

## **Title of report: Affordable Housing Supplementary Planning Document (SPD)**

**Decision maker: Cabinet member Infrastructure and transport**

**Decision date: Wednesday 2 June 2021**

**Report by: Housing development officer**

### **Classification**

Open

### **Decision type**

Non-key

### **Wards affected**

(All Wards);

### **Purpose**

To receive and approve the adoption of the Affordable Housing Supplementary Planning Document (SPD), following statutory public consultation. The SPD will provide detailed guidance on how policies SS2 (Delivering new homes), H1( Affordable housing – thresholds and targets), H2 (Rural exception sites) and H3 ( Ensuring appropriate range and mix of housing) in the Core Strategy should be interpreted and implemented, in order to support the delivery of affordable housing on proposed developments.

### **Recommendation(s)**

That:

- a) The Affordable Housing Supplementary Planning Document contained in Appendix 1 of this report is agreed and adopted to provide additional guidance in respect of the adopted Core Strategy policies**

### **Alternative options**

1. Not to adopt and carry on using the current Planning Obligations, Supplementary Document, April 2008. However, to continue using the current SPD could result in a detrimental impact on the delivery of affordable housing in Herefordshire because it is not up to date with current National Planning Policy and local evidence.

## Key considerations

2. The current planning obligations supplementary document was adopted in 2008. There was 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 purpose of this Supplementary Planning Document (SPD) is to assist the Council in meeting its objective of delivering affordable housing to meet the identified housing needs of the County.
4. The Affordable Housing SPD (see appendix 1) 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.
  - a. SS2 Delivering new homes
  - b. H1 Affordable Housing – thresholds and targets
  - c. H2 Rural exception sites
  - d. H3 Ensuring an appropriate range and mix of housing
5. The affordable housing SPD has been drawn up taking into account an initial consultation from a number of interested organisations and stakeholders, including Parish Councils, housing associations, planning agents and developers. Formal consultation on the draft document was undertaken between 5 June 2020 to 5 August 2020.
6. The purpose of the consultation was to invite views on a number of aspects of the document. It is prepared to enable Herefordshire Council to engage with interested parties in line with Town and Country Planning (Local Planning) (England) Regulations 2012 and Herefordshire Council Statement of Community Involvement. Due to the Covid 19 pandemic, methods of consultation were online only, in order to follow Government guidelines at the time. Stakeholders such as private developers, registered providers, representative organisations, parish councils, local community and ward members were informed about ways to get involved in the consultation.
  - Email to relevant stakeholders and interested parties on the council's planning policy consultation database
  - Herefordshire council website
  - Cabinet members' newsletter
7. The SPD will be a material consideration in the determination of planning applications.
8. 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 development feasibility.

## Community impact

9. 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.
10. The council's delivery plan 2020-2022 highlights the priority of delivering affordable homes by increasing the number of affordable homes built to 450 by 2022.
11. 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.
12. 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.
13. 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

14. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

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.

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. The affordable housing SPD is not expected to have a particular impact on groups of people with protected characteristics. The work that the council does to provide housing for homeless people and people in housing need, along with the related support that we commission, assists in the delivery of the public sector equality duty, as does our work to improve housing conditions, the allocation of social housing, registering Housing in Multiple Occupation (HMO's) and the provision of dedicated sites for Gypsies, Travellers and Travelling Showpeople. The overall purpose of the SPD is to assist the Council in meeting its objective of delivering affordable housing to meet the identified housing need of the County. Where

there is an assessed need for affordable housing , the local authority will be able to deliver affordable homes by requiring landowners and developers to provide them within new housing schemes. It is important that everyone living in Herefordshire has the opportunity of a decent and affordable home. The affordable housing SPD also references additions such as improving accessibility for disabled people and people who receive support in their own home.

## **Resource implications**

15. This SPD brings together the work of a wide range of teams from across the council, each being responsible for their own budgets and any related governance. There are no direct cost implications for this SPD. Once adopted the SPD will be published on the Council website and used by the respective teams such as Forward Planning, Planning and Housing allowing for business as usual. The SPD itself does not require any additional resources to enable its delivery.

## **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 adopt the SPD to reflect changes required to deliver appropriate housing this could have an impact on other council services
  - a. Adults Social Care having to house people in care homes due to an inappropriate supply of suitable housing which could have cost implications

- b. Insufficient supply of housing for homeless families resulting in them being temporarily housed in bed and breakfast and increasing general levels of homelessness, all of which have cost implication for the council.
20. Adopting the updated SPD will allow more energy efficient and accessible properties to be built.

## Consultees

21. Public consultation has taken place as outlined in paragraphs 5-6 above, with details of the consultation process and results recorded in the Affordable Housing SPD Consultation Statement.
22. In total, there were 53 individual responses to the consultation. The following is a short summary of the main comments made resulting from the consultation, with a full breakdown of process, consultees and comments received in Appendix 2
- a. Concerns about sites with capacity for 10 or less units not being required to provide affordable housing.
  - b. Over reliance on building affordable housing through the market and via developers.
  - c. Demand for more community led housing facilitation through policy.
  - d. Commentary on aspects not within the remit of the SPD such as the Affordable Housing targets in the Core Strategy not being appropriate.
  - e. Lack of information on design, space standards, build quality, materials, architectural details, levels of amenity space, parking provision or privacy.
  - f. Not enough on energy efficiency, zero carbon developments and more eco house standards. There should be above minimum requirements around insulation, solar panels, orientation, etc.
  - g. Some organisations questioned why they were not listed as partners in the Registered Providers list in Appendix 3.
  - h. Planning is a barrier to affordable housing development.
  - i. Recent developments have been of poor quality design and unsympathetic to the county's natural and heritage assets.
  - j. Should be affordable self-build policies.
  - k. Include reference to the *Transport for New Homes* model on layout and external space, which designs out the dominance of the private car in all residential developments. Standards document prepared by the Hereford Community Land Trust.
  - l. Financial land value gains should be put back in to the community not solely to the landowner or developer.
  - m. Should be specific policies that allocate affordable housing sites.
  - n. The SPD will increase the financial burden of open market housing.
  - o. Questioning of the affordable housing need being high and lack of evidence to show this.
  - p. 2013 Data referenced in the Draft consultation not up to date (latest evidence now available Spring 2021).
  - q. Some concern about the costs associated with the accessibility and wheelchair adapted units, as this will affect site viability.

23. As a result of the consultation there have been a number of changes to the draft, including:
- a. Inserting a paragraph after para 1.2 elaborating on the County plan 2020 – 2024 and advising what work the council is undertaking with partnering organisations
  - b. Providing clearer maps
  - c. Clarifying the council's position on design standards and sustainable standards
  - d. Elaborating more on what is meant by supported accommodation
24. All statutory procedures set out in the relevant regulations regarding the preparation and consultation arrangements for an SPD have been complied with. The comments received from the draft version have been fully considered in making the SPD a more informed and inclusive document.
25. A full breakdown of each representation is available in the Affordable Housing SPD Consultation Document. Each comment has a reference number together with the changes and a corresponding council response.

## **Appendices**

Affordable Housing Supplementary Planning Document Appendix 1

Affordable Housing SPD Consultation Statement Appendix 2.

## **Background papers**

None.

## **Please include a glossary of terms, abbreviations and acronyms used in this report.**

Supplementary Planning Document (SPD) -Document that adds further details to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues.