

PLACE OVERVIEW AND SCRUTINY PANEL

Monday 5 February 2024

Present: Councillors Siân Martin (Chair), George Blundell (Vice-Chair), Clive Baskerville, Alison Carpenter, Jodie Grove, Gurch Singh, Jack Douglas and Leo Walters

Present virtually: Councillor Asghar Majeed

Also in attendance: Councillor Adam Bermange

Officers: Mark Beeley, Andrew Durrant and Ian Manktelow

Officers in attendance virtually: Amanda Gregory and Paul Beetham

Draft Affordable Housing Delivery Supplementary Planning Document

Ian Manktelow, Principal Planning Policy Officer, gave the Panel a brief presentation setting out the context behind the Affordable Housing Supplementary Planning Document (SPD). There had been a commitment in the Borough Local Plan to prepare an SPD and this would provide an opportunity to give more guidance to developers. The SPD would also allow the council to secure affordable housing that best met the needs of the borough. The report would be going to Cabinet on 20th February for approval before going out to consultation for a minimum of four weeks in March or April. Consultation responses would then be reviewed and the SPD would be updated accordingly. The SPD could be brought back to Cabinet in July, dependant on the extent of the consultation responses and the issues raised.

Councillor Carpenter asked if the SPD would ensure that the council saw the maximum allocation of affordable housing being offered. It was stated in the report that those from minority ethnic backgrounds would struggle to gain housing in the borough but this was not what Councillor Carpenter had experienced in her conversations with residents. She asked what a designated rural area was and why this was important along with the significance of unparished areas. Councillor Carpenter considered the options available to developers and that an alternative site could be used, she questioned how the council could ensure that this was similar in quality to the original designs. For developers who chose the financial contribution, Councillor Carpenter queried what happened to this money and how would the council make sure that this was used to build further affordable housing.

Ian Manktelow said that the document would put the council in a better position when it came to viability discussions with developers. However, there could be site specific reasons why the target level of affordable housing could not be achieved. There was a review mechanism in place, for example if a planning application was approved in year 1 but the development did not start until year 3, the decision could be reviewed for more affordable housing due to a change in market demands. The comment on ethnic minority figures was a general comment picked up by the Housing team and Ian Manktelow would check this after the meeting. On rural areas, there were some parishes in south east England which were formally set out in legislation as rural areas. This legislation allowed the council to set a lower site size threshold at which the council could secure affordable housing. Unparished areas did not qualify as they were not parishes under the legislation. In relation to offsite provision, the priority was to get an appropriate level of affordable housing on the proposed site. If there were two sites coming through from the same developer, they could in theory allocate all of their affordable housing on one of the two sites but this was not the preferred approach. Where financial contributions

were received from developers, this was ringfenced and could only be spent on affordable housing.

ACTION – Ian Manktelow to check the comment on minority ethnic groups which had been included as part of the Equality Impact Assessment.

Councillor Bermange, Cabinet Member for Planning, Legal and Asset Management, felt that the SPD helped to empower the decision makers to ensure that viability was not abused. He commented that the Borough Local Plan had been agreed in 2022 and had been finalised using viability analysis at the time, developers needed to justify any change in circumstances which meant that affordable housing was deemed unviable.

Councillor G Singh commented that it was pleasing to see the draft report considered by the Panel. He felt that the SPD closed a loophole particularly as there was not enough affordable housing being delivered. The report was very technical and he suggested that a foreword could be added to the front of the report to outline what the SPD was. It was clear to see the preference for affordable housing to be on site but there were other options available which could be used if needed. Councillor G Singh was concerned about planning applications not being validated without a statement. He suggested that reasonable time was given for the statement to be validated so that planning applications were not needlessly rejected.

Ian Manktelow explained that planning officers needed all of the information up front to make a decision on applications. Once an application had been validated, the length of time for a decision to be made started and chasing key documents could affect the performance of the planning team. A developers' guide had been included at the start of the SPD as a summary of the guidance but officers could consider the best way to publicise the consultation once it went live.

Councillor G Singh responded that a key audience of the SPD were people on the housing list, as they would want to know what the council were doing to help them get on the property ladder.

Councillor Walters said that there was a need for more affordable housing and he was pleased to see an emphasis on two bedroom houses instead of flats. He asked what a rural area was in the context of the SPD.

Ian Manktelow highlighted that the SPD was based on Borough Local Plan policy. Normally, the council could only require affordable housing on sites of 10 or more homes. Within the designated rural areas, this threshold was reduced to 5 homes and the council could require 40% of the homes to be affordable.

Councillor Grove highlighted concern that affordable housing could be built on a separate site and whether there were any conditions on developers to ensure that this was completed in a certain timeframe. There could also be areas with very little affordable housing because of developers claiming that they were not viable.

Ian Manktelow said that there would probably be very few examples of affordable housing being located on a separate site as this would require two planning applications to come through from the same developer at the same time. He noted that the S106 money would have a clause which would state when the money would need to be spent and if not spent within that period it would have to be paid back, so there was a need for some flexibility in the agreement. There would be an ambition for it to be spent relatively close to where it had been collected.

Councillor Grove asked if there were clear guidelines on whether developers should provide affordable housing on site, at an alternative site, or provide a financial contribution.

Ian Manktelow explained that the onus was on the developer and there were not strict requirements implemented by the council. This was designed to ensure that there was pressure on the developer to focus on the onsite affordable housing option.

Councillor Baskerville asked what the target was for affordable housing and how much had been delivered in recent years. He suggested that there was a feeling that the council had accepted viability arguments in the past and questioned whether the SPD would give the council more clout against developers.

Ian Manktelow shared data with the Panel showing the total number of affordable housing units completed over the past ten years. This was compared with the total number of homes created each year. The council wanted to see less shared ownership and more social and affordable rented homes.

Councillor Baskerville felt that some developers had been tough on the council in allowing it to reach intended targets. He queried how difficult it was for developers to provide an appropriate level of affordable housing.

Ian Manktelow confirmed that if a viability case was received from a developer, the council requested that the financial viability appraisal of the scheme was submitted. This was considered by an expert valuer to assess the appraisal to make a decision.

Andrew Durrant raised a couple of examples where developers had been challenged by the council and more affordable housing had been included in the plans.

Councillor Grove asked that if applications were rejected and the developers went to an appeal, how well supported would the council be by the SPD.

Ian Manktelow said that it was a balance and all aspects of the scheme needed to be considered. There were likely to be positives to the scheme, including the delivery of housing, that needed to be balanced against the negative elements. He reminded the Panel that the balance was 'tilted' in favour of development where there was not a five year housing land supply, as was currently the case.

Councillor G Singh proposed a recommendation from the Panel, that a foreword or executive summary was included at the start of the SPD. This was seconded by Councillor Baskerville.

AGREED UNANIMOUSLY: The Place Overview and Scrutiny Panel recommended to Cabinet:

- i) That a foreword or executive summary was included at the start of the Affordable Housing SPD.**