



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Draft Housing Choice Supplementary Planning Document	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Corporate Management Team 20th July 2022	
	Leader and Deputy Leaders 25th July 2022	
	Leader's / Leader of the Opposition's Advisory Group / Independent Alliance Advisory Group	
	Cabinet	
	Scrutiny Audit and Value for Money Council Services Committee [DATE] / Scrutiny Community Regeneration, Environment and Health and Well Being Committee [DATE]	



Is this an Executive Decision:	[YES]	Is this a Key Decision:	[NO]
Is this in the Forward Plan:	[YES]	Is the Report Confidential: If so, please state relevant paragraph from Schedule 12A LGA 1972:	[NO] []

Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Monitoring Officer: **John Teasdale**

Date Signature

Chief Finance Officer: **Sal Khan**

Date Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to CMT

Date: 6th July 2022

REPORT TITLE:	Draft Housing Choice Supplementary Planning Document SPD
PORTFOLIO:	Planning
HEAD OF SERVICE:	Sal Khan
CONTACT OFFICER:	Phil Stephenson Ext. No. x1613
WARD(S) AFFECTED:	All

1. Purpose of the Report

- 1.1. To introduce the updated Housing Choice Supplementary Planning Document SPD and agree consultation for 6 weeks between August and October 2022.

2. Executive Summary

- 2.1. Supplementary Planning Documents (SPD) give important guidance to applicants, consultees and decision makers in the planning system.
- 2.2. SPDs are not Local Plans, and **planning law prevents them from introducing new policy or creating new financial burdens for applicants.** They are not independently examined and do not require viability testing, but they are subject to public consultation.
- 2.3. The value of **SPDs is that they give guidance and clarification on how policy will be applied**, and this is particularly useful when changes in national planning policy, or local changes have taken place.
- 2.4. **The Housing Choice SPD** is an important part of the guidance framework for the ESBC Local Plan. It **describes how planning policy is to be applied in different circumstances when making planning decisions for housing.**

There have been earlier versions of this SPD adopted since the Local Plan was adopted in 2015. Most of the text in these iterative versions of the SPD has remained the same, however planning law requires consultation to take place, and the whole SPD to be adopted again if any substantial changes are to be made.

- 2.5. **The 2022 update to the SPD has been written to include guidance for new areas of national policy, setting out how these will be implemented in the Borough.**
- 2.6. **Also, the SPD sets out how applications for small houses of multiple occupation will be determined in Burton, now that planning applications for this type of development will be required from the 1st of April 2023.** The SPD contains guidance regarding the March 2022 Council decision to confirm an Article 4 direction removing permitted development rights which allow residential dwellings to change their use to small houses of multiple occupation.
- 2.7. **Alongside this, the SPD incorporates and updates guidance on First Homes which was previously published in autumn last year.**
- 2.8. The updated SPD also **amends guidance on exception sites** in line with changes to the 2021 NPPF. This is since the government has now largely removed support for its earlier Starter Homes product, and now almost exclusively **focusses on the delivery of First Homes as its preferred discounted market sale housing product**, where in most cases the 30% discount against market value is intended to stay in perpetuity.

3. Contribution to Corporate Priorities

- 3.1 Corporate Plan target EHW41 requires the preparation of the Draft SPD, as set out on Page 36 of the 2022/23 Corporate Plan Refresh. The development of the SPD ready for consultation contributes to the Council Objectives: Community Regeneration (HMOs), Environment and Health & Wellbeing (HMOs, First Homes), Value for Money Council (HMOs and First Homes)

4. Main Body of Report

- 4.1. Although there are small changes throughout the SPD to update it in line with the 2021 National Planning Policy Framework, most of these are minor wording changes.
- 4.2. The main changes to the document are in regard **to how applications for small HMOs in Burton on Trent will be determined after the 2023 restrictions on permitted development rights come into effect, and changes related to First Homes and First Homes Exception Sites**, which were introduced into Planning Practice Guidance after the last

version of the SPD was produced.

- 4.3. ESBC resolved at full council on the 21st of March 2022 to restrict permitted development rights which create new small HMOs. This restriction will come into place from April 2023. Further information can be found here: [Council 21st March 2022 \(eaststaffsbc.gov.uk\)](http://eaststaffsbc.gov.uk)
- 4.4. In the report to this meeting and in the minutes there is detailed discussion on the harms HMOs in Burton can sometimes cause, especially when they are clustered or could have an impact on anti-social behaviour, parking, waste management or the balance of HMOs and family housing in a location.
- 4.5. Whilst the introduction of the Article 4 may not alter the number of small HMOs approved, and each application needs to be determined on its merits, the ability to use the planning system to scrutinise each proposal should help to improve the quality of new HMOs and reduce harms associated with them.
- 4.6. The guidance set out in this SPD will be used by applicants, officers, consultees and decision makers to decide if a proposal for a new small HMO in Burton should be approved. The SPD draws on the requirements of Strategic Policies: 16 'Meeting Housing Needs', 24 'High Quality Design' and 34 'Health and Wellbeing'; and Detailed Policy 1, 'Design of New Development'.
- 4.7. The other major change in this updated version of the SPD is the inclusion of guidance on First Homes. First Homes are a specific kind of discounted market sale housing which can be bought by qualifying first time buyers.
- 4.8. The government now requires that when new planning obligations for affordable housing are drawn up, First Homes must now account for at least 25% of all affordable housing units delivered.
- 4.9. To buy a 'First Home' product in East Staffs there is also a requirement to meet a local connection test as set out on pg.29 of the SPD. This has been developed with colleagues from housing and legal to ensure that it will be relevant to those most often seeking first time buyer reduced market value accommodation. Many of these buyers are likely to have younger children and may need to commute to work.
- 4.10. There are also changes to exception sites guidance to clarify how First Homes exception sites will be considered in the Borough, since they were introduced as part of National Planning Practice Guidance in spring 2021. More detail on these national requirements can be found here [First Homes - GOV.UK \(www.gov.uk\)](http://www.gov.uk) and on page 35 of the SPD.

5. Financial Considerations

This section has been approved by the following member of the Financial Management Unit: Anya Murray

5.1. There are no financial issues arising from this Report

6. Risk Assessment and Management

6.1. The main risks to this Report and the Council achieving its objectives are as follows:

6.2. **Positive** (Opportunities/Benefits):

- Preparing the SPD responds positively to changes in the planning system both through the introduction of the Burton on Trent Article 4 restriction and the government's introduction of First Homes

6.3. **Negative** (Threats):

- The SPD cannot introduce new policy standards and can only amount to advice

6.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

7. Legal Considerations

*This section has been approved by the following member of the Legal Team:
Sherrie Grant*

7.1. The main legal issues arising from this Report are as follows.

7.2. *That the SPD is subject to a 6 week consultation*

8. Equalities and Health

8.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

8.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

9. Data Protection Implications – Data Protection Impact Assessment (DPIA)

10.1. A DPIA must be completed where there are plans to:

- use systematic and extensive profiling with significant effects;
- process special category or criminal offence data on a large scale; or
- systematically monitor publicly accessible places on a large scale

- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric data;
- process genetic data;
- match data or combine datasets from different sources;
- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;
- profile children or target marketing or online services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach

10.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA

10. **Human Rights**

10.1. There are no Human Rights issues arising from this Report

11. **Sustainability** (including climate change and change adaptation measures)

11.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) Yes

11.2. Please detail any positive/negative aspects:

- Positive (Opportunities/Benefits)

Through the reading and application of the SPD, developers may improve the sustainability of subsequent developments.

- Negative (threats)

Because the SPD is only guidance it cannot introduce new policy or sustainability standards for new development over and above those in the adopted Local Plan and national legislation.

12. **Recommendation(s)**

12.1. To approve the draft SPD for consultation, with any minor amendments to be agreed by the Leader and Planning Manager

13. **Background Papers**

13.1. East Staffordshire Local Plan [Local plan \(2012-2031\) | ESBC \(eaststaffsbc.gov.uk\)](http://eaststaffsbc.gov.uk)

14. **Appendices**

14.1. Appendix 1: Draft Housing Choice Supplementary Planning Document