

Report to: **Strategic Planning Committee**

Date of Meeting: 9 December 2019

Public Document: Yes

Exemption: None

Review date for release None



Subject: **Draft Affordable Housing Supplementary Planning Document**

Purpose of report: To outline the responses received during the first round of public consultation on the Draft Affordable Housing Supplementary Planning Document (SPD) which took place from March to May 2019, and show how these comments have been taken into account in revising the SPD. A revised version of the Draft Affordable Housing SPD is presented for approval by this Committee for a six week period of public consultation.

Recommendation:

- 1. That the comments received during the first round of public consultation on the Draft Affordable Housing Supplementary Planning Document be noted and the council response be endorsed**
- 2. Approve the Draft Affordable Housing Supplementary Planning Document for public consultation over a period of six weeks**

Reason for recommendation: To make Members aware of the responses received during the first round of public consultation on the Draft Affordable Housing SPD, and show how these have been taken into account. Approval is sought for a further round of public consultation to provide another chance to seek feedback in preparing the SPD.

Officer: Keith Lane, Planning Policy Officer

klane@eastdevon.gov.uk

01395 571684

Financial implications: There are no specific financial implications at this stage.

Legal implications: There are no legal implications in relation to this second consultation report other than as set out in the report.

Equalities impact: Low Impact

An Equalities Impact Assessment of the Draft Affordable Housing SPD has been prepared, which will be published alongside the SPD. This identified that there would be no adverse impacts upon those people with "protected characteristics". There would be positive impacts upon "age" through encouraging affordable housing provision for young people to buy and rent, and "disability" through guidance on enhanced standards for accessible and adaptable homes.

Climate change: Low Impact

The SPD provides guidance on implementing Local Plan policies on affordable housing matters, and does not set new policies. Therefore, it has a low impact upon climate change.

Risk: Low Risk

The SPD is being prepared in accordance with plan-making regulations, the council agreed protocol for preparing SPDs, and the adopted Statement of Community Involvement.

Links to background information:

- [Affordable Housing SPD – Interim Consultation Statement](#)
- [Draft Affordable Housing SPD Screening report for Strategic Environmental Assessment and Habitats Regulations](#)
- [Draft Affordable Housing SPD Equalities Impact Assessment](#)
- [Strategic Planning Committee, Tuesday, 26 March 2019, Agenda and minutes, item 59](#)
- [East Devon Local Plan 2013-2031](#)
- [East Devon Local Development Scheme \(July 2018\)](#)
- [Supplementary Planning Guidance Protocol](#)
- [National Planning Policy Framework](#)

Link to Council Plan: [Encouraging communities to be outstanding; Developing an outstanding local economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding council](#)

Report in full

Update

Members will recall that this matter was reported to the October meeting of Strategic Planning Committee and deferred awaiting the workshop on Local Housing Needs that was held on the 19th November. The workshop reviewed emerging evidence of housing needs in the district from work undertaken by ORS Consultancy. The consultants work is about gathering evidence to inform future policy as part of the local plan review and cannot influence this document which is about providing more detailed guidance about how the policies in the current local plan should be interpreted and implemented.

Background

1. Members will be aware that the East Devon Local Plan promotes the delivery of affordable housing in appropriate locations, through policies relating to affordable housing targets and tenures (Strategy 34) and rural exception sites (Strategy 35).
2. The Local Development Scheme – essentially, the planning policy work programme – states that an Affordable Housing supplementary planning document (SPD) will be prepared to elaborate on policy to secure affordable housing provision in East Devon. This will provide greater clarity to developers and communities about our expectations for affordable housing delivery. By giving clear guidance upfront about issues such as tenure mix, how vacant building credit will be operated, the ‘pepper-potting’ of affordable units in a development, and where off-site contributions will be appropriate, it will enable developers and landowners to better understand policy requirements. Therefore, the SPD should assist applicants when making planning applications, and the council in determining them.
3. It is important to note that SPDs can only add further detail to policies in the Local Plan, and cannot set policies themselves.
4. This Committee approved the first round of public consultation on a draft Affordable Housing SPD from March to May 2019. The SPD contains a brief overview of affordable housing and related planning policy, some contextual information on affordable housing in East Devon, and then provides guidance on affordable housing issues relevant to Local Plan policies, across the following chapters:
 - Thresholds and targets

- Tenure and mix
 - Design and layout
 - Rural exception sites
 - Pre-application, legal agreements and occupancy
5. Appendices include maps showing which affordable housing thresholds apply across the district, Local Plan policies on affordable housing, and the standard section 106 agreement for securing affordable housing.

Responses received in the first round of public consultation and how they have been taken into account

6. A total of 22 responses were received in the first round of public consultation on the Draft Affordable Housing SPD.¹ The accompanying Consultation Statement contains further detail, including a response to each of the comments made. Some of the main issues raised in consultation are set out by chapter below:

General / Context

- The restatement of a significant amount of national policy/guidance should be deleted, as this can be changed by the Government at any time.
- The SPD is either intended to guide the determination of planning applications and should therefore be a Development Plan Document (DPD), or has no purpose and serves no function – therefore, the SPD should either be progressed as a DPD, or abandoned.
- Support reference to the affordability challenge in East Devon.

Thresholds and targets

- There is no justification for using the Homes England methodology to value land by adding 20% uplift to existing use value. This is far too simplistic, not in accordance with national policy, guidance or case law. It will not encourage landowners to sell their land and will therefore inhibit housing delivery.
- Support the thresholds and tenures sought.
- The affordable housing target across the entire Axminster Masterplan area should be 25%, rather than part 25%, part 50%.
- Support the use of vacant building credit, but object to not applying it in specified circumstances.
- Concerns about the viability of providing affordable housing, particularly at strategic sites and for the 50% target.

Tenure and mix

- Not acceptable to dismiss certain types of affordable housing in the NPPF definition due to “lack of evidence”.
- Object to the use of overage clauses and their application across all sites. It causes a considerable burden by adding risk and delay to development.

Design and layout

- Holding up the occupation of market dwellings prior to completion of affordable homes is unduly restrictive.
- Clusters of 10 affordable homes on larger sites is too small, many other south west councils use a figure of 12. It is easier for RPs to manage larger clusters on such sites.

¹ The comments received can be seen in full on our website: <https://eastdevon.gov.uk/planning/planning-policy/housing-issues/affordable-housing/>

Rural exception sites

- The reference to rural exception sites being close to community services should recognise that these may be located in nearby villages, reflecting the NPPF.

Pre-application, legal agreements, and occupancy

- It is important for the efficient letting of homes if allocations can be considered from all potential sources at the same time, and priority then given in accordance with the specified areas (i.e. parish first, then neighbouring parishes, elsewhere etc).
- Welcome reference to allowing occupancy for those with a connection to Exeter, but suggest this could also include Mid Devon.
- Detailed comments suggesting amendments to the standard affordable housing s.106 agreement.

7. Several changes have been made to the SPD in response to the comments made, as detailed in the Consultation Statement (appended to this report). An overview of key changes follows in the next few paragraphs.
8. References to national policy/guidance have been simplified to make the document more concise. The SPD has been clarified in several places so that it is clear that the purpose of the document is to provide guidance on implementing Local Plan policies, including examples of good practice that we would expect, rather than setting additional policy requirements.
9. It is agreed that the Homes England methodology for calculating land values is overly simplistic, lacks justification and is contrary to national policy/guidance. Therefore, reference to this specific approach has been deleted. In terms of applying vacant building credit, reference has been added to national guidance which allows local authorities to consider whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.
10. The SPD does not “dismiss” certain types of affordable housing as defined in the NPPF, but agree that text requiring applicants to justify the mix within the 30% ‘intermediate or other’ category is too onerous in relation to Local Plan policy, so this has been deleted.
11. Other changes include: making clear that the Strategic Housing Market Assessment (SHMA) and Devon Home Choice are evidence of need and not policy requirements; clarifying overage requirements; and allowing potential occupants of affordable housing to be sought from a variety of areas simultaneously as a more efficient way of letting/selling these homes. A series of changes have also been made to the standard affordable housing s.106 agreement in light of responses received.

Next steps

12. In light of comments received in the first round of public consultation, and further internal discussions and consideration, a revised version of the Draft Affordable Housing SPD is presented to this Committee. Approval is sought for a second round of public consultation, in line with the agreed protocol for preparing SPDs (see “links to background information”).
13. Following the second round of public consultation, the comments received will be considered and further amendments made to the SPD as appropriate. This version of the SPD will then be brought back to Strategic Planning Committee to consider and recommend its adoption to Cabinet. Given these remaining stages, it is likely that the Affordable Housing SPD will be adopted in March/April 2020.