



DERBY CITY COUNCIL

**COUNCIL CABINET**  
**16 MARCH 2004**

Report of the Community Regeneration Commission

## **Draft Affordable Housing Supplementary Planning Guidance**

### **RECOMMENDATION**

That the supplementary planning guidance clearly state that: the mixed siting of housing across a new housing development is essential and to achieve this, developers be expected to provide details of the location of affordable housing within a development at the outline planning application stage.

### **REASONS FOR RECOMMENDATION**

- 2.1 Members own experience, backed by residents' views aired at Area Panels, is that developers will build the affordable properties last and cluster them together on one part of a development site. Social inclusion is best promoted when developments are genuinely mixed and, when new, residents from different socio-economic groups settle at the same time and can together develop a common sense of community.
- 2.2 These policy aspirations are most likely to be achieved if there is a clear and early requirement on developers to show exactly where the affordable housing is to be distributed on the site.

### **SUPPORTING INFORMATION**

- 3.1 The draft guidance had been produced to set out clearly to developers, landowners and other interested parties how the City Council shall implement its affordable housing policy contained in the City Of Derby Local Plan. Mr Rob Salmon, Head of the Plans and Policies Section of the Development and Cultural Services Department attended the Commission meeting, made a presentation explaining the purpose and key aspects of the draft guidance and answered members' questions.
- 3.2 Members recognised that the City Council's Housing Strategy would be the key driver for the provision of affordable housing but that the planning mechanisms had a significant contribution. The proposed changed threshold of 25 units, instead of 40, would increase the number of units of affordable housing. The guidance is written in complex, technical English; the Commission accept that the quasi-legal nature of the document and who it is aimed at make that appropriate. If it is also

intended for consumption by the general public, a plain English version should be prepared after the guidance has been finalised.

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<b>Background papers:</b>	City of Derby Local Plan to which the proposed guidance is a daughter document.
<b>List of appendices:</b>	Appendix 1 – Implications

## Appendix 1

### IMPLICATIONS

#### Financial

- 1 Discussed in the main report.

#### Legal

- 2 The overview and scrutiny co-ordination officer comments that the final form of the recommendation results from considerable e-mail dialogue amongst Commission members, triggered by legal advice on the original formulation. That would have read:

‘That the supplementary planning guidance clearly require the mixed siting of housing across a new housing development area and, to achieve that, the location of affordable housing within a development be clearly identified at the outline planning application stage’.

The legal advice received was: ‘In simple terms we couldn't as a norm require such details. The whole point of outline planning applications is to seek approval of the principles of the development. What details are submitted with it is usually for the applicant to decide. Such a general requirement wouldn't be lawful’. The following was suggested as an alternative formulation.

‘That the supplementary planning guidance clearly states that the mixed siting of housing across a new housing development was desirable and to help achieve this, developers be encouraged to provide details of the location of affordable housing within a development at the outline planning application stage where possible.’

As mentioned, Commission members had an e-mail dialogue. In accordance with Article 13.1 b they accepted the need to take account of professional advice and therefore to revise the original wording. There was also consensus that the suggested alternative formulation was not acceptable. In particular the final words – ‘where possible’ – would, they felt, allow applicants to drive a coach and horses through the policy intention. The wording that now appears as the recommendation was suggested by a member and agreed by the others. The Commission hope that this marries up a robust policy with compliance with planning law. Cabinet will have further legal advice available.

## Personnel

3. None

## Corporate Objectives and Priorities

4. The proposed Supplementary Planning Guidance augmented by the recommendation contained in this report can help deliver the following *Corporate Objectives*: • job opportunities • strong and positive neighbourhoods • protecting and supporting people • integrated, cost effective services and these two *Priorities for change*: 8. Enhance the community leadership role of the Council both at strategic and neighbourhood level, through partnership working and listening to, and communicating, with the public. 10. Decide planning applications more quickly, while maintaining the quality of decision-making within a framework for the sustainable economic, environmental and social development of Derby.

