

**Extract from Overview and Scrutiny Committee Meeting 29 September 2022**

OSC22/20. **TECHNICAL ADVICE NOTES – FIRST HOMES AND 100% AFFORDABLE HOUSING**  
(5)

Members received the report of the Director – Place and Climate Change which gave details of three Technical Advice Notes (TANs) to support the Adopted Development Plan (Core Strategy 2011-2028; Development and Site Allocations Plan (DaSa); and made Neighbourhood Plans), relating to First Homes, 100% Affordable Housing, and Bexhill Town Centre Conservation Area. TANs provided technical advice to developers and decision-makers (planning officers and the Planning Committee). They were not adopted policy documents and could not set policy. However, they could be used to explain how existing adopted policy should be interpreted in specific scenarios.

The three TANs that had been drafted to respond to specific policy issues were: First Homes – government policy direction; 100% Affordable Housing – recent planning applications; and Windows in Bexhill Town Centre.

First Homes were a specific kind of discounted market sale housing which met the definition of ‘affordable housing’ for planning purposes. First Homes were the Government’s preferred discounted market tenure and were now required to account for at least 25% of all affordable housing units delivered by developers through planning obligations (i.e. Section 106 agreements). The First Homes requirements applied regardless of local planning policy and it was not necessary for a local planning authority to publish guidance. However, in order to provide clarity on how First Homes would be applied by Rother District Council and to assist understanding by developers, officers and the community, a TAN was proposed, which Members were happy to recommend to Cabinet for onward recommendation to full Council for publication.

The Government’s Affordable Homes funding was awarded by Homes England to qualified investment partners, including registered providers of social housing. However, it did not fund affordable homes secured through developer contributions (Section 106). As a result, registered providers were seeking to develop wholly affordable housing on major housing development sites in Rother, which was a shift from the expectation that affordable housing would be secured as a percentage requirement through DaSA Policy DHG1. The TAN advised that where proposals come forward for greater levels of affordable housing than the minimum percentages set out in Policy DHG1 (up to 100%), such proposals may be supported in principle. Whether or not specific schemes for up to 100% affordable housing could be supported would come down to their compliance with the adopted policies of the Development Plan as a whole.

The TAN on Windows in Bexhill Town Centre provided advice on how the Council’s adopted planning policies should be applied to planning applications for alterations to, or replacement of, windows and doors

within the distinctive special character of the designated Bexhill Town Centre Conservation Area following a number of recent planning applications. It explained the legislative background, summarised relevant planning policy and Historic England guidance and highlighted the Council's declaration of a Climate Emergency. It also provided a summary of the character and appearance of the Bexhill Town Centre Conservation Area, in addition to information on the environmental impact of uPVC windows in an appendix. The TAN discussed three scenarios, namely: works affecting historic timber windows; works affecting existing modern timber windows; and works affecting existing uPVC windows.

Finally, Members were requested to consider amending the Planning Committee scheme of delegation, to enable proposed increases in affordable housing to be delegated to the Director – Place and Climate Change and determined in accordance with adopted planning policy, as detailed in the 100% Affordable Housing TAN. This would speed up the determination of such applications, give confidence to affordable housing providers seeking to take on sites and in turn, assist with the Council achieving the affordable housing priority set out in the Corporate Plan.

Members were given the opportunity to ask questions and the following points were noted during the discussions:

- the TANs had been developed to provide clarity on policy;
- any home placed on the open market could not be an affordable home;
- in planning policy terms, there was nothing to prevent 100% affordable housing, but it should be of mixed tenure;
- the recommendation to consider amending the Planning Committee procedures would enable proposed increases in affordable housing to be determined by officers in accordance with adopted planning policy, as detailed in the 100% Affordable Housing TAN, without referring to the Committee, which would therefore speed up the process;
- Members were concerned that this could be perceived as a change in policy concerning 100% affordable housing, without consultation;
- Members considered transparency to be key and that decisions on proposed increases to affordable housing should remain with the Planning Committee to debate thoroughly;
- Members recommended and agreed that Cabinet be requested not to approve amendments to the Planning Committee scheme of delegation or the publication of the 100% Affordable Housing TAN;
- the Council was led by legislation in terms of heritage, the policy gave local context. Any change in policy would require a formal review of the local plan;
- Members recommended and agreed Cabinet be requested not to support that the publication of the Bexhill Town Centre Conservation Area TAN at this time, and that a Task and Finish Group be set up to engage with interested parties in the local community, for example Bexhill Chamber of Commerce and Bexhill Heritage, to consider the TAN further and bring recommendations back to the Committee.

**RESOLVED:** That:

- 1) Cabinet be requested to recommend to Council that amendments to the Planning Committee scheme of delegation, to enable proposed increases in affordable housing not be delegated to the Director – Place and Climate Change and determined in accordance with adopted planning policy, as detailed in the 100% Affordable Housing Technical Advice Note;
- 2) Cabinet be requested to recommend to Council that the publication of a Technical Advice Note relating to First Homes to support the Adopted Development Plan be agreed;
- 3) Cabinet be requested to recommend to Council that the publication of Technical Advice Notes relating to 100% Affordable Housing and Bexhill Town Centre Conservation Area not be agreed at this time; and
- 4) a Task and Finish Group be set up to consider the Bexhill Town Centre Conservation Area Technical Advice Note, and the Group's proposed Scope and Terms of Reference be brought back to the next Committee meeting for Members' approval.

(Councillor Courtel declared a Personal Interest in this matter as a resident in the Bexhill Town Centre Conservation Area and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Councillor Madeley declared a Personal Interest in this matter as an officer of Bexhill Heritage and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).