

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 27 MAY 2010
title: AFFORDABLE HOUSING MEMORANDUM OF UNDERSTANDING REVIEW
submitted by: DIRECTOR OF DEVELOPMENT SERVICES
principal author: COLIN HIRST – FORWARD PLANNING & REGENERATION MANAGER

1 PURPOSE

1.1 To inform Committee of suggested revisions to the Affordable Housing Memorandum of Understanding following a review.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – Matters addressed in this report deal with the Council ambition of matching the supply of affordable homes to identified needs.
- Community Objectives – To achieve a balanced housing market.
- Corporate Priorities – To be a well run Council.
- Other Considerations – None.

2 BACKGROUND

2.1 The Affordable Housing Memorandum was drafted to ensure developers, RSL's (Registered Social Landlords), Officers and Members all had a reference document that clearly defined the Council's policy on the delivery of affordable homes.

2.2 The Memorandum was considered by Health and Housing Committee in March 2009 and by the Planning and Development Committee in the following April. It was open to public consultation from May to the end of June 2009. The policy was also discussed at the Housing Forum and at the Members' Affordable Housing Seminar in June 2009. It was adopted and subsequently treated as a material consideration for determining planning applications in July 2009. At the time of adoption it was agreed to monitor and review the Memorandum in the light of its use in practice and to report back on an annual basis with any revisions.

2.3 A copy of the adopted and operational memorandum is attached for reference at Appendix 1.

3 ISSUES

3.1 The Memorandum has been utilized to offer pre-application advice and for determining planning applications. A number of applications have been approved within the general terms of the Memorandum, however in particular, viability issues have led to schemes with lower provisions than the Memorandum would expect. In addition there have been some minor difficulties in applying consistent interpretations of the policy when compared to established settlement strategies and this had led to some elements of confusion. It is considered that some clarifications in the document would consequently be helpful.

3.2 Further guidance is needed within the document to help understand the relationship between the Memorandum and the context of its supporting development plan

policies. This is an important issue from the viewpoint of applying the memorandum to planning applications. In essence this will require reference in particular to the development plan policies set out in the Regional Spatial Strategy. This is important to reinforce the basis on which the Council's approach is predicated.

- 3.3 A number of planning appeals have made reference to the Memorandum, the most recent of which (at time of reporting) has acknowledged the process that the document has gone through in terms of consultation and that it has some weight as a material consideration. It is important to bear in mind that the Memorandum is not a statutory planning document and is not intended to be implemented as such. However recognition by the Planning Inspector of its status is important. It is considered therefore that in making new revisions to the document in order to protect its integrity the Council should undertake consultation on the revisions. Consultation should be undertaken over a 6 week period.
- 3.4 The application of the lower threshold (3) has proved impractical. For clarity it is proposed that the lower threshold is revised to 5 dwellings to help simplify the approach and ease understanding.
- 3.5 Appendix 2 sets out a schedule of the proposed amendments for consideration.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – The amendments suggested in the report have no direct additional resource implications.
 - Technical, Environmental and Legal – None.
 - Political – None.
 - Reputation – The document continues to demonstrate the Council's commitment to affordable housing.

5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Agree to publish the amendments for a period of 6 weeks for consultation, also refer the amendments to the Council's Planning and Development Committee for comments. Subject to there being no issues of significance, as determined by the Strategic Housing Working Group, raised by the consultation that the proposed amendments (following consideration of any responses by the Chairman of this Committee and the Chief Executive) be incorporated into the Memorandum and that it be adopted.

DIRECTOR OF DEVELOPMENT SERVICES

BACKGROUND PAPERS

None.

For further information please ask for Colin Hirst, extension 4503.

**SCHEDULE OF PROPOSED AMENDMENTS TO THE
AFFORDABLE HOUSING MEMORANDUM OF UNDERSTANDING**

At paragraph 1.3 amend to read –

“It is intended to be both complementary and supplemental to the relevant policies contained within the development plan for the area in particular Policies L4 and L5 of the Regional Spatial Strategy (RSS). It will ultimately contribute to the emerging Local Development Framework. It also accords with national planning policy as contained in PPS3 (Planning Policy Statement 3 – Housing) and the guidance on delivering affordable housing statement published by the CLG. The Regional Spatial Strategy (September 2008) provides the regional policy dimension on planning and provision of affordable housing and is an important component of the development plan for the area. Saved local plan policies provide an important reference point against which to assess suitability of development proposals.”

Add new paragraph 1.4 –

“It is important to have regard to the policy approach when determining if a site will be considered as a qualifying site for the purposes of this Memorandum. In those circumstances where a 5-year supply of housing land can be demonstrated by the Council, planning applications will be determined against the saved policies of the Districtwide Local Plan pending their replacement with the Local Development Framework.”

Add new paragraph 1.5 –

“At present the Council cannot demonstrate a 5-year supply and applications in the first instance will be determined against the policies of PPS3. This does not mean however that there are no policy constraints on where housing can be developed. In applying PPS3 the Council will have regard to the development strategy in the local plan to help determine if housing is suitably located and consequently can be considered qualifying development. In all cases if a location is deemed suitable for housing, either through new build or as a result of appropriate conversion, the Council will look to apply the identified thresholds for the provision of affordable housing.”

New paragraph added to Section 1 –

“The Council has developed a strong evidence base that underpins its approach to affordable housing provision. A Strategic Housing Market Assessment (SHMA) was published and adopted in 2008. The document is available on the Council’s website (www.ribblevalley.gov.) together with details of Parish Needs Surveys which now exist across most of the borough. The Council Housing Strategy team can also make reference to the housing waiting list which further enhances the evidence available to the Council. This evidence has been used to support the local thresholds for Ribble Valley.

Amend remaining paragraph numbers to reflect the changes.

Paragraph 3.1, second bullet –

Change 3 to 5

Paragraph 4.5 delete “thresholds of 10” and replace with “thresholds”.

Changes to Appendix 1 – To the memorandum

Delete examples at paragraph 2.1.

Paragraph 2.3 change reference to 3 to 5.

Paragraph 10.1 Add new second sentence –

The Council now applies a nominal charge for pre-application advice and has introduced a protocol to deliver this service. Enquiries and request for advice, together with information on the applicable charges should be made to the development control team in the first instance who will co-ordinate a response.