

East Herts Council Report

Council

Date of Meeting: 13 May 2020

Report by: Cllr Haysey, Leader of the Council and Cllr Goodeve,
Executive Member for Planning and Growth

Report title: East Herts Affordable Housing Supplementary
Planning Document (SPD) – Final for Adoption

Ward(s) affected: All

Summary

- To outline the results of the public consultation on the draft Affordable Housing Supplementary Planning Document (SPD) and seek Members' agreement to adopt a revised document.
- To report that the three statutory consultees have no comment on the Strategic Environmental Assessment (SEA) Screening report, so confirm that an SEA of the Affordable Housing Supplementary Planning Document (SPD) is not required.

RECOMMENDATIONS FOR Council:

- a) The responses of the consultation be noted and the officer responses and proposed changes to the Affordable Housing Supplementary Planning Document (SPD) be supported**
- b) The Affordable Housing Supplementary Planning Document (SPD), as detailed in Appendix C of this report, be approved for adoption; and**
- c) In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 it has been determined that a Strategic Environmental Assessment of the emerging Affordable Housing Supplementary Planning Document (SPD) is not required as it is unlikely to have significant environmental effects.**

1.0 Proposal(s)

- 1.1 Ensuring that housing is accessible to, and meets the needs of the future generations is critical and therefore it is recommended that the Affordable Housing SPD be approved for adoption. In doing this, representations to the consultation, the officer responses to those representations and proposed changes to the Affordable Housing SPD are also supported.

2.0 Background

- 2.1 There is an ongoing need for affordable housing in East Herts. A significant proportion of this need will be met through the delivery of housing and the planning system by requiring developers to include affordable housing within their open market housing development as a part of planning permission
- 2.2 A key objective of the East Herts District Plan, adopted in October 2018, is to ensure that new housing is accessible to,

and meets the needs and aspirations of the District's communities into the future.

- 2.3 Once adopted the Affordable Housing SPD will replace the current Affordable Housing and Lifetime Homes SPD January 2008. The new SPD will be a material planning consideration which will be taken into account in deciding a planning application or on an appeal against a planning decision.
- 2.4 The SPD supports Policy HOU3: Affordable Housing amongst other policies in the housing chapter (Chapter 14) of the District Plan. It seeks to ensure the effective and consistent implementation of the Plan's policies relating to the provision of Affordable Housing in East Herts.
- 2.5 Members will recall that public consultation on a draft version of the SPD for a period of consultation was agreed at Executive on 8th October 2019. The consultation subsequently took place between 30th January and 5pm on 27th February 2020.

3.0 Considerations

- 3.1 Supplementary Planning Documents are documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as affordable housing.
- 3.2 The Affordable Housing SPD has been prepared to provide further guidance to applicants in relation to the policies set out in Chapter 14: Housing of the District Plan.
- 3.3 In setting out the Council's expectations for the delivery of affordable housing, the SPD seeks to increase the efficiency of the negotiations between the council and the applicant, and ensure the delivery of affordable dwellings of a tenure, type, size and affordability, concurrent with identified need and ensure that it is effectively integrated within development sites in terms of location and design to create mixed and balanced communities.

- 3.4 In accordance with the Town and Country Planning (Local Planning (England) Regulations 2012, the draft SPD was subject to four weeks of consultation. Over 60 responses were received from 29 respondents. Of the representations, the majority either objected to elements within the SPD or were seeking amendments. There were some comments of support of the document in general, and a number of supportive comments for specific elements within the document.
- 3.5 The matters raised in these submissions are included in the statement of consultation, which can be found in Appendix A. This includes summaries of the main issues raised; the officer response to those issues; and proposed amendments to the SPD, where appropriate.
- 3.6 In some cases representations have suggested detailed amendments that would add value to the SPD in terms of clarification of the proposed text. In these cases the proposed amendments to the document have been suggested in the schedule and in some cases carried forward into the final document.
- 3.7 Members are therefore invited to agree the officer responses to the issues raised as part of the public consultation; the proposed changes to the draft SPD; and the adoption of the final document. A copy of the final Affordable Housing SPD is found in Appendix C.

Strategic Environmental Assessment

- 3.8 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment. It is therefore a requirement that the Council undertakes a Screening Assessment to determine whether the draft Affordable Housing SPD should be subject to a Strategic Environmental Assessment.

- 3.9 The Regulations require that the Council consults three statutory bodies in reaching this determination. Consultation has therefore been carried out with the Environment Agency, Natural England and Historic England. All three organisations have confirmed that they have no comment on the Council's draft Screening Statement.
- 3.10 Therefore, the final Screening Statement is attached in Appendix D. It concludes that the draft SPD is unlikely to have significant environmental, social or economic effects beyond those of the District Plan policies it supplements; does not create new policies and only serves to provide useful guidance on how to effectively and consistently implement the District Plan policies and therefore does not require a Strategic Environmental Assessment.

4.0 Options

- 4.1 Option 1- Not adopting SPD - will mean the adhoc approach to securing affordable housing will continue. The current process relies primarily on individual site by site negotiations, which lacks consistency and transparency. Officers may also continue to rely on the guidance in the 2008 Affordable Housing and Lifetime Homes SPD which is now out-of-date.
- 4.2 Option 2- Adopting SPD – Will ensure consistency with the East Herts District Plan and latest NPPF setting clear expectations about what the Council expects from developers, whilst allowing flexibility when necessary. This encourages a more transparent and efficient negotiation process.

5.0 Risks

- 5.1 If the Affordable Housing SPD was not adopted, developers and members of the public would not be able to benefit from the additional guidance set out in the SPD.

6.0 Implications/Consultations

6.1 The Affordable Housing SPD has been subject to a statutory 4 week public consultation between the 30 January and 27 February 2020. Executive Members have been consulted on the recommendations to Council.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

All Wards

7.0 Background papers, appendices and other relevant material

- 7.1 East Herts District Plan October 2018 – Chapter 14 - Hertford, <https://www.eastherts.gov.uk/districtplan>
- 7.2 Appendix A: Affordable Housing Consultation Statement
- 7.3 Appendix B: Affordable Housing SPD (including track changes)
- 7.4 Appendix C: Affordable Housing SPD (final for adoption)
- 7.5 Appendix D: Affordable Housing Screening Statement

Contact Member

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