

To: **EXECUTIVE**
17th September 2024

AGREE THE CONTENT AND APPROVE CONSULTATION ON THE DRAFT HOUSING SUPPLEMENTARY PLANNING DOCUMENT

Executive Director: Place

1 Purpose of Report

- 1.1 To seek endorsement of the Executive to the content of a Draft Housing Supplementary Planning Document (SPD) for a period of statutory consultation (Appendix 1, as set out in Section 7 of this report, and Appendix 2 (Consultation Strategy and Consultation Mandate).
- 1.2 The SPD will provide guidance to supplement housing related policies contained in the adopted Bracknell Forest Local Plan (BFLP). It will replace Section 5.8 of the Council's adopted Planning Obligations SPD (2015).

2 Recommendation(s)

2.1 That the Executive:

- i. **agree the content of the Draft Housing SPD (Appendix 1);**
- ii. **agree public consultation on the Draft Housing SPD (Appendix 1) beginning on Tuesday 1st October 2024 and ending on Tuesday 5th November (5pm) 2024 as set out in Section 7 of this report and Appendix 2; and**
- iii. **delegate authority to the Executive Director: Place in consultation with the Executive Member for Planning, Transport and the Countryside to agree any necessary minor amendments to the Draft Housing SPD prior to public consultation.**

3 Reasons for Recommendation(s)

- 3.1 The BFLP was adopted in March 2024, and sets out the vision and strategy for the Borough to 2037.
- 3.2 Applications are now being determined in accordance with the BFLP, which contains both strategic (such as affordable housing) and development management (such as housing mix) policies for housing. It is important that associated guidance is provided to allow the effective determination of housing proposals and implementation of the BFLP in order to avoid ambiguity in how policies should be interpreted and applied.
- 3.3 A statutory stage in the production of an SPD is public consultation on a draft document. Therefore, an effective consultation on the Housing SPD will ensure it can be adopted and become a material consideration in determining relevant planning applications.
- 3.4 The preparation of the SPD contributes towards the Council Plan (2023-2027) priority for 'engaged and healthy communities' to ensure appropriate affordable housing is delivered.

4 Alternative Options Considered

- 4.1 The Council could opt to not produce an SPD. The absence of an adopted up to date SPD would make the assessment of planning applications open to interpretation. Production of the SPD will assist potential developers/registered providers by providing clarity on the Council's expectations on how policies should be applied. In providing clarity, the Council is less likely to be put into an appeal position with a need to defend policies on these matters (reducing the financial and time burden on Council resources).
- 4.2 In producing an SPD which reflects the adopted BFLP, current Council guidance can also be replaced (Section 5.8 of the Planning Obligations SPD). The Planning Obligations SPD is based on a previous policy position which is not comprehensive or consistent with national policy. This is because it refers to out of date thresholds that dictate the minimum size of development/site from which contributions to affordable housing can be sought. The Housing SPD will therefore remove ambiguity in the decision making process.

5 Supporting Information

Background

- 5.1 The purpose of SPDs is to expand on planning policies which form part of a Local Plan by providing more detailed guidance. They cannot create new policies or introduce additional policy criteria.
- 5.2 Prior to the adoption of the BFLP, previous development plan policies were becoming out of date, for example did not reflect national policy in relation to thresholds for affordable housing, and were not based on up to date local evidence. The adopted BFLP policies are comprehensive and consistent with the approach in national policy. Associated up to date technical guidance will support the effective implementation of adopted policies.
- 5.3 The BFLP contains several policies related to housing, and the aim of the Housing SPD is to provide guidance to supplement the following BFLP housing related policies:
- LP16 – affordable housing
 - LP17 – provision of specialist housing for older people
 - LP37 – protection of existing housing stock and land
 - LP38 – accessible and adaptable dwellings
 - LP39 – specialist housing
 - LP40 – housing mix

Draft Housing SPD

- 5.4 The SPD has been produced jointly by officers within Planning and Housing. It will cover the policies listed in Section 5.2 of this report, and include sections related to:
- Market Housing:
This relates to housing which is either privately owned or privately rented in use class 'C3 dwellinghouses'.
 - Affordable Housing:

This relates to housing for sale or rent, for those whose needs are not met by market housing. It encompasses a variety of products such as affordable housing for rent, starter homes and discounted market sales housing.

- Specialist Housing:
 - This relates to housing within use class 'C3 dwellinghouses' or 'C2 residential institutions', and is accommodation designed and designated for occupation by older people, disabled people, and/or vulnerable people with specific housing needs. It can be both market and affordable housing.
 - Specialist housing for older people is taken as being for those aged 65 and over. Types of accommodation can include retirement living/sheltered housing (housing with support), enhanced sheltered housing/extra care housing (housing with care) and residential care/nursing homes (care bed spaces).
- Self and Custom Build Housing:

This relates to housing built by an individual, a group of individuals, or persons working with or for them. This type of housing can be either market or affordable.

 - Custom-build: the eventual occupiers take on a "project management" role, coordinating the services of designers, architects, planners and construction staff. They may get actively involved in some aspects, but generally physical involvement is kept to a minimum.
 - Self-build: the occupiers take on an active role, procuring, designing and building their own home. They may outsource elements of the project, where their skills or time do not allow it.

5.5 For each housing 'type' listed above, the SPD will include context (such as uses, definitions and thresholds), and how BFLP policies will be applied (such as housing mix and where losses of existing stock may be permitted). It will also provide an overview of need, and how delivery will be monitored. Other relevant matters covered include design considerations, how delivery will be secured (such as by conditions or legal agreements), and requirements for planning applications.

5.6 In relation to affordable housing, the SPD will also include specific guidance for delivering the LP16 policy requirement of 35% provision on sites of ten or more (gross) dwellings or 0.5ha or more site size, in relation to:

- Meeting local need (such as tenure, reflecting market provision, role of the BFC Housing Strategy)
- Provision of affordable (such as on-site, off-site, commuted sums, exemptions and viability considerations)
- Other matters (such as how to deal with fraction provision, approach to where a site is below thresholds but part of a larger site, phased developments)
- Delivery (such as trigger points)
- Review mechanism

Next stages: consultation

5.7 A five-week consultation is proposed, which will start on Tuesday 1 October 2024 and end on Tuesday 5th November 2024, at 5pm.

- 5.8 Consultation will take the form of publishing the consultation documents on the Council's consultation portal (Objective). Hard copies of the consultation document will also be provided at key locations across the Borough.
- 5.9 Further details of the proposed consultation are in Section 7 of this report.

Next stages: post-consultation

- 5.10 Following the close of the public consultation, any responses received will be analysed and a Consultation Statement will be produced, which will include a summary of main issues raised, and how they have been addressed in the final SPD.
- 5.11 Agreement to adopt the SPD will be subject to a future Executive decision process.
- 5.12 Upon adoption, the SPD will become a material consideration in the determination of planning applications.

6 Consultation and Other Considerations

Legal Advice

- 6.1 Preparation, consultation and adoption of Supplementary Planning Documents must be carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and the Council's adopted Statement of Community Involvement (SCI, 2013). The recommendations in this report comply with the legal requirements set out in the Regulations, and the approach to consultation set out in the SCI.

Financial Advice

- 6.2 There are no direct financial implications from the recommendations, and a suitable budget is in place to fund the consultation exercise.

Other Consultation Responses

- 6.3 The Draft Housing SPD has been prepared jointly by officers from Housing and Planning. The consultation document will be subject to a formal public consultation process, as set out in Section 7 of this report.

Equalities Impact Assessment (EqIA)

- 6.4 The Scoping Assessment (see Appendix 3 of this report) identifies that there are no potentially negative impacts, and therefore a full EqIA assessment is not required for the SPD. It is important to note that the SPD will provide guidance to supplement policies in the BFLP, which was subject to an EqIA process, which did not identify any potentially negative impacts.

Strategic Risk Management Issues

- 6.5 Failure to publish the Draft Housing SPD in accordance with the Regulations would either delay the adoption of the final SPD or could result in a legal challenge.
- 6.6 There are no other known risks to the Council.

Climate Change and Ecological Impacts

- 6.7 The recommendations in Section 2 above are expected to have a neutral effect on climate change and ecology.
- 6.8 The Council's Plan (2023-2027) refers to a priority for a 'green and sustainable environment', with ambitions including green spaces to foster sustainability and biodiversity, and local transport networks to provide choice in travel. The SPD supplements policies in the adopted BFLP relating to housing. Planning applications will be assessed on their merits in accordance with the guidance in the attached SPD, and policies in the Development Plan as a whole (including the BFLP and relevant 'made' neighbourhood development plans). The BFLP contains policies in relation to sustainable development principles (Policy LP3), climate change (Policy LP27), flood risk (Policy LP33) and ecological matters (including Green Infrastructure, Policy LP30; designated nature conservation sites, Policy LP31; Thames Basin Heaths Special Protection Area, Policy LP32, and biodiversity, Policy LP53), together with transport considerations (Policies LP25 and LP60) which will be relevant to the consideration of planning applications.

Health and Wellbeing Considerations

- 6.9 The SPD supplements policies in the adopted BFLP, which was subject to a Sustainability Appraisal (SA) process. The BFLP SA included an objective concerned with protecting and enhancing human health and wellbeing. In assessing the policies in the Plan against this objective, it was concluded that they would have a predominantly neutral or positive effect on this objective. The Inspectors' report (para. 23) of the BFLP concluded that the BFLP SA is proportionate, objective, underpinned by relevant and up to date evidence, and accords with the relevant legal requirements and national guidance.
- 6.10 Para. 13 of the Inspectors' Report also deals with the Public Sector Equality Duty and confirms that the Inspectors considered the protection of health, safety and amenity, and sustainable accessibility for all persons including those with relevant protected characteristics during the Examination. This fed into their conclusion that the BFLP is legally compliant. Therefore no additional health and wellbeing assessment is required for this SPD.
- 6.11 The Council's Plan (2023-2027) includes a priority for 'engaged and healthy communities, with one of the ambitions being a 'diverse and growing population which is healthy and active'. Planning applications will also be assessed on their merits in accordance with the guidance in the attached SPD, and policies in the Development Plan as a whole (including the BFLP and relevant 'made' neighbourhood development plans). The BFLP contains policies in relation to sustainable development principles (Policy LP3) which refers to promoting healthy lifestyles and maximising health and well-being.

7 PUBLIC CONSULTATION

- 7.1 The views of the public are sought in order to inform the final version of the SPD.
- 7.2 Part 5 of The Town and Country Planning (Local Planning) England Regulations (2012) (as amended) sets out the requirements for producing SPDs. Regulation 12 requires the period of consultation to be no less than four weeks, and Regulation 13 requires representations to be made within the specified time period. Regulation 35 relates to the availability of documents. A document is taken to be 'made available' when it is made available for inspection at the Council's principal office, other such areas the authority considers to be appropriate, and published on the Council's website.
- 7.3 The Council's Statement of Community Involvement (SCI) was adopted in 2014. This sets out how BFC will engage on the preparation of planning documents. Section 3.4 relates to the preparation of SPDs. It re-iterates that a minimum period of four weeks is required for consultation on SPDs, and that consideration will be given to a longer period (para. 3.1.17), where consultation extends into a holiday period. In this case, it is proposed to extend the period by a week due to the overlap with a half term school holiday break.
- 7.4 The SCI also refers to the need to produce a 'Consultation Mandate' and 'Consultation Strategy', to be agreed by the Executive (see recommendation 2.1ii), which sets out the nature of the consultation being undertaken (see Appendix 2), and has had regard to the Regulations and SCI referred to above. This sets out how individuals will be consulted:
- Who:
 - local residents
 - developers
 - adjoining local authorities
 - parish/town councils
 - statutory consultees
 - registered housing providers
 - How:
 - Email/letter to those (referred to above) on the Council's consultation database
 - Targeted letter/email to Registered Housing Providers
 - Reference to consultation on the draft SPD on the 'Housing SPD' webpage on the Council's website.
 - Publish consultation documents on the Council's consultation portal.
 - Hard copy of the Draft Housing SPD to be made available to view at BFC Time Square office, Parish/Town Council offices and local libraries within the Borough.
 - Press release to local newspapers at the start of the consultation.
- 7.5 Any individual or group may make a representation on the Draft Housing SPD even if they are not specifically consulted, provided they do so in writing within the consultation time frame.

7.6 Given the timing of this Executive decision, and proximity to a half term school holiday, taking account of the above, a five week consultation of the SPD is proposed to take place between 1st October 2024 and 5th November 2024.

Background Papers

Appendix 1: Draft Housing Supplementary Planning Document

Appendix 2: Consultation Mandate/Consultation Strategy

Appendix 3: EqlA Scoping Assessment

Bracknell Forest Local Plan: <https://consult.bracknell-forest.gov.uk/file/6304536>

Bracknell Forest Local Plan Inspectors' report: <https://www.bracknell-forest.gov.uk/sites/default/files/202403/inspectors-report-bracknell-forest-local-plan.pdf>

Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended):
[The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2012/1196/2012-11-29/1/2012-11-29/1)

Statement of Community Involvement (2014): <https://www.bracknell-forest.gov.uk/sites/default/files/2021-08/2014-statement-of-community-involvement.pdf>

Council Plan: [Council Plan 2023 to 2027 | Bracknell Forest Council \(bracknell-forest.gov.uk\)](https://www.bracknell-forest.gov.uk/council-plan-2023-to-2027)

Contact for further information

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