

Overview and Scrutiny Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Annual Presentation by the Cabinet Member for Housing	
Report No:	OAS/SE/18/021	
Report to and date:	Overview and Scrutiny Committee	11 July 2018
Portfolio Holder:	Councillor Sara Mildmay-White Cabinet Member for Housing Tel: 01359 270580 Email: sara.mildmay-white@stedsbc.gov.uk	
Lead officers:	Davina Howes Assistant Director (Families and Communities) Tel: 01284 757070 Email: davina.howes@westsuffolk.gov.uk Christine Brain Democratic Services Officer (Scrutiny) Tel: 01638 719729 Email: Christine.brain@westsuffolk.gov.uk	
Purpose of report:	As part of the "Challenge" role, Overview and Scrutiny are asked to consider the roles and responsibilities of Cabinet Members. It is part of the Scrutiny role to "challenge" in the form of questions. Therefore, to carry out this constitutional requirement, at every ordinary Overview and Scrutiny meeting at least one Cabinet Member shall attend to give an account of his or her portfolio and answer questions from the Committee.	

Recommendation:	<p>Members of the Committee are asked to question the Cabinet Member for Housing on her portfolio responsibilities, and having considered the information, the Committee may wish to:</p> <ol style="list-style-type: none"> 1) Make recommendations to the Cabinet Member for Housing for her consideration; 2) Request further information and / or receive a future update. 3) Take any other appropriate action as necessary. 		
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>		
Consultation:	<ul style="list-style-type: none"> N/A 		
Alternative option(s):	<ul style="list-style-type: none"> N/A 		
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
None			
Wards affected:		All	
Background papers:		None	
Documents attached:		None	

1. Key issues and reasons for recommendation(s)

1.1 Background

1.1.1 As part of its "Challenge" role, the Overview and Scrutiny Committee is asked to consider the roles and responsibilities of Cabinet Members. To carry out this constitutional requirement, at every ordinary Overview and Scrutiny meeting at least one Cabinet Member shall be invited to give an account of his or her portfolio and to answer questions from the Committee.

1.1.2 Last year, on 19 July 2017, Councillor Sara Mildmay-White, Cabinet Member for Housing attended this committee and presented a report which summarised the areas of responsibility covered under her portfolio.

1.2 Scrutiny Focus

1.2.1 The scope of this report differs from that of last year as the Cabinet Member has been asked to prepare a report which answers the following specific question(s) identified by the committee members as being relevant to the housing portfolio:

- 1) Strategic Housing:** How soon will we have a policy on building homes, which takes account of future proofing them for possible disabilities so that they can be used for people who may need wheelchair access and all the facilities that are required to assist with old age?
- 2) Housing:** There is a trend now for new homes to be sold freehold with ongoing management fees. These can encompass parking areas or just play areas as with the recent publicity around Marham Park. This does put people off of buying a new property, it can be a burden to families or retired couples in the future, plus surely open spaces are best managed in the public sector so that their cost is equally distributed (via council tax) amongst all those that use the facilities. Have we considered a policy on this so that we can ensure that we take on these open spaces when new developments are delivered?

1.3 Response to Key Questions Set out in the Scrutiny Focus

1.3.1 **Strategic Housing: How soon will we have a policy on building homes, which takes account of future proofing them for possible disabilities so that they can be used for people who may need wheelchair access and all the facilities that are required to assist with old age?**

West Suffolk Councils currently have planning policies that seek good design, to enable homes to be future-proofed and consider accessibility.

Joint Development Management Policies Document Policy DM2(k) requires "*designs that provide access for all*". Policy DM22(l) requires homes to be constructed of a high architectural quality, which in this instance means... "*they are adaptable in terms of lifetime changes and use.*" Policy

DM23 specifically caters for specialist accommodation meeting the special housing needs of "*elderly and/or vulnerable people*." However, whilst these policy requirements exist within the current development plan, developers of particularly market housing, are not always able to meet the policy criteria. Often viability is cited as a reason. West Suffolk Councils also have a *Technical Advice Note: Space Standards for new Residential Development*. This is not a locally adopted planning policy, but is also intended to guide developers/ site promoters / owners towards the Nationally Described Space Standards. The National Standard for residential development seeks to provide appropriate accommodation within dwellings in part as part of a future-proofing strategy. It also assists interpretation of Policy DM22(k) that seeks that new dwellings "*are fit for purpose and function well, providing adequate space, light and privacy*."

The Local Development Scheme timeline 2017/2018 was updated in June 2018. This shows that officers anticipate that the Forest Heath Core Strategy Single Issue Review (Policy CS7 Housing) and Site Allocations Local Plan are due to be adopted in September/October 2018 subject to receipt of the Inspector's report confirming that the Plans are sound in August 2018. Once adopted, these documents will complete the Core Strategy of Forest Heath, and the Local Plan, which also consists of the Joint Development Management Policies Document (2015). St Edmundsbury Borough Council already has an adopted Local Plan comprising the Core Strategy 2010, and the Vision 2031 in addition to the Joint Development Management Policies Document.

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Over the summer, preliminary work on the West Suffolk Local Plan is due to commence. This will be a combined Local Plan for St Edmundsbury Borough Council and Forest Heath District Council. In Autumn 2018 work will start on identifying policy areas, forming part of the consideration of Issues and Options stage in the next Local Plan. We will be able to provide an update on the anticipated adoption date of the West Suffolk Local Plan once the updated Local Development Scheme is issued later this summer. Local Plans usually take at least 3 years to complete in order to meet planning policy guidance and the necessary legal requirements.

The new West Suffolk Local Plan will incorporate policies to ensure that West Suffolk's housing requirement is met. This will seek to meet the area's Objectively Assessed Needs (OAN) in full. A new OAN will be

undertaken to inform an assessment of the housing need in West Suffolk. This will update the SHMA 2013's data on specific housing need issues.

The recent draft National Planning Policy Framework (para 62) shows that the direction of travel for a housing policy within a Local Plan from the Government is, *"...within this context, policies should identify the size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, Travellers, people who rent their homes and people wishing to commission or build their own homes)." The final revised NPPF is anticipated in July 2018, with updates to planning policy published thereafter. Therefore, it is expected that the new West Suffolk Local Plan will include policies that seek to meet the needs of different groups in the community. It is not clear at this stage what level of detail they go into, as it will depend upon national planning policy and guidance. In addition, scoping work on the Suffolk Design Guidance has commenced. This County-wide document may also address the issues around future proofing etc.*

1.3.2 Housing: There is a trend now for new homes to be sold freehold with ongoing management fees. These can encompass parking areas or just play areas as with the recent publicity around Marham Park. This does put people off of buying a new property, it can be a burden to families or retired couples in the future, plus surely open spaces are best managed in the public sector so that their cost is equally distributed (via council tax) amongst all those that use the facilities. Have we considered a policy on this so that we can ensure that we take on these open spaces when new developments are delivered?

The normal procedure for securing open space and its ongoing management and maintenance for new developments is via a S106 (legal) agreement associated with the planning permission for the development. This process is overseen by Forest Heath District Council or St Edmundsbury Borough Council (West Suffolk Councils after April 2019) as the Local Planning Authority.

There is negotiation involved in the S106 process, but this is limited to an assessment of whether the proposal meets the relevant planning policy requirements and CIL test parameters. When drafting the legal agreement the Local Planning Authority considers whether there is planning policy support/justification for the obligations sought, as this is required to pass the CIL test.

Whilst it would be the Local Authority's preference to adopt all Public Open Space on new developments (at either a District or Parish level) it is not something that we, as the Local Planning Authority, can require. If a landowner is providing the required amount of Open Space and suitable arrangements for the ongoing maintenance, then we cannot reasonably require them to enter into arrangements with particular parties, including ourselves. The Local Planning Authority only has the right to ensure appropriate management of the required open space. We cannot affect

any commercial decision of the developer, inter alia we cannot insist on who actually delivers and manages long-term the public open space. It would not be lawful to do so. If the required open space is provided, then the developers/ site promoters/ landowners are free to retain their land and introduce management companies to look after it, if that is what they would prefer to do.

It can be seen that this is not a matter that may be addressed by a local planning policy, as Local Planning Authorities are not empowered to fetter market choice. However, ongoing management fees associated with private management companies maintaining Public Open Space on modern housing estates, is not just an issue within Suffolk. Officers are currently researching how other Local Authorities are managing this issue and we may be able to provide a future update on this matter.

1.4 **Proposals**

- 1.4.1 That the Overview and Scrutiny Committee ask follow-up questions of the Cabinet Member following his update.