

**TEESDALE DISTRICT COUNCIL**

**Report To: EXECUTIVE COMMITTEE  
19 MAY 2008**

**From: Councillor Dreda Forster**

**Ward Member: All**

**Subject: AFFORDABLE HOUSING SUPPLEMENTARY PLANNING  
DOCUMENT: CONSULTATION RESPONSES**

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**1.0 SUMMARY**

1.1 In October 2007, the Draft Affordable Housing Supplementary Planning Document was produced as a priority policy document given the evidenced need for additional affordable housing in the District. The statutory six week consultation period resulted in 42 comments from 14 different individuals and organisations as set out in Appendix 1, together with a draft response on behalf of Members.

**2.0 RECOMMENDATION(S)**

**2.1 It is recommended that**

**2.1.1 Members note the comments made following the consultation of the Affordable Housing Supplementary Planning Document and approve the suggested responses as set out in Appendix 1. Members also support the decision not to move to adoption of the SPD at the current time but grant delegated responsibility to the Director of Regeneration to do so should this be necessary as set out in paragraph 6.1.**

**3.0 LINK TO CORPORATE KEY PRIORITIES/AMBITIONS**

3.1 Priority: To meet the housing needs of all of our residents

3.2 Ambition: All

3.3 Outcome: All

**4.0 BACKGROUND**

4.1 The Teesdale Local Plan was adopted in 2002. Policy H14 of the Plan allows for an element of affordable housing on housing sites, but does not establish how much affordable housing is appropriate, or what type, this was to be determined at the appropriate time, based on evidence

of need. The Supplementary Planning Document seeks to fill this gap. The document provides advice to landowners, developers and the community about when affordable housing provision will be sought, on both allocated and non allocated sites as and when they come forward.

## **5.0 THE RESPONSES: KEY MESSAGES**

- 5.1 A number of responses detail the requirement in Planning Policy Statement 3: Housing of the need to base affordable housing requirements upon Strategic Housing Market Assessments, and the robustness of the data underpinning the document is questioned. We consider our evidence base to be robust, and since the consultation period, the Strategic Housing Market Assessment for Durham has been finalised, although not yet published. We have however been informed of the key messages of the study which confirms the dire need for additional affordable homes in the District or equivalent housing market area. We are also in the process of commissioning additional housing needs data, local data of this nature is also encouraged by Planning Policy Statement 3: Housing, as a robust and locally relevant basis upon which mechanisms and policies can be based.
- 5.2 A number of responses also question whether the document goes beyond its remit and state that the Core Strategy of the Local Development Framework would be a more robust and transparent place for such a policy. We consider that the document merely supplements Policy H14 in interpreting local affordable housing requirements in to guidance across the District. The reason this policy was introduced out with the Local Development Framework Core Strategy was in effect to provide an interim position, this is particularly important now as the advancement of the Local Development Framework has been suspend in light of LGR and the need to produce a Countywide Development Framework. It is hoped that ultimately affordability policies will be integrated in to the new Core Strategy, but this by no means a requirement, and will be some years off.
- 5.3 The private house builders question the use of the Housing Pro Forma, and the legality of not validating planning applications where an affordable housing element is required, but no pro forma submitted with the application. The purpose of the Pro Forma is to ensure that early discussions take place where we are seeking affordable housing as part of a private scheme. The use of such an approach is stipulated by government in guidance on the validation of planning applications and our approach is therefore considered to be reasonable and legal. In using the Pro Forma we are seeking to ensure that the debate around the provision of the affordable housing is well advanced at the planning application stage, demonstrating both the developers commitment to delivery, but also will assist in reducing the delay between the potential approval of an application, and the signing of Section 106 agreements where they are necessary. It was never the intention that the content of the Pro Forma would be legally binding, although it is hoped that the

content would reflect early negotiations and discussions. This situation will be clarified by an additional statement that the signing of the Pro Forma is of no contractual effect, which should meet some of the concerns from the industry.

- 5.4 There are also a number of points of clarification as detailed below:
- That the requirements and thresholds also apply to the conversion of groups of properties
  - That the tenure targets form a basis for negotiation and are not arbitrarily applied.
  - Off site provision may be acceptable but only in rare circumstances
  - TDC recognise the private sector and their role in the provision of affordable housing, where this accords with the definition.

## **6.0 NEXT STEPS**

6.1 Ordinarily we would be seeking authorisation to move the SPD to adoption. However, the additional housing needs data that is likely to emerge over the coming months may give grounds to revise the thresholds in the document. By this stage we may also have a clearer steer on the County wide Local Development Framework and other Affordable Housing documents across the County and consider whether these should be merged and adopted as one document. In the short term, the robustness of our documents is proven as a well evidenced base for negotiations and is already being applied on a number of sites. Should this situation change then we could move towards the adoption of the document albeit as a very temporary measure.

## **7.0 STATUTORY CONSIDERATIONS**

7.1 Financial Implications:

7.2 Risk:

<b>Risk</b>	<b>Category</b>	<b>Implications</b>
Not making provision for the development of more affordable homes in the District	Reputational	Council will not be addressing gits own priorities in terms of meeting the housing needs of its residents which has implications for the sustainability of out towns and villages.

7.3 Equality and Diversity: The SPD seeks to meet the needs of those residents who are unable to access the private housing market

7.4 Human Resources: None

7.5 Community Safety: Where Corporation money supports affordable housing they must be designed to meet the terms of the secure by design initiative.

7.6 Legal Issues: see paragraph 5.3

Background papers:

1. Affordable Housing SPD
2. "007 Interim Housing Needs Survey
3. 2004 Housing Needs Survey

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