

**REPORT TO:** Executive Board

**DATE:** 9 January 2014

**REPORTING OFFICER:** Strategic Director – Policy and Resources

**PORTFOLIO:** Physical Environment

**SUBJECT:** Adoption of the Affordable Housing Supplementary Planning Document

**WARDS:** Boroughwide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 This report seeks the approval of the Executive Board to formally adopt the Affordable Housing Supplementary Planning Document (SPD) to support the Halton Core Strategy Local Plan.

## **2.0 RECOMMENDATION: That**

- 1) The Affordable Housing SPD (Appendix A) be adopted as a Local Development Document and the procedures for adoption, as set out in the Town and Country Planning (Local Planning) 2012 (England) Regulations be carried out; and**
- 2) Any further editorial and technical changes that do not materially affect the content or intended purpose of the SPD be agreed by the Operational Director: Policy, Planning and Transportation in consultation with the Portfolio Holder for the Physical Environment if necessary, before the document is published.**

## **3.0 SUPPORTING INFORMATION**

### ***Purpose of the Affordable Housing SPD***

- 3.1 The purpose of the Affordable Housing SPD is to provide greater certainty and clarity for all parties involved in the delivery of affordable housing in Halton through the planning system. It expands upon policy CS13: Affordable Housing in the adopted Halton Core Strategy (April 2013), providing guidance to prospective applicants. Specifically this SPD aims to:
- a) Maximise the opportunities available and ensure the smooth delivery of affordable housing to meet Halton's housing needs; and
  - b) Reduce uncertainty, ensure a consistent approach and provide clear guidance for all stakeholders to follow.

### ***Background***

- 3.2 Production of this SPD began in 2011 in response to the emerging affordable housing policy in the Core Strategy. As Halton Borough Council has not previously had a policy requirement for the provision of affordable housing on private sites, it was felt beneficial to produce additional guidance for developers to assist the process. The production of formal guidance through a SPD, to support the Core Strategy policy was felt to be the best way of achieving this.
- 3.3 Following drafting of the document, the Affordable Housing SPD was brought before the Executive Board on 24<sup>th</sup> May 2012 when approval was granted to undertake a period of public consultation on the content of the SPD. This public consultation was carried out alongside the consultation on the Core Strategy Post Submission Changes for eight weeks between 20<sup>th</sup> July and 14<sup>th</sup> September 2012.
- 3.4 No comments were received during the 8 week public consultation held on the draft Affordable Housing SPD. No comments were received on the higher policy in the Core Strategy (CS13) either.
- 3.5 Since the 2012 public consultation, necessary changes have been identified to remove potential ambiguity regarding the treatment of developments by, or involving, Registered Providers in the 'Thresholds' section of the SPD. This is due to the fact that Registered Providers are able to develop private rented housing. In such cases where Registered Provider schemes comprise of, or include 10 or more non-affordable units, the Core Strategy affordable housing requirements will apply. These changes, whilst affecting a minority of potential applications are material and as such, it was necessary to undertake proper public consultation on them.
- 3.6 In addition, the version of the SPD consulted on previously, included a 'model Section 106 legal agreement'. However, through applying this to the first of our affordable housing negotiations it has become evident that the 'model' legal agreement will need to be refined through practical experience and including a draft in the SPD would quickly become out of date, necessitating a premature review of the SPD. To avoid this situation arising, the model agreement has been omitted from the SPD and instead up-to-date copies will be made available to applicants and on the Halton website.
- 3.7 The Affordable Housing SPD was brought before the Executive Board on 05<sup>th</sup> September 2013 when approval was granted to undertake a further 6 week period of public consultation on the content of the SPD. This public consultation was carried out between 11<sup>th</sup> October and the 22<sup>nd</sup> November 2013.

### ***Results of the Public Consultation***

- 3.8 Two representations were received during the consultation period. One from Peel Holdings and the other from Cheshire Wildlife Trust.
- 3.9 The Peel Holdings representation seeks a change to paragraph 9.4 which states that “*Affordable units should not be grouped together in a single cluster but evenly distributed, or ‘pepper potted’ across the entire site. If a cluster of affordable housing is proposed this should be proportionate to the size of the development, but in any case should not normally be larger than 6 dwellings*”, by altering ‘6 dwellings’ to ‘12 dwellings’.
- 3.10 Looking at the number of clusters of affordable units that would be needed on sites of different sizes, where each affordable cluster is limited to between 6 and 12 units, it is considered that a change to 8 units strikes a better balance between the concerns raised in the objection and the policy aim of ensuring affordable units are not recognised as being isolated from or within the rest of the site.
- 3.11 For example, on a site of 150 units, a limit of 6 units (draft policy) would require 7 clusters, a limit of 12 units as per the objector’s suggestion would require 4 clusters, whilst the proposed amendment to 8 units would require 5 clusters. Therefore, it can be seen that the change to clusters of 8 units largely addresses the objectors concerns on sites up to 150 units which will cover the majority of housing applications. In balancing the number of clusters required to satisfy the policy for differing housing site sizes against the aims of the policy to avoid the affordable units being isolated from or within developments, a change to 8 units is considered appropriate.
- 3.12 The representation received from the Cheshire Wildlife Trust ‘welcomes the suggestion that, for all affordable units, developers will be encouraged to meet Levels 4-6 of the Code for Sustainable Homes because this includes (among other requirements) enhancement of the biodiversity value of the site based on surveys carried out by a suitably qualified ecologist’. This support is noted and no changes to the SPD are required.
- 3.13 The Statement of Consultation (Appendix B) summarises the period of public consultation that was carried out on the Affordable Housing SPD, a summary of the main issues raised in the consultation and how those issues have been addressed, in accordance with Regulation 12 (a) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

### **4.0 POLICY IMPLICATIONS**

- 4.1 The SPD is intended to supplement policy CS13 of the Halton Core Strategy Local Plan, which was formally adopted by Full Council in

April 2013. Once adopted, this SPD will form part of Halton's folder of planning policy documents. The content of the SPD will thus be a material consideration for the determination of all applicable residential development applications (those delivering 10 or more dwellings) and as such, provide the Council with greater detail and certainty when seeking to manage and guide the provision of affordable housing across the Borough.

## **5.0 OTHER IMPLICATIONS**

- 5.1 Introducing an affordable housing requirement for the Borough through the Core Strategy will require Planning Officers to highlight the new policy to applicants and ensure compliance with the policy prior to the validation of any applicable planning application.
- 5.2 In addition, officers in Property Services will be required to consider the robustness of any Financial Viability Assessments submitted to the Council. Where there is any disagreement, the Council will engage an external party to analyse the viability assessment and provide an independent view.

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **6.1 Children and Young People in Halton**

The SPD will help to ensure that children and young people across the Borough grow up in, and thrive in, safe residential environments and communities.

### **6.2 Employment, Learning and Skills in Halton**

Although the priority of employment, learning and skills in Halton is not specifically referred to in the SPD, there is a close relationship between the economy and the housing market, with housing a driver of, but also responsive to, local economic growth and performance.

### **6.3 A Healthy Halton**

The priority for a healthier Halton is reflected within the SPD through supporting the development of well-designed residential communities that are sustainable and accessible to all.

### **6.4 A Safer Halton**

The SPD will contribute to ensuring high standards of residential design for affordable units; this will include creating places that feel safe, secure and welcoming for everyone.

### **6.5 Halton's Urban Renewal**

The SPD fully supports the creation of good quality residential environments that will assist in the urban regeneration of the Borough.

## **7.0 RISK ANALYSIS**

7.1 No legal or financial risks to the Council have been identified.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 The SPD addresses a number of equality and diversity issues particularly in meeting the housing needs of Halton's communities. The SPD also encourages developers to meet high access standards in the design of affordable housing provision such as those for wheelchair accessible housing.

## **9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

| <b>Document</b>                                                           | <b>Place of Inspection</b>                        | <b>Contact Officer</b> |
|---------------------------------------------------------------------------|---------------------------------------------------|------------------------|
| Consultation Draft Affordable Housing SPD (Oct 2013)                      | Planning & Transport Strategy, Municipal Building | Rachel Wright          |
| Halton Core Strategy Local Plan (April 2013)                              | Planning & Transport Strategy, Municipal Building | Rachel Wright          |
| Draft Affordable Housing SPD (May 2012)                                   | Planning & Transport Strategy, Municipal Building | Rachel Wright          |
| Mid-Mersey Strategic Housing Market Assessment (May 2011)                 | Planning & Transport Strategy, Municipal Building | Rachel Wright          |
| Economic Viability Assessment (November 2010)                             | Planning & Transport Strategy, Municipal Building | Rachel Wright          |
| The Town and Country Planning (Local Planning) (England) Regulations 2012 | Planning & Transport Strategy, Municipal Building | Rachel Wright          |