

Decision maker:	Cabinet member Infrastructure and transport
Decision date:	16 June 2020
Title of report:	Affordable Housing Supplementary Planning Document
Report by:	Housing development officer

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

This report seeks the approval to go out to consultation on the draft Affordable Housing Supplementary Planning Document (SPD) with a view of full adoption in 2020.

Recommendation(s)

That:

- (a) **The draft Affordable Housing SPD be approved for public consultation with a view of full adoption in 2020.**

Alternative options

1. Not to prepare a new Affordable Housing SPD and continue to use Planning Obligations, Supplementary Planning Document, April 2008.

Key considerations

2. The current planning obligations supplementary planning document was adopted in 2008. There is a need to revise the guidance on affordable housing through an SPD in light of the 2019 National Planning Policy Framework and local evidence.
3. The draft affordable housing SPD will provide detailed guidance on how policies SS2, H1, H2 and H3 in the Core Strategy should be interpreted and implemented in order to support proposed development and deliver sustainable communities.
 - SS2 Delivering new homes
 - H1 Affordable Housing – thresholds and targets
 - H2 Rural exception sites
 - H3 Ensuring an appropriate range and mix of housing
4. The draft affordable housing SPD will be subject to consultation, review of feedback and formal adoption by the council.
5. Once adopted it will be a material consideration in the determination of planning applications.
6. The SPD will need to be taken into account in the preparation of planning proposals for residential and mixed use development from the pre-application stage on and while negotiating and undertaking development feasibility.

Community impact

7. One of the priorities in Herefordshire's Corporate Plan –The County Plan 2020/24 is to 'Build communities to ensure everyone lives well and safely together' this reflects the council's commitment to guarantee we get the right mix of housing for our communities
8. The key aim of the Affordable Housing SPD is to secure the most appropriate mix and tenure of affordable housing as part of the development process.
9. Providing the right mix of housing will protect and improve the lives of vulnerable people in the County, ensuring their needs are met and enabling them to be supported within their own homes in a safe environment.
10. Herefordshire has high house prices and low incomes. The SPD will allow the council to negotiate housing that is affordable for the local community.

Equality duty

11. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
12. A public authority must, in the exercise of its functions, have due regard to the need to –
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
13. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty
14. The affordable housing SPD is not expected to have a particular impact on groups of people with protected characteristics. However there are additions which may benefit disabled people such as improving accessibility for disabled people in need of accessible housing and people needing to receive support in their own home.

Resource implications

15. The only resource implication is officer time. This involves sending out the documents to consultees, gathering the results of the consultation and presenting the findings.

Legal implications

16. This is a non-executive decision which is a non key decision. Such decisions in the Constitution are normally delegated to the Chief Executive under Part 3 Section 3, to officers in exercise of its functions in Part 3 Section 7 (officer functions) and subsequently to named officers under the Directorate Scheme of Delegation Economy and Place (Programme Director Housing and Growth line 7) but the decision will be taken by the cabinet member Infrastructure and Transport.
17. The Council as the local planning authority has the discretionary power to prepare, produce and subsequently adopt SPDs under the Planning and Compulsory Purchase Act 2004 as the enabling act, which brought into effect The Town and Country Planning (Local Planning) (England) Regulations 2012. Part 5 (Regulations 11-16) sets out the requirements for producing SPDs, including the consultation and adoption of the SPD.
18. There are no other legal considerations or risks with the cabinet member doing what is proposed

Risk management

19. If we do not update the current SPD to reflect the changes required to deliver appropriate housing this could have an impact on other council services.
- Adults Social Care having to house people in care homes due to an inappropriate supply of suitable housing which could have cost implications;
 - Insufficient supply of housing for homeless families resulting in them being temporarily housed in bed and breakfast and increasing the general levels of homelessness, all of which have cost implications for the council.

20. By supporting the updating of the SPD will allow more energy efficient and accessible properties to be built.

Consultees

21. The statement of community involvement provides the basis to ensure appropriate consultation takes place in the preparation of the final document.
22. Consultation on the draft SPD will take place over a 6 week period.
23. A press release will go out to the media and a news piece published on the HC website in order to raise public awareness and provide opportunity to those wishing to comment.
24. The document will be made available to view online, along with a questionnaire to gather views on various aspects of the document.
25. Notification will be sent to external consultees, inviting them to take part in the consultation. Consultees will include housing partners, planning agents, consultants, parish councils, developers, charities and organisations representing the interests of those with specific needs.
26. Statutory consultees specified in The Town and Country Planning (Local Planning) (England) Regulations 2012 will also be consulted with. This includes utility companies, Herefordshire CCG and the Homes and Communities Agency.
27. Consultation with relevant Herefordshire Council departments will also take place.
28. All consultee feedback will be collated and analysed. The final document will be altered where it is deemed necessary, following consideration of all comments made.
29. A summary of the representations made and council response will be circulated to those consultees asked for comment.

Appendices

Affordable Housing Supplementary Planning Document

Background papers

None