

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 25 AUGUST 2016

REPORT BY LEADER OF THE COUNCIL

EAST HERTS DRAFT DISTRICT PLAN – CHAPTER 13 – HOUSING:
RESPONSE TO ISSUES RAISED DURING PREFERRED OPTIONS
CONSULTATION AND DRAFT REVISED CHAPTER (RENUMBERED
CHAPER 14)

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

The purpose of this report is:

- To bring to Members' attention the issues raised through the Preferred Options consultation in connection with Chapter 13 (Housing) of the Draft District Plan Preferred Options version, together with Officer responses to those issues;
- To explain to Members why further amendments to Chapter 13 (Housing) are required to ensure that the final draft District Plan reflects the most up-to-date policy position and the latest available evidence;
- To place before Members for consideration a draft revised chapter (renumbered Chapter 14), for subsequent incorporation into the final draft District Plan.

**RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE
PANEL: That Council, via the Executive, be advised that:**

(A)	the issues raised in respect of Chapter 13 (Housing) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper 'B' to this report, be received and considered;
(B)	the Officer response to the issues referred to in (A) above, as detailed in Essential Reference Paper 'B' to this report, be agreed;

(C)	the further amendments in respect of Chapter 13 (Housing) of the Draft District Plan Preferred Options, as detailed at Essential Reference Paper ‘B’ to this report, be received and considered; and
(D)	the draft revised Chapter 14 (Housing), as detailed in Essential Reference Paper ‘C’ to this report, be agreed as a basis for inclusion in the final draft District Plan, with the content being finalised when the consolidated plan is presented in September 2016.

1.0 Background

1.1 The Council published its Draft District Plan Preferred Options for consultation for a period of twelve weeks between 27th February and 22nd May 2014. Several thousand comments were received through the consultation exercise from over a thousand stakeholders including statutory consultees and members of the public.

1.2 In order to manage these comments, the Council’s agreed approach, as set out in its Statement of Community Involvement (October 2013), is to summarise the issues raised through the consultation and record how these issues have been used to inform the next draft of the District Plan.

1.3 This report presents a draft revised chapter on Housing for subsequent incorporation into the final Draft District Plan. **Essential Reference Paper ‘B’** contains the Issues Report and **Essential Reference Paper ‘C’** the draft revised chapter.

2.0 Report

2.1 The Issue Report is split into two parts. The first part summarises the issues raised through the Preferred Options Consultation. The issues are grouped according to the section of the Draft Plan they relate to. The table presents an officer response to each issue and then sets out any subsequent proposed amendments to the text or policies of the draft Plan. These proposed amendments are shown in the form of a ‘track change’ so that readers can clearly see what amendments are being proposed.

2.2 The second part of the Issue Report details any further amendments that are required to ensure that the final draft

District Plan reflects the most up-to-date policy position and the latest available evidence.

- 2.3 The Housing Chapter has been significantly amended from the version presented as part of the Preferred Options consultation in 2014. In addition to updated technical evidence being completed for the Council, numerous changes to various elements of Government guidance regarding housing policy have resulted in amendments to the chapter being necessary.
- 2.4 The key updated technical evidence based documents that have resulted in amendments being made to the Housing Chapter are the:
- West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA), September 2015
 - Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update, April 2016
- 2.5 The key changes to Government guidance that have resulted in amendments being made to the Housing Chapter are set out in the:
- Housing and Planning Act 2016
 - Written Ministerial Statement introducing into national planning policy a threshold beneath which affordable housing contributions should not be sought, 28th November 2014
 - Planning Practice Guidance (PPG)
 - Written Ministerial Statement setting out the Government's national planning policy on the setting of technical standards for new dwellings, 25th March 2015
 - Self-Build and Custom Housebuilding Act 2015
 - Planning policy for traveller sites (PPTS), August 2015
- 2.6 The main amendments to the Housing Chapter resulting from the changes to Government guidance are summarised below. It should be noted that further amendments may be required to this chapter following publication of secondary legislation to support the primary legislation introduced through the Housing and Planning Act 2016. It is anticipated that this will be published later this year.

Affordable Housing

- 2.7 The Government published The Housing and Planning Act 2016 on 24th May 2016. The Act includes a new, broader definition of affordable homes to include starter homes, and the primary legislation for starter homes. It places a duty on the Council to promote the supply of starter homes in the District. Starter homes are defined as a new dwelling available for purchase by qualifying first-time buyers (aged 23-39), and are required to be marketed for sale at a price at least 20% less than open market value, subject to a price cap of £250,000. Re-sale values of starter homes will 'taper' back up to full open market value, with the full details to be confirmed by secondary legislation.
- 2.8 The exact proportion of starter homes required, and the size of qualifying sites upon which they must be delivered, will also be confirmed by secondary legislation. However, the Government has carried out consultation on the technical regulations required to support the delivery of starter homes and this consultation document indicated the intention for a minimum requirement of 20% of homes on sites of over 10 dwellings (or 0.5ha in size) to be provided as starter homes. Exceptions are anticipated to apply on grounds of viability and for certain types of sites and uses.
- 2.9 Therefore, the Council has had to amend the affordable housing policy to take account of the need to promote the supply of starter homes. The policy requires the tenure mix to be negotiated with the Council on a site by site basis, having regard to the affordable housing products defined within the National Planning Policy Framework. However, it should be noted that as the more detailed guidance regarding the delivery of starter homes is due to be brought forward through secondary legislation at a later date, further amendments may be required to Policy HOU3, prior to examination, to ensure that it is in accordance with the final starter homes regulations.
- 2.10 The Government have also introduced a threshold for seeking the provision of affordable housing into national planning policy, through a Written Ministerial Statement and amendments to the PPG. This threshold has been set at sites delivering 10 dwellings or less, and where the dwellings would have a combined gross floor space of less than 1,000 square metres. Therefore, Policy HOU3 has been amended so that the thresholds at which affordable housing is sought are in conformity with the PPG.

Housing for Older and Vulnerable People

- 2.11 The Written Ministerial Statement published on 25th March 2015 set out the Government's national planning policy on the setting of technical standards for new dwellings. These new standards replace the Lifetime Homes Standards, and set out how accessible and adaptable homes will be delivered. The Council is only able to specify housing standards provided in the 'New National Technical Standards', which provide specifications for accessible homes in three categories and have been added to Part M of the Building Regulations. The two higher tiers, Category 2 (equivalent to Lifetime Homes) and Category 3 (designed for wheelchair users) are optional standards and can only be secured through policies in Local Plans. Therefore, the Council has introduced a new policy HOU7 – Accessible and Adaptable Homes into the District Plan, which sets how the Council will seek delivery of dwellings that meet these specifications.
- 2.12 In addition, a specific target for the provision of bed-spaces within the Use Class C2 has been added to Policy HOU6 – Specialist Housing for Older and Vulnerable People, to reflect evidence contained in the latest SHMA. It is important to note that the objectively assessed housing need (OAN) for the District does not include the projected increase of the institutional population; therefore, this target of at least 530 bed-spaces to be provided between 2011-2033 is in addition to the overall housing requirement set out in the District Plan.

Self-Build and Custom Build Housing

- 2.13 A new policy, HOU8 – Self-Build Housing, regarding the provision of serviced plots for self-builders has been introduced into the Plan in response to The Self-Build and Custom Housebuilding Act 2015. The Act places a duty on the Council to keep and have regard to a register of people who are interested in self-build or custom-build projects in the District. In addition, the Housing and Planning Act 2016 requires the Council to grant sufficient permissions on serviced plots of land to meet demand in the District. Therefore, the Council is seeking a proportion of serviced dwelling plots be provided for sale to prospective self-builders on sites proposing over 200 dwellings. The Council will also be supportive of self-build projects identified within a Neighbourhood Plan, wherever possible.

Gypsies and Travellers and Travelling Showpeople

- 2.14 The section of the Plan relating to meeting the accommodation needs of Gypsies and Travellers and Travelling Showpeople was unable to be finalised for the Preferred Options consultation in 2014, due to the need to carry out an up to date Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment. This assessment was finalised in April 2016 and the policy has therefore been completed to identify deliverable sites to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople throughout the Plan period.
- 2.15 In addition, the updated PPTS identifies a definition distinction that Gypsies and Travellers and Travelling Showpeople who no longer lead a nomadic lifestyle are treated as non-travelling Gypsies and Travellers and Travelling Showpeople for the purposes of the planning system. However, the Human Rights Act 1998 and the Equalities Act 2010 protect their cultural choice to live in mobile accommodation and therefore, there is a need to plan for the provision of park homes within the Plan.
- 2.16 Whilst the Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update, May 2016, identified existing households that do not meet the PPTS definition, it did not identify the future requirement of those households up until 2033. Therefore, until the accommodation needs of these households are fully determined, a new policy, HOU10 New Park Home Sites for Non-Nomadic Gypsies and Travellers and Travelling Showpeople, has been introduced into the Plan which sets out the criteria which will be used to determine planning applications.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Member: Cllr Linda Haysey – Leader of the Council
linda.haysey@eastherts.gov.uk

Contact Officer: Kevin Steptoe – Head of Planning and Building
Control
01992 531407
kevin.steptoe@eastherts.gov.uk

Report Author: Laura Pattison – Senior Planning Policy Officer
laura.pattison@eastherts.gov.uk