RP has a policy of using introductory tenancies
- The RP can provide evidence that tenancy management remedies have been used to address these issues during the tenancy, (the RP's evidence must meet the standard required to enable a judge in possession proceedings to grant possession to the RP)
- The non-renewal of a tenancy is a proportionate and reasonable response to the ASB or tenancy breaches

10. Renewal of fixed term tenancies

The council expects tenancies to be renewed in most cases. The purpose of granting fixed term tenancies is to make best use of stock to meet housing need, but this must be balanced against the need to provide stability for people and communities, therefore, the council would encourage RPs not to renew flexible tenancies where:

- The property is under-occupied. (Under lettings plans some under-occupation may be necessary, for example to allow families to grow into a property to foster a more stable community or to encourage people to downsize)
- The tenant has sufficient financial resources to meet their housing needs in the private housing market. (The council's Allocations Scheme states that capital/assets of more than £60,000 or an income of £60,000 is sufficient to secure housing in the private sector in the borough)

Even if the criteria for non-renewal are met there are circumstances where, to protect vulnerable people, renewal must be considered:

- The tenant or a member of their household has a disability or a terminal illness
- The tenant is a foster carer and needs the property to continue in this role
- The tenant is a care leaver and still needs the support of social services
- The tenant is in a Family Intervention Project
- The tenant or members of their household no longer require an adapted property
- There is no other suitable accommodation and ending the tenancy would result in the tenant becoming homeless

Where a tenant on a fixed term tenancy is significantly overcrowded resulting in poor housing conditions detrimental to health and wellbeing, the council expects RPs to work with the tenant and the council's Housing Options Team to agree with them a move to more suitable accommodation (which may be in the private sector). The council would not expect, other than in

circumstances, that a tenancy would not be renewed on grounds of overcrowding.

The council requires RPs to produce tenancy policies that set out how these circumstances will be handled.

11. Review of fixed term tenancies - process

The council expects RPs to have robust procedures for dealing with the review and renewal of tenancies with a process that includes the following:

- Not less than 12 months from the end of the tenancy the RP will review the tenancy and will, no less than six months from the end of the tenancy, advise the tenant whether their tenancy will be renewed. If the intention is not to renew the tenancy the tenant will be provided with reasons and will be provided with comprehensive advice and assistance to secure alternative accommodation
- The RP must have in place an appeals process, and the tenant should be advised of their right to appeal and the timescales within which the appeal must be made
- The RP should provide the council with details of those tenancies that are not being renewed and the tenants should be advised about the council's housing options service
- It is expected that RPs operating in the borough will seek to develop protocols in partnership with the council for assisting tenants whose tenancies are not renewed to make sure that they receive advice and assistance in securing alternative housing
- The RP should have arrangements in place for making sure that the required two months (s21) notice is served on or before the date on which the fixed term expired stating that the RP requires possession of the property
- The RP should have arrangements in place to make sure that fixed term tenancies do not become periodic tenancies

12. Advice and assistance

RP's must inform the council's Housing Options Team whenever a tenancy is not to be renewed.

Where an RP has indicated that they will not renew a tenancy, the council requires the RP to put in place a full housing options advice package to help the tenant make the transition to alternative housing.

13. Affordable rent: new lets

The Localism Act saw the introduction of affordable rent, giving RPs the freedom to charge rents at up to 80% of the local market rents. Affordable rent can be set for lifetime and fixed term for new build and a proportion of re-let homes.

The council's research on income and affordability for households in the Housing Allocation Pool demonstrates that this is not an affordable model for most households. The council has therefore set affordable rent thresholds at the Local Housing Allowance with a cap of £250 per week for four bed homes, currently:

Number of bedrooms	Weekly affordable rent (April 2019)
Shared room rate	£79.92
1	£141.24
2	£176.56
3	£210.70
4	£250

14. Social rent

The delivery of social rent, calculated as formula rent, is encouraged. Our research findings demonstrate that this rent model is particularly important for working households who do not qualify for housing related benefits. Capital grant support is available from Rushmoor and Homes England to support social rent.

15. Affordable rent: re-lets

Whilst many RPs have converted a proportion of social rent to affordable rent at re-let stage, the council's preference is to preserve social rent wherever possible. Preserving social rent, particularly for larger homes, is important to ensure affordability to larger households and for community and social stability, especially for working households who do not qualify for housing benefit. The conversion of social rent to affordable rent is not the preferred option of the council but if it occurs the council would expect it to support the development of additional affordable homes for rent within the borough.

Social rent tenancies can be let on fixed term tenancies of at least six years (five years' fixed term, plus one year starter tenancy).

16. Advanced rent payments

In order to keep new lets as affordable as possible and to enable people to move quickly, the council would prefer as far as possible, rent in advance is set at one week, rather than two or more. Rushmoor will inform customers about rent in advance before they start bidding and will inform and work with RPs when customers have exceptional circumstances where affordability affects their ability to pay rent in advance.

17. Rightsizing

Accommodating tenants into homes that are the right size for their household is key to maximising the capacity of the borough's

housing stock and therefore a strategic housing priority for Rushmoor.

RPs play a key role in identifying and supporting tenants to be able to do this. Tenancy moves within RP stock should offer equivalent tenancy protection (lifetime to lifetime or fixed term to fixed term).

18. Equalities

A full equality impact assessment was carried out in 2012 and this has been reviewed and updated considering this revised strategy. RPs should conduct their own equality impact assessments when producing and updating their tenancy policies.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank