

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
PLANNING POLICY	PLANNING COMMITTEE	23 SEPTEMBER 2021	4
AFFORDABLE HOUSING SPD - ADOPTION			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Affordable Housing SPD (Appendix 1) gives the Council support in its implementation of Policy H4 of the Local Plan, by requiring prior engagement with affordable housing Registered Providers, requiring certain matters detailed in an Affordable Housing Statement to be submitted with a planning application, and providing detailed guidance on the calculation of discounts for Discount Market Sales Housing and for the calculations for the contributions required where affordable housing is to be provided off-site. A Template Affordable Housing Statement is provided to assist applicants.

The SPD has been revised from the draft version having regard to representations received during the consultations and to address other specific issues including changes to national policy that have arisen since publication of the draft. The Summary of Responses (Appendix 2) and Summary of Additional Responses (Appendix 3) give details of the representations made to the consultation and provides a consideration of the response proposed by the Council, noting where changes are considered necessary.

The Screening Opinion which concludes that Strategic Environmental Assessment/ Sustainability Appraisal is not required on the Draft Affordable Housing SPD is also provided for members' information (Appendix 4).

RECOMMENDATIONS

1. That the results of the Screening Opinion conducted on the Draft Fylde Affordable Housing SPD as set out in Appendix 4 are noted.
2. That the responses to the consultation on the Draft Fylde Affordable Housing SPD as set out in the Summary of Representations (Appendix 2) and the Summary of Additional Representations (Appendix 3) are noted.
3. That the Fylde Council Affordable Housing Supplementary Planning Document (Appendix 1) is adopted for development management purposes.

SUMMARY OF PREVIOUS DECISIONS

On the 11th September 2019 Planning Committee resolved that the draft Affordable Housing Supplementary Planning Document be approved for public consultation.

On the 27th February 2019 Planning Committee resolved:

1. That the results of the consultation into the Affordable Housing SPD (Scoping) as set out in the Summary of Representations be noted; and

2. That the Draft Affordable Housing Supplementary Planning Document be approved for further work and Sustainability Appraisal prior to being issued for public consultation.

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

1. Supplementary Planning Documents (SPDs) provide greater clarity as to the requirements of Local Plan policies for specific situations or types of development. SPDs may not make policy, but rather provide guidance on the application of the policies contained in the adopted Fylde Local Plan to 2032.
2. The Affordable Housing SPD has a range of objectives:
 - To prevent disagreements about the tenures of affordable housing that are required;
 - To provide clarity for cases where occupancy restrictions should be applied to a parish or ward, for how long should those restrictions be applied when letting;
 - To prevent affordable housing within developments being of poor quality, segregated, poorly designed, poorly located or not provided;
 - To prevent disagreements as to whether off-site provision will be acceptable;
 - To provide a framework where a developer wishes to challenge the requirement for affordable housing on a site on grounds of viability;
 - To prevent a failure to engage with the Council by developers prior to submission of an application;
 - To prevent negotiation of S106 agreements becoming prolonged;
 - To determine the level of discount required for discounted market sales housing;
 - To promote the supply of a range of affordable home sizes including some larger units; and
 - To promote the range of affordable housing products and to clarify how the most popular of these should be operated in Fylde.
3. The Affordable Housing SPD was initially introduced through a Scoping consultation conducted between November 2018 and January 2019. This consisted of an early draft setting out the main elements of the proposed document with a series of consultation questions. The results of the consultation were used to develop the Draft SPD which was presented to this committee along with the summary of the scoping consultation, on 27th February 2019.
4. The Draft SPD was screened to assess whether a Strategic Environmental Assessment/Sustainability Appraisal would be required. This screening opinion found that there was no requirement to do so as the issue had been dealt with through the Sustainability Appraisal of the Local Plan. The screening document is provided as Appendix 3.
5. Consultation on the Draft SPD took place between 7th November 2019 and 5th December 2019. Representations were received from seventeen respondents, broken down as: three parish councils, six statutory consultees, two national associations, one registered provider of affordable housing, two developers

and three individuals of whom two are members of the Council. The responses are set out in the attached Appendix 2 in the order of the content of the document.

6. Following further amendments to the document in response to the Draft SPD consultation, and amendments made in response to national policy and legislation changes, a draft of this final document was offered for consultation to all the previous respondents to the main consultation and to all the Registered Providers of affordable housing active in Fylde, for a short period in August-September 2021. Appendix 3 provides the results: only two respondents provided replies which are set out along with the suggested response from officers to the comments.
7. Comments made within the consultation responses (at both stages) included:
 - Acknowledged that a number of the issues apparent at scoping stage have been resolved: in particular the requirement to have a pre-drafted S106 agreement has been removed;
 - Some of the proposed tenures would not be genuinely affordable;
 - The variation in the discount for discounted market sales housing is not justified;
 - Park homes can provide affordable housing on-site and are themselves affordable based on the Council's own threshold for affordability;
 - Park homes have provided homes for affordable rent elsewhere in the country;
 - 30% affordable housing is a very large number of homes: is there really demand for that much Council housing?
 - The phasing requirement is too strict and would cause cashflow problems for developers;
 - The requirements to submit an Affordable Housing Statement and identify a registered provider at outline stage should be removed;
 - Indication of the mix of affordable dwelling types at outline stage should be removed;
 - Off-site contributions must be based on the type of properties that are to be built on the site, not on a notional requirement that differs. In particular, contributions in respect of a residential park home site should be based on the value of park homes on the site;
 - The occupancy restrictions are too lenient;
 - The requirement to relate any viability assessment back to the viability assessment that supported the Local Plan highlights that it is out-of-date and requires refreshing;
 - Guidance on rent-to-buy as an alternative tenure to those listed should be included within the SPD.
8. Amendments have been made to the consultation draft SPD to: amend the calculation of off-site contributions, in particular so that it relates directly to the form of development proposed on the site; to remove the requirements to provide an Affordable Housing Statement at outline stage, and to identify a Registered Provider at that stage; to provide guidance on the rent-to-buy tenure; to note the Partial Review; to moderate the phasing requirement slightly whilst ensuring that obligations will be met; to clarify how "Designated Protected Area" status will limit staircasing in rural settlements; and to add a clause that acts in the event of the default of the Registered Provider on borrowings they have made to take on the units.
9. The SPD includes sections on:
 - A review of policy and guidance,
 - The tenures of affordable housing that the Council will accept and detail of how they should operate
 - How the amount of affordable housing is calculated
 - The requirement for pre-application engagement
 - The Affordable Housing Statement
 - Size, type, design and distribution of affordable housing

- Off-site contributions
- Management arrangements including the allocation of properties
- Viability appraisal
- Guidance on legal agreements and undertakings which cross-refers to documentation provided by the Council's legal department
- Decision-taking, implementation and monitoring
- Glossary
- Appendices provide details of registered providers, a template affordable housing statement which it is intended to provide as a Word version on the Council's website on adoption, a pro-forma for the calculation of off-site contributions and the evidence supporting discount levels.

10. The Affordable Housing SPD will assist applicants in identifying and providing to the Council the information it requires to progress the application, at an earlier stage than previously, thereby leading to more rapid and certain decision-making. Members are therefore invited to adopt the SPD, which will give the SPD significant weight as a material consideration in decision-making and in the Council's dealings with applicants during the consideration of proposals.

IMPLICATIONS	
Finance	Contributions realised through Section 106 agreements will provide potential funding for future affordable housing projects where off-site provision is agreed by the Council. Decisions to release s106 developer contributions in respect of any future schemes will be taken by Council or the Finance and Democracy Committee in accordance with the Council's financial regulations.
Legal	The SPD has undergone consultation in accordance with Regulations 12 and 13 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
Community Safety	None.
Human Rights and Equalities	The Affordable Housing SPD is intended to augment the supply of affordable housing which will improve access to accommodation for disadvantaged individuals and families.
Sustainability and Environmental Impact	The Affordable Housing SPD promotes sustainable forms of development.
Health & Safety and Risk Management	None.

LEAD AUTHOR	CONTACT DETAILS	DATE
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Attached documents:

Appendix 1 - Fylde Council Affordable Housing SPD

Appendix 2 - Summary of Responses Received on the Draft Affordable Housing SPD

Appendix 3 - Summary of Additional Representations Received on the AHSPD (draft final version) Additional Consultation

Appendix 4 - SEA Screening Consultation