

## APPENDIX 1 – CONSULTATION RESPONSES

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
<p><b>General Comments</b></p>	<p><b>Barton Under Needwood</b></p>	<p>1.1 ESBC has recently published for consultation a revised Housing Choice Supplementary Planning Document (SPD). An earlier version in 2016 was also subject to consultation and adopted in 2016. The need for this updated version appears to be largely due to recent revisions to the National Planning Policy Framework which amended the definition of affordable housing.</p> <p>1.2 The 2016 version of this document indicated that a full report would be available of the consultations and the Borough Council’s response and how any amendments were taken into account in the adopted version. Unfortunately, the report of consultation does not appear to be available on the Council’s website, although we have had sight of this document. As a matter of course, therefore, and to ensure transparency, we would like to suggest that all such reports of consultation are automatically made available on the Council’s website.</p>	<p>Noted</p>
<p><b>Affordable Housing - (2) National Planning Policy Framework (NPPF)</b></p>	<p><b>Barton Under Needwood</b></p>	<p>(2) National Planning Policy Framework (NPPF)</p> <p>2.1 There have been two revisions to the NPPF, with the most recent in February this year. This broadened the scope of affordable housing. According to the NPPF affordable housing for sale or for rent is for those whose needs cannot be met by the market. Affordable housing includes housing for rent, starter homes, discounted market sales housing and other routes to home ownership eg shared ownership. Previously the NPPF definition meant social rented, affordable rented and intermediate housing. There has been a notable change in emphasis to favouring ownership rather than rent.</p> <p>2.2 Noting these changes, we are glad to see that the Housing Choice SPD acknowledges that the preferred provision of affordable housing is by a registered provider such as a housing association as this is the best way of ensuring that affordable housing is available in perpetuity.</p>	<p>Noted</p>

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<b>Level of Affordable Housing</b>	<b>Barton Under Needwood</b>	<p>2.3 The revisions to the NPPF sets up a conflict between the Local Plan and national guidance. Para. 63 of the NPPF states that affordable housing should only be sought for major residential developments. Para. 64 then goes on to state that where major developments are involved then 10% of homes should be for affordable home ownership unless this would exceed the level of affordable housing required in the area. This produces something of an internal contradiction as the NPPF is imposing national restrictions on the provision of affordable housing whilst at the same time saying that the number of homes should be informed by a local housing needs assessment.</p> <p>2.4 We have a problem here because the Council's Strategic Housing Market Assessment clearly sets out a requirement for affordable housing and this has dictated the approach set out in the Local Plan policy and indeed influenced the low threshold of developments of four or more homes. We, therefore, have a situation where through revised national guidance the amount of affordable housing may not be achieved. Clearly ESBC felt justified in setting a low threshold and this was included in the adopted Local Plan following an examination. It follows that if ESBC apply NPPF guidance then there will be a gap between the number of affordable homes that they anticipated and the number they are now likely to achieve. We are reminded, however, that the NPPF is a material consideration and that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise. There will be a tension between government aims and local targets. The Housing Choice SPD has accepted the NPPF guidance regarding major developments but is silent on how it will deal with any discrepancy as between expectations and reality.</p>	<p>Response: The Local Plan is the starting point for decision making (Para 12, NPPF). Therefore, where there is potential conflict between the NPPF and the strategic policies of a Development Plan, the strategic policies of the local plan will take precedence. For this reason, the number of homes required will be informed by a housing needs assessment as per the Draft Housing Choice SPD (2019) and adopted Local Plan 2015.</p>
<b>(3) Overall strategic housing issues</b>	<b>Barton Under Needwood</b>	<p>3.1 The main purpose of any SPD is to explain how particular planning policies will actually operate in practice. Planning policies for housing are set within a wider strategic context. We feel that it is necessary for readers of this document to understand that strategic context so as to be able to see how those policies help to meet the Local Plan objectives. The policy of meeting housing needs, for example, is important as a means of meeting the objectively assessed needs of the Borough as set out in the Strategic Housing Market Assessment (SHMA). At present the way the Housing Choice SPD is written assumes a lot on behalf of the reader. We feel that there is a need for the SPD to join up the dots to see the larger picture</p> <p>3.2 We feel that there is a need to step back at the start of the SPD for a better overview of the Council's overall approach to meeting housing needs so as to put both the housing policies and the SPD into this broader context.</p>	<p>Response: The Strategic Policies are defined in the adopted Local Plan 2015. The Draft Housing Choice SPD is intended to provide further detail to support the Strategic Policies SP16 through to SP19. It is not clear what section the above comments are intended to cover as the specific section has not been provided. However, the comments have been noted.</p>

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<b>Housing Strategy - (3) Overall strategic housing issues</b>	<b>Barton Under Needwood</b>	<p>3.3 A brief explanation of each of the various strategies including the Council’s own Housing Strategy will help to understand their role and purpose, how they all fit together and how they have shaped local plan housing policies, would be a good starting point. This will also help to establish the function of the Housing Choice SPD and why it is needed.</p>	<p>Response: A brief explanation and overview of the Council's Strategy and Strategic Policies (aimed at plan led sustainable development) is provided in the adopted Local Plan 2015 (Part 3). The adopted local plan was preceded by the earlier Issues and Options, Strategic Options, Preferred Options and Pre-Submission Consultation by the Council. At each published stage the Council invited comments from statutory agencies, neighbouring councils, developers/agents, and wider community. Through this engagement, the local plan provided an opportunity to engage with local communities, at all levels, to help to understand the various roles, concerns and how the Council's strategies all fit together. The Draft Housing Choice SPD is intended to provide further detail to support the Strategic Policies SP16 through to SP19.</p>
<b>(4) Meeting Housing Needs</b>	<b>Barton Under Needwood</b>	<p>4.1 We note the NPPF requirement for local planning authorities to identify the size, tenure and range of housing required. This has been translated into SP Policy 16 Meeting Housing Needs. This policy states that for the main towns and strategic villages this will be achieved by an “.....appropriate mix of dwellings, given the mix required in that part of the borough.....” This doesn’t really tell us anything so we are grateful that Table 1 in the SPD elaborates by indicating the following mix: 35% housing for older people, 2% 1 bed, 26% two bed, 23% three bed,10% four bed, and 4% five bed. Different sizes and tenures of housing are also to be fully integrated across the site.</p> <p>4.2 Our experience of the operation of this guidance to date, with planning applications in the village is that this housing mix has largely been ignored. We made comments on the two phases of housing development off Efflinch Lane that there was a predominance of four and five bed houses – approximately 70%. The amount of four and five bed houses according to Table 1 should have been 14%. This is a vast discrepancy, so we did not feel it was justified either in terms of the SPD or indeed by our own research among local estate agents. How can approval have been given when the proportions are so different? We had assumed that the Housing Choice SPD would be used as a material consideration to help determine these applications but it appears that the housing mix aspect of both the policy and the SPD was not taken into account. If the Housing Choice SPD is to perform its function as a material consideration then ESBC must provide it with some teeth in its implementation.</p>	<p>Response: The Strategic Policies are defined in the adopted Local Plan 2015. The Draft Housing Choice SPD is intended to provide further detail to support the Strategic Policies SP16 through to SP19. The SPD is a material consideration in the plan making process and is intended to be applied in the context of the wider local, regional, national and EU policies, on a case by case basis, where the merits and effects of the overarching policy framework are considered as a whole.</p>

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<b>Housing Mix - (4) Meeting Housing Needs</b>	<b>Barton Under Needwood</b>	<p>4.3 In order to ensure that this housing mix gains greater authority we would like to suggest an addition to the SPD. This states that where applicants stray significantly from the housing mix as set out in Table 1 that they be requested to justify the difference and this should be backed by local market research evidence accordingly. The planning policy and the SPD already allows this type of approach in relation to developers disputing the amount of affordable housing they should provide. Additionally, we would suggest that where the Borough Council is inclined to approve the applicant's mix contrary to Table 1 then the reasoning should be explained in the case officer's or committee report. Taking this action will help to ensure that the housing mix in planning applications is more closely aligned to the SHMA assessment.</p>	<p>Response: The Housing Choice SPD is an adopted Supplementary Planning Document, (which was adopted in April 2016). The current revision is based on the Government's review of the National Planning Policy Framework and subsequent revised definition of Affordable Housing. The document recognises that developer viability and needs assessments are also a material consideration in the plan making process (with the NPPF having a presumption in favour of development). Therefore, the Council will aim to examine housing mix matters at the planning application and viability level and decisions will be made on a case by case basis and in accordance with the relevant planning legislation and local plan policies. Notwithstanding the Council is looking to commence work to review the affordable housing policies and supporting housing needs evidence base (as part of a full or partial local plan review) sometime in 2020 and would welcome further policy review comments and engagement at that time.</p>

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<p><b>Affordable Housing - (5) Affordable Housing</b></p>	<p><b>Barton Under Needwood</b></p>	<p>5.1 Strategic Policy 17 Affordable Housing is quite long and complex and covers a number of issues. We, therefore, need to rely on the SPD to elaborate and explain. Whilst it certainly goes some way to achieving this, we do find it lacking in some significant areas, such as guidance for strategic villages and also the balance as between on-site and off-site provision.</p> <p>5.2 We think that we can best understand both the policy and the guidance by using a fictitious example. Just suppose for sake of argument, and regardless of any other planning policy considerations, that a developer proposes 100 houses on a site in Barton. Following the logic of the planning policy this would seem to indicate that applicants should provide 40% ie 40 houses as affordable. So far so good! On-site versus off-site</p> <p>5.3 We then delve further into the policy. The sixth bullet point indicates how many must be provided on-site. The on-site /off-site distinction is not really explained in the policy and only briefly referred to in the accompanying text in para 3.130. Neither the Local Plan nor the Housing Choice SPD really explains why all affordable housing cannot be provided on-site and we feel that this is an omission – see paras. 5.6 – 5.10 below.</p>	<p>Response: Paragraph 62, NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:</p> <p>a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and</p> <p>b) the agreed approach contributes to the objective of creating mixed and balanced communities.</p> <p>Therefore, the Council will aim to examine these matters at the planning application and viability level and decisions relating to sections a and b above (NPPF) will be made on a case by case basis and in accordance with the relevant planning legislation and local plan policies.</p>

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<p><b>OnSite Affordable Housing - (5) Affordable Housing</b></p>	<p><b>Barton Under Needwood</b></p>	<p>5.4 For strategic villages, on-site provision is to be consistent with local need. What does this mean exactly? We look to the SPD for greater clarification and all Appendix 2 in a worked example indicates is that in strategic villages the council will advise 'on request' what proportion of on-site affordable housing is to be provided to meet local need. We find this lack of clarity both for applicants and the community very disappointing. The SPD should surely be able to set out how many of the proposed 40 houses are to be on-site.</p> <p>5.5 In this context we do not feel that the SPD is performing its function to elaborate and explain the planning policy. We acknowledge that there might be viability concerns but the SPD already allows developers to provide a challenge (para 6.16) if this is an issue. In that case then why cannot the SPD set out what ideally should be achieved in strategic villages? We do not understand the reluctance of the Borough Council to commit to a figure. At the very least the SPD should set out the criteria it will take into account in deriving that figure.</p> <p>5.6 As we have noted above the sixth bullet point in Policy SP 17 makes this distinction between on-site and off-site provision of affordable housing, by stating how much must be provided on-site. We are still at a loss, however, to understand the need for a distinction. Surely if there is a need for 40% affordable housing, then why cannot all of this be met on-site? In our fictitious example, what is wrong with providing 40 out of 100 houses on site, especially as the policy and the SPD makes a point of informing us that all housing must be well integrated and should be indistinguishable?</p> <p>5.7 Para 6.24 of the SPD states that Policy SP17 requires on-site and off-site provision. Our reading of the Policy is that it doesn't actually say that !! The policy only states that so much must be provided on-site. This can imply either a minimum requirement on-site or that a residual element can be provided elsewhere. Our interpretation of the policy would be that providing the applicants provide the "must" element then there is no reason why they should not provide the full 40 houses on site. The policy doesn't go as far as saying that a proportion must also be provided as commuted payments. The mechanics behind deciding how much affordable housing is to be on and off-site are not explained or justified either in the policy or in the SPD.</p> <p>5.8 The Local Plan para 3.129 states that the SHMA has assessed that it is necessary to meet some of the need for new affordable housing on-site but that some of the need can be met off-site through commuted sums. Having recently re-read the SHMA we can find no reference to that assertion that some affordable housing should be met off-site. Chapter 8 of the SHMA deals with the need for affordable housing. Para 8.66 refers to how much annual housing need can be met by intermediate and shared ownership housing. Within that context, the SHMA states that the Borough Council has identified that some of the need can be met off-site in a number of ways. But the SHMA is clear in stating that this approach has been identified by the Council. It is, therefore, not necessarily a recommendation or indeed a necessity as is implied from the text of the Local Plan. In addition, the SHMA seems to be talking only about shared ownership and intermediate housing and not social housing for rent.</p> <p>5.9 Para 3.130 of the local plan states that some of the need can be met off-site, implying that, presumably, it doesn't have to be. It is not, therefore, an imperative. Somewhere along the line discretion has become</p>	<p>Response: Para 62, NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:</p> <p>a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and</p> <p>b) the agreed approach contributes to the objective of creating mixed and balanced communities.</p> <p>At the moment, SP17 requires that roughly 13% of the total affordable housing is to be provided onsite. This figure for On-site Affordable Housing came from the Local Plan &amp; Community Infrastructure Levy Viability Study (February 2014). However, the Council recognises that these policies should be reviewed in the context of the current requirements in the revised NPPF, 2019 (100% AFH onsite). Therefore, the Council will aim to examine these matters at the planning application and viability level and decisions relating to sections a and b above (NPPF) will be made on a case by case basis and in accordance with the relevant planning legislation and local plan policies.</p>

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		<p>compulsion without any adequate justification or explanation. If the justification for the distinction between on-site and off-site provision is the Borough Council's and not a requirement of the SHMA then there is an obligation for the Borough Council to explain its reasoning. It is, therefore, unfortunate that the Borough Council has not taken advantage of the opportunity presented by the SPD to provide that explanation.</p> <p>5.10 The Parish Council feels very strongly that for any planning applications if – as the policy implies – there is a 40% need for affordable housing in Barton then that 40% need should be met in Barton and preferably on the site to which it relates.</p> <p>5.11 We have indicated that we feel that there is a certain amount of ambiguity and a lack of clarity in both the planning policy and the SPD. We would like to make a suggestion for the future and certainly in terms of any review of the Local Plan that the Borough Council adopts a more logical and transparent approach. Can we suggest that in allocating housing sites in the Local Plan that the Council not only states how many houses are to be provided but also the mix expected and the amount of affordable housing? This would require some additional work in terms of assessing financial and site viability, but having that evidence would enable the Council to defend itself against claims of viability from applicants. Requirements for each site could also form the subject of discussions at the Local Plan Examination. That way we believe that provisions for such issues as affordable housing would become transparent and the Council would not need to rely on such vague phrases as being “advised on request”.</p>	

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<b>(6) Section 106 Agreements</b>	<b>Barton Under Needwood</b>	<p>6.1 If there is a requirement for affordable housing – as set out in Policy SP 17 - then why cannot this requirement be presented as a condition of the planning permission? A S 106 agreement would also be required of course, but this could still set out the detailed agreement between the relevant parties and ESBC. It will then be transparent that the development should be permitted but with a condition requiring an amount of affordable housing. Applicants will also have the option of being able to challenge that condition. If the Council wishes to rely on the S106 approach, then can we suggest that the off-site scheme, which is to benefit from such financial contributions, is clearly identified in the agreement. This will make the approach more transparent so that we can easily see where contributions are being spent. It will have the added incentive of ensuring that the money is spent within a reasonable timeframe and a, possibly, related location.</p>	<p>Response: Ideally, Affordable Housing should be provided on site and agreed as part of a signed Section 106 Agreement, where conditions are used only to facilitate the details. Conditions that are required to be discharged before the development commences should be avoided, unless there is a clear justification (Paragraph 55, NPPF). Nonetheless, the location, numbers, types of housing and supporting infrastructure should reflect the requirements set out in the adopted local plan. This is because viability should be carried out at the plan-making stage. For this reason, the plan will have been subjected to the necessary viability tests (as part of the Planning Inspectorate submissions process). Paragraph 57, NPPF, states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is important to note that the weight to be given to a viability assessment is a matter for the decision maker (local authority) and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the planning application stage.</p>
<b>(7) Type of affordable housing</b>	<b>Barton Under Needwood</b>	<p>7.1 The type of affordable housing in strategic villages is once again subject to a “black box” approach (para 6.39). The SPD doesn’t tell us what type of affordable housing, low cost, social rented or variations will be provided. We will only be, “.... advised by the Council....”, although we acknowledge the additional sentence in this 2019 version, “... in consultation with the relevant Parish Council which often have local knowledge and understanding of local requirements”. Whilst we accept that needs change over time, we cannot understand why the Council cannot provide more precise information. It has already stated that its preferred method of provision for affordable housing is through a registered provider and, generally, we take this to mean social housing for rent. Surely the Borough Council must have some idea about the relative priorities and preferences in different parts of the borough. Why cannot the SPD be more transparent and provide the information necessary for it to explain and elaborate the planning policy?</p>	<p>Response: The mix of Affordable Housing is meant to consider the needs identified by the most recent housing needs survey and the existing Affordable Housing in an area. Therefore, the Council's approach will be influenced by the supporting evidence provided by the developer (with the planning application). Albeit, this is expected to be in accordance with government affordable housing guidelines and local planning policies. For example, developers are advised that a valid housing needs survey should be in accordance with Chapter 6 and should be carried out no earlier than 3 years before the date of the planning application. This approach will ensure that there is continued engagement between developers and local communities. It remains the Council's view that some flexibility is needed so that new affordable housing can be guided by the most up-to-date information. This new housing needs information can then be considered alongside the existing housing needs assessments and evidence base, which support the local plan and made neighbourhood plans.</p>

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<b>(8) Monitoring</b>	<b>Barton Under Needwood</b>	<p>8.1 As we tried to set out in section 2, there is a context to both the planning policies and this SPD. The SMHA sets out an overall affordable housing need and this has been translated into a policy approach in the Local Plan. It is important that through the operation of this SPD, the overall amount is monitored not just in terms of the total but also the types and especially the amount of socially rented homes. This is now particularly important in view of the change in emphasis in the NPPF to low cost home ownership and the threshold of only providing affordable housing on major sites.</p> <p>8.2 We would, therefore, like to see the SPD outlining how it will monitor the amount and type of affordable housing it achieves and where this information is recorded. Would the Annual Monitoring Report be appropriate? This information will be useful in feeding into future Strategic Housing Market Assessments and Sustainability Appraisals.</p>	<p>Response: The delivery and types of Affordable Housing provision is Monitored through the Council's Authority Monitoring Report (AMR). An AMR is produced annually and sets out the Council's progress on plan preparation (Local Development Scheme) and also assesses the effectiveness of the existing strategic policies and objectives (against the targets contained in the adopted local plan).</p>
<b>Holiday Accommodation</b>	<b>Croxden Parish Council</b>	<p>1. The references to conversion of holiday accommodation doesn't appear to be a change to current policy so not clear whether there was an intention to change this</p>	<p>Response: The references to conversion of holiday accommodation is a new addition and is meant to deter large scale holiday let conversions to residential in the more rural areas. These developments do not fall under the C3 use class and will be treated as Sui Generis (<i>Moore v SSCLG &amp; Suffolk Coastal DC [2012]</i>).</p>
<b>Rural Exception Sites</b>	<b>Croxden Parish Council</b>	<p>2. Draft Housing Choice Supplementary Planning Document is predominantly referencing large scale development with the exception of section 7. 7.2 states "The role of rural exception sites is to meet an identified housing need in small settlements which cannot be met from existing or planned development within the timescale that housing is needed" – the ability to build at the edge of settlements does create a risk of unwanted footprint expansion to small communities, possibly the existing or planned statement could do with some strengthening</p>	<p>Response: The housing need identified in Paragraph 7.1 must be derived from a detailed local housing needs survey and decisions in small settlements should be responsive to local circumstances and also support housing developments that reflect local needs (Paragraph 77, 78 and 79, NPPF). Rural exception sites policy is only justifiable to provide affordable housing, and more sparingly Traveller sites, because these sites cannot compete for available land and are otherwise unlikely to be deliverable. Therefore, the number, type, and design of homes required on rural exception sites will be in accordance with the adopted local plan (SP18) and NPPF as outlined in the Draft Housing Choice SPD (2019). For example, Starter Homes will not be supported as part of the affordable housing component on Rural Exception Sites. Local and national policies are aimed at limiting and restricting the overall impact on the edge of existing settlements.</p>
<b>Neighbourhood Plans</b>	<b>Croxden Parish Council</b>	<p>3. The 106 guidance indicates "Community priorities On major applications On a case by case basis See Neighbourhood Plans, many of which have identified specific infrastructure projects" – think we assume this includes local plans such as one that might apply to a parish council</p>	<p>Response: Yes, the reference is to made neighbourhood plans.</p>

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<b>Holiday Lets</b>	<b>Croxden Parish Council</b>	<p>Croxden Parish Council would like to make the following comments on the two documents:</p> <ol style="list-style-type: none"> <li>1. The references to conversion of holiday accommodation doesn't appear to be a change to current policy so not clear whether there was an intention to change this</li> <li>2. Draft Housing Choice Supplementary Planning Document is predominantly referencing large scale development with the exception of section 7. 7.2 states "The role of rural exception sites is to meet an identified housing need in small settlements which cannot be met from existing or planned development within the timescale that housing is needed" – the ability to build at the edge of settlements does create a risk of unwanted footprint expansion to small communities, possibly the existing or planned statement could do with some strengthening</li> </ol>	<p>In accordance with Policy SP14 and SP15, the Borough Council supports tourism growth and wishes to promote and enhance its environmental, historic and natural assets which contribute to the economy and attractiveness of the area. For this reason, the Council will resist proposals which would lead to the loss of sites used for industrial/commercial use or other employment generating uses in the countryside or rural settlements unless another source of employment is being created nearby. By extension, the conversion of all types of holiday lets (particularly those for large groups of people) - to residential will be resisted. Large scale holiday lets do not equate with residential use class (C3) as they fall within the Sui Generis use class and constitute a material change of use.</p>
<b>Part 5</b>	<b>Gleesons</b>	<p>Part 5 of the document addresses the guidance for Self-build and custom build sites (which in fact perform rather different roles). An additional paragraph (5.6) specifies that affordable housing will not be required on sites below 250m<sup>2</sup> – but that means that on sites above that threshold affordable housing will be required which seems unnecessarily onerous. It is hard to envisage how affordable housing can be provided when by definition self-builders are creating new housing for themselves!</p>	<p>Response: The Revised NPPF 2019 defines Self-build and Custom-build housing as housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Further, the definition clarifies that such housing can be either market or affordable housing. Therefore, the requirement for Affordable Housing under Part 5 and 6 (Strategic Policy 17) relates to development plots for Market Housing.</p>

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Paragraph 6.28	Gleesons	<p>Strategic Housing Policy (as adopted) is particularly restrictive (but since it is part of the Local Plan cannot be relaxed). However, the application of the policy within chapter 6 is even more onerous on developers:-</p> <p>Firstly, there is a 40% affordable housing requirement outside the two main towns of Uttoxeter and Burton which is high by any standards, but especially high for the West Midlands and potentially threatens market housing and affordable housing delivery due to potential viability reasons.</p> <p>Secondly, the definition of greenfield sites ‘within or on the edge of Burton and Uttoxeter’ which attracts a lower 33% quota is very tightly (and in my view wrongly) defined. In the glossary, the definition of ‘Within and on the edge of Burton and Uttoxeter’: apparently means ‘Within the Settlement boundary of either town defined in the East Staffordshire Local Plan 2012-2031’. This is clearly inconsistent. Sites on the edge of Uttoxeter, by definition, cannot be within the settlement boundary. This definition should be changed to refer to sites on the periphery of the towns – including sites just outside or adjacent to the boundaries.</p> <p>Thirdly, the application of the 40% quota is expected to be delivered (either on site or through a commuted sum) even where it is not actually needed at that level. This means that the residual amount is simply a tax on development, which according to the subsequent text in paragraph 6.27 (and the examples given) is used for any form of Council building including repairs to existing housing (or maintenance). This surely cannot be right and must be contrary to the guidance on S106 contributions and conditions that they be ‘proportionate and related to the site in question’. Developer contributions must be related directly to the site and cannot be used simply to ease the Council’s revenue bill for maintenance.</p> <p>Fourthly, paragraph 6.28 introduces a mechanism not just to review the % of affordable housing for reserved matters consents, but also to apply the charge retrospectively to include cumulatively earlier phases in existence before the adoption of the 2015 Local Plan when a different policy climate applied. This is surely both unacceptable and probably unlawful and should be deleted.</p>	<p>Response: (INSERT AS NEW SECTION IN 6.28 ) The Local Plan Viability Study provides up to date evidence of the amount of affordable housing that can be provided by sites. It indicates that some sites on which a reduced amount of affordable housing was agreed without development appraisal prior to adoption of the plan can afford to provide a larger amount.</p> <p>As a result, in cases where Affordable Housing provision is below the policy compliant figure, the Council will seek to agree a clawback mechanism as part of a signed S106 Agreement, which will establish a threshold for the Gross Development Cost (GDC) and Gross Development Value (GDV) for the development. Under this arrangement, should the established GDV threshold be exceeded, the developer will need to provide the additional Affordable Housing requirement as a commuted sum.</p> <p>The details of the S106 Agreement will be decided on a case by case basis and will require a review of the viability assessment by a Chartered Member of the Royal Institute of Chartered Surveyors (RICS), once the development has been sold in full. Under this arrangement the S106 will ensure that the chartered surveyor is to be appointed by the Council (and paid for by the developer).</p>
Starter Homes	Gleesons	<p>Should any applications be submitted for an extension to these schemes it is appropriate to take this evidence into account. This would apply when applications are made for development which extend a development already approved since April 2012 but prior to adoption of the Local Plan in 2015. Extension in this context means further residential development on the same site or on adjacent land originally in the same ownership as the approved development. A worked example of this is set out in the appendices.</p> <p>The wider range of affordable housing (lifted from the NPPF) is of course welcome as is the extra paragraph 6.10 on starter homes – again lifted from the revised NPPF – although there is no need to include the London price threshold in the guidance!</p>	<p>Response: The information on the Starter Homes price cap for London and areas outside of London was introduced in the Housing and Planning Act 2016 (Para 2.6) and has been provided for contextual information.</p>

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<b>Affordable Housing Threshold</b>	<b>Gleesons</b>	The relaxation of the site threshold for affordable housing to 'major sites' from the previous lower figure (defined as 4 dwellings in the adopted ES Local Plan) needs to be more clearly written. What should be the size threshold now? I would suggest 10 dwellings.	Response: The existing threshold for affordable housing (4 units) remains unchanged and will be considered in accordance with the adopted Local Plan 2015. Notwithstanding the Council is looking to commence work to review the local plan sometime in 2020.
<b>Local Plan Review</b>	<b>Gleesons</b>	<p>The Council seeks to introduce a review mechanism where sites have had a % of affordable housing established at outline stage, but subsequently submitted reserved matters or a full application for something slightly different. This is less likely to occur under the revised 2018 NPPF, but if it does occur, the review mechanism should clearly work either way – in favour of the developer as well as the Local authority.</p> <p>Finally, the removal of the very prescriptive tables of dwelling sizes (Tables 2 and 3) which existed in the previous version of the document, is very welcome. They were not helpful.</p> <p>I hope these comments are useful as a positive contribution to helping to deliver more housing. Now that the adopted East Staffordshire Local Plan is in its 5th year, it should be time for a review to bring forward more housing sites. We would therefore urge you to commence that process and give serious consideration to allocating land to extend the very successful Roycroft Farm (Barleyfields) development and also provide for an element of around 100 dwellings on the Uttoxeter Triangle site to make a positive contribution to meeting Uttoxeter's housing needs.</p>	Response: The Council is looking to commence work to review the Local Plan policies in October 2020 and will welcome further engagement and comments at that time.
<b>Flow Chart</b>	<b>Gleesons</b>	We notice that the flowchart in the April 2016 version has been omitted. Whilst this seemed a little confusing in its layout, the loss of it altogether may be a retrograde step. A simpler and clearer flowchart (with the removal of the 4 dwelling threshold) may be helpful as a summary statement.	Note
<b>Table 1</b>	<b>Gleesons</b>	Although the detailed supplementary policies are still very prescriptive, in some respects the new guidance removes some of the detail – which is welcome. Table 1 for example is simpler and easier to understand (albeit we feel the 2 bedroomed category should also leave scope for 2 bed flats and maisonettes).	Update table as follows: 2-bedroom homes (flats, houses or bungalows)

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
<b>Housing for the Elderly</b>	<b>Gleesons</b>	<p>The requirement for all sites outside Burton, Uttoxeter and the Strategic villages to have a specific local housing needs survey to support the application seems an unnecessarily complex and expensive measure when buyers may come from outside the local community. Indeed, under para 2.19, there is now a much narrower range of exceptions where a housing needs survey is not required.</p> <p>Paragraph 3.3 explains that where schemes meet the M4(2) standard, the Council will consider that as meeting the needs of older people, which is welcome. Indeed, the Housing Choice document is particularly supportive of Elderly Persons' dwellings and Extra Care housing, without expecting any affordable housing. This type of development is expected to form a small part of our forthcoming Uttoxeter Triangle scheme which is ideally suitable in view of the advice in paragraph 4.6 of the SPD in that such sites should be in close proximity to services and facilities.</p>	Noted
<b>Character and Design</b>	<b>Historic England</b>	<ul style="list-style-type: none"> <li>• Paragraph 2.7 we would encourage the Council to consider the local distinctiveness of areas and local design, when considering appropriate housing choice and design. Additionally, to ensure that where development is in the vicinity of heritage assets their significance, including their setting is fully considered, which could relate to the type of housing and design of development submitted.</li> <li>• 2.10 b) needs to consider the potential density and height of any proposed development and consider the potential impacts for the historic environment.</li> <li>• 2.11 locally distinctive design that reflects the character and sense of place of areas would be positive to create place identity and for new development to be sympathetic to its surroundings.</li> <li>• 2.19 consider clarifying what is meant by 'traditional rural buildings' as there may be examples of where these constitute heritage assets and are buildings of intrinsic historic value such as historic farmsteads.</li> <li>• Section 4, 5 and 6 should ensure that any design considerations are in keeping with the wider policies of the East Staffordshire Local Plan. Alternatively, the Council could include a section in the introduction that states that whilst the highlighted Local Plan policies are the ones the SPD anticipates to expand upon, all Local Plan policies will need to be considered alongside the submission of planning applications as they may have considerations for housing choice and design. Section 7 could usefully include a reference to Conservation Areas and the need to consider the impact to this heritage asset and its setting, especially where the Conservation Area is a settlement boundary or aligns with parts of settlement boundaries.</li> </ul>	ADD THIS SECTION to 1.9 - Related Design Policies: P24 to P31 (Local Plan)

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
<b>No Comment</b>	<b>Natural England</b>	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.</p> <p>Whilst we welcome this opportunity to give our views, the topic of the Housing Choice Supplementary Planning Document does not</p>	Noted
<b>Sub-section b (should be removed)</b>	<b>Pegasus Group</b>	<p>Pegasus Group on behalf of Lone Star Land Limited (“Lone Star”) are pleased to make formal representations with respect to the Draft Housing Choice Supplementary Planning Document (September 2019). This document will provide guidance on key development plan policies and how they will operate, in particular, with the planning of new housing developments and making applications. The document was opened to public consultation on 6 September 2019, with the deadline being 18 October 2019. Two amendments should be made to this document, with the first being to paragraph 2.19 and the second to paragraph 6.15 as follows:</p> <p>Draft Housing Choice Supplementary Planning Document (September 2019)</p> <p>Section 2 – Strategic Policy 16: Meeting Housing Needs Paragraph 2.12 states that local need should be met for mainstream housing developments outside Burton, Uttoxeter and the Strategic villages. Paragraph 2.14 states that applicants are invited to ask the Council whether a valid housing needs survey (HNS) has already been carried out and this could include evidence that informs a Neighbourhood Plan. Paragraph 2.16 clarifies that the HNS should be no earlier than 3 years before the date of a planning application.</p> <p>There are exclusions for when a HNS is not required, as detailed in paragraph 2.19:</p> <p>“A housing needs survey is not required on proposals for conversion of traditional rural buildings, agricultural workers dwellings, or the subdivision of existing dwellings.”</p> <p>Paragraph 2.19 should be amended to also include that a HNS is not required for sites that are allocated through the adopted Local Plan or a made Neighbourhood Plan.</p> <p>This amendment will provide clarity that for sites either currently allocated or are to be allocated in the future, can still progress even if their local HNS is no earlier than 3 years before the date of the subsequent planning application. This will provide certainty that sites can progress, not only for the applicant, but also for the Council’s benefit in order to satisfy the Borough’s five-year housing requirement.</p> <p>Section 6 – Strategic Policy 17: Affordable Housing This section copies Strategic Policy 17: Affordable Housing from the Local Plan (October 2015) after paragraph 6.3, which details the thresholds for the amount of affordables to be provided. This is reflected</p>	<p>Made Neighbourhood plans which have been through the examination process will have been found to be in conformity with the local plan. However, it is agreed that Sub-section b should be removed.</p> <p>With regard to Paragraph 2.19, a HNS may be useful for sites that are allocated through the adopted Local Plan or a made Neighbourhood Plan. For example, developers are advised that a valid housing needs survey should be in accordance with Chapter 6 and should be carried out no earlier than 3 years before the date of the planning application. This approach will ensure that there is continued engagement between developers and local communities. It remains the Council's view that some flexibility is needed so that new affordable housing can be guided by the most up-to-date information. This new housing needs information will then be considered alongside the existing housing needs assessments and evidence base, which support the local plan and made neighbourhood plans.</p>

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
		<p>under the sub-heading Affordable housing requirement at paragraph 6.18:  “The proportion of Affordable housing required from housing developments at or above the threshold is as follows:</p> <ul style="list-style-type: none"> <li>• • 25% on previously developed land within the built up areas of Burton and Uttoxeter, although it is not expected that this will be viable on every site;</li> <li>• • 33% on Greenfield sites within and on the edge of Burton and Uttoxeter (see glossary);</li> <li>• • 40% on other land.”</li> </ul> <p>However, paragraph 6.15 (also under sub-heading Affordable Housing Requirement) states (emphasis added):  “A different proportion of Affordable housing will be required where:</p> <ul style="list-style-type: none"> <li>• a) An applicant evidences that a lower proportion of Affordable housing is necessary to make development viable;</li> <li>• b) The applicable Neighbourhood Plan requires a higher proportion;</li> <li>• c) The site is a rural or entry level Exception Site as explained in Chapter 7;</li> <li>• d) The proposal is applicable for vacant building credit.</li> </ul> <p>Sub-section b) should be removed because it is not consistent with the Strategic Policy and does not accord with it. The Strategic Policy does not allow for Neighbourhood Plans to set their own threshold for the percentage of affordables to be provided. Additionally, only the Local Plan can set out contributions expected from development, as clarified within paragraph 005 Reference ID: 41-005-20190509 (revised on 09/05/2019) of the National Planning Policy Guidance (emphasis added):  “How should a community ensure its neighbourhood plan is deliverable?  Plans should be prepared positively, in a way that is aspirational but deliverable. Strategic policies in the local plan or spatial development strategy should set out the contributions expected from development. This should include the levels and types of affordable housing required, along with other infrastructure. Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy. Further guidance on viability is available.”</p> <p>Summary  This letter provides representations on the Draft Housing Choice SPD and in particular that amendments should be made to paragraphs 2.19 and 6.15. These changes will ensure that the SPD does not jeopardise the deliverability of allocated sites and that it does not cause conflict between made Neighbourhood Plans and the Local Plan.</p>	

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
<p><b>Branston Locks - Planning Application Ref. No. P/2012/01467</b></p>	<p><b>Ravinder Uppal (on behalf of Nurton Developments)</b></p>	<p>In April 2015, ESBC granted outline planning permission for up to 2,500 dwellings at the Branston Locks site by virtue of Planning Application Ref. No. P/2012/01467. This permission was the subject of a s.106 agreement which set out the affordable housing provision and the principal infrastructure requirements of the development.</p> <p>Strategic Policy 3 Provision of Homes and Jobs 2012-2031 of the ESBC adopted Local Plan states that, 'The Borough Council will provide for 11,648 dwellings over the plan period of 2012-2031. The housing requirement will be delivered in accordance with the following indicative average annual rate:</p> <ul style="list-style-type: none"> <li>• 466 dwellings per annum for 6 years (2012/2013 – 2017/2018)</li> <li>• 682 dwellings per annum for 13 years (2018/2019 – 2030/2031)'</li> </ul> <p>In addition, Strategic Policy 4 Distribution of Housing Growth 2012-2031 of the ESBC adopted Local Plan notes that the Branston Locks site is allocated to provide 2580 dwellings out of a total 6473 in Burton upon Trent. This equates to 39.8%. The Branston Locks site is the key housing delivery site in East Staffordshire to enable ESBC to meet its housing targets.</p> <p><b>Affordable Housing Provision at Branston Locks</b></p> <p>It is not evident in the draft Housing Choice SPD consultation document if or how the Branston Locks site should be considered with regard to affordable housing provision.</p> <p>The draft Housing Choice SPD consultation document notes that on greenfield sites within and on the edge of Burton, 33% affordable housing should be provided overall in line with the adopted Local Plan which references this figure at Strategic Policy 17 Affordable Housing. However, given the significant infrastructure costs associated with the development, it is considered that this level of affordable housing should not apply to the balance of the Branston Locks scheme as it is likely to affect the delivery of the full permitted scheme. To this end, it is proposed that because of the key strategic nature of Branston Locks in determining the delivery of the Council's overall housing numbers within the planned trajectory, the scheme should be dealt with outside of the terms of the proposed SPD.</p>	<p>Response: According to the signed S106 Agreement dated 14th April 2015 the development under Planning Application Ref. No. P/2012/01467 will deliver 10% Affordable Housing. This is quite a generous figure as the policy requirement figure for the Branston Locks site would have been 25%. Therefore, to answer your question, the scheme has been dealt with outside of the terms of the proposed Housing Choice SPD and Local Plan 2015.</p>

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
Housing Policies	Rocester Parish Council	<p>Special mention is made of Strategic Policies SP16 to 19 inclusive. This version of the HCSPD will require revisions to SPs 16 and 17 in particular and possibly other policies that are not listed.</p> <p><b>SP16 : Meeting Housing Needs</b> This SP gives standard percentages given for the various housing types for the various tiers of community and across the whole Borough, However, the simple application of such percentages will not necessarily provide the mix required for a particular local community's needs. Consequently, a reliable survey of what comprises an individual parish's present housing stock, its bed-spaces and tenures is needed to establish what and how many of each house type is needed to address present imbalances.</p> <p><b>SP17 : Affordable Housing</b> This draft HCSPD strongly suggests that SP17 is in need of urgent revision to accord with the revised NPPF and that evidence must be made available to support its requirements. For clarity and probity, ESBC's key criteria for evaluation of any claimed limited viability need to be stated and it should be specific as to the cost matrix that it plans to use to validate the costs. When agreeing 'a reduced level of affordable housing based on the findings of the Council's assessment of the evidence submitted by the applicant' and also the review and overage mechanisms, there should be scrutiny by ESBC Elected Members To ensure that commuted sums will indeed be spent on measures to address proven housing need within the Borough, the means of and mechanisms for doing so should be stated clearly. The dispersal of affordable housing in the manner described is both too prescriptive and restrictive by not recognising individual site conditions and restrictions which could lead to the best overall solution for the local community on completion of the development not being achieved. The revised NPPF recognises that the strict application of the 10% rule for affordable home ownership will need to be moderated to suit local need. This should equally apply to other housing tenures if ESBC's desired housing mixes are to be achieved within the Borough as a whole.</p> <p><b>SP18: Residential Development on Exception Sites</b> If the planning policies are not to be circumvented, the justification of the need for development outside the development / settlement boundaries as defined and declared in the Adopted Local Plan must be rigorous. Sometimes where used, the term 'local' is inappropriate, being rather 'local people'. Both terms should be defined in the Glossary.</p> <p><b>SP 19: Sites for Gypsies, Travellers and Travelling Showpeople</b> The Council is not aware of any such sites being intended within its parish. Should these be considered a possibility in the future, then it should be involved in full discussions as early as possible.</p>	<p>Response: The Housing Choice SPD is an adopted Supplementary Planning Document, which was adopted in April 2016. The current revision is based on the Government's review of the National Planning Policy Framework and subsequent revised definition of Affordable Housing. Therefore, much of the original document remains unchanged.</p> <p>For clarification, policies SP16 to SP19 are Strategic Policies and can only be revised as part of a review of the adopted local plan. Notwithstanding the Council is looking to commence work on a full or partial review of the local plan sometime in 2020 and would welcome further engagement as well as the opportunity for Rocester to be involved in the Local Plan review process. However, the comments have been noted.</p>

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
Housing Mixes	Rocester Parish Council	<p>Balanced and integrated communities</p> <p>The Council accepts the principle that there should be such within its parish and that new housing developments should be such that this objective is achieved. Whilst previously there has been a preponderance of social and rented housing in Rocester, this has been addressed to a degree by recent new developments. It is not yet known how far this meets ESBC's objective so, in the new role proposed for the Parish Council, its access to existing housing databases will be essential.</p> <p>Establishing local housing need and Made Neighbourhood Plans</p> <p>To date, the Parish Council has seen little reason for producing a Neighbourhood Plan since the Adopted ESLP states that Rocester's total housing requirement is 115 new dwellings within the village by 2031, comprising 90 on an identified Strategic site and 25 on Windfall sites. The latter have already been achieved by the granting of planning permissions for residential developments both within and outside the settlement boundary.</p> <p>Concerning the Strategic site identified in the ESLP, presently and for whatever reason, no planning applications have yet been determined by ESBC despite their having been registered on 2 August 2017, so well over two years ago. These comprise a full submission for 20 dwellings (ref P/2017/00668) and an outline planning application for the remaining 70 (ref P/2017/006678). Until this delay in determination is resolved one way or the other, the Parish Council contends that there should be no further development outside the development / settlement boundary for the village defined in the ESLP.</p> <p>Now that ESBC intends that Made Neighbourhood Plans are to provide local community input to achieve the desired housing mix for integrated communities, any such plans for Rocester will take on another purpose now that parish councils are expected to be involved with housing surveys. Consequently, the Parish Council is considering the production of its own Neighbourhood Plan to ensure that the appropriate housing mix for the village is achieved. Whilst a 'Made' Neighbourhood Plan may give it a voice when dealing with both developers and ESBC, HCSPD para. 7.10 suggests that such a plan, however, may not be sufficient to guarantee that this will be heard, suggesting that Made Neighbourhood Plans may have far less value than their parent parish councils believe.</p> <p>At a time of increasing demands on parish councils' resources, either financial or volunteer time, the not inconsiderable costs associated with the research for and the production of a Neighbourhood Plan will have to be justified against the benefits received and other pressing local priorities.</p>	<p>In the adopted local plan, Rocester has been identified as a Strategic Village and Tier 1 Settlement. The Local Plan &amp; Community Infrastructure Levy Viability Study identified the strategic site - Land South of Rocester. This site is intended to provide 90 additional dwellings (total of 544 for the four Strategic Villages). As regards a suitable housing mix, residential development in main towns and Tier 1 settlements shall provide an appropriate mix of market housing based on the mix required in that part of the Borough, including Housing for the elderly. As part of the application process, the Council will advise on the proportion of on-site Affordable Housing that needs to be provided to meet the local need. An applicant or developer who disagree with the Council's housing needs assessment can carry out and provide the results of a housing needs survey to demonstrate that a different amount of on-site provision is needed. However, when preparing an application for up to 10 dwellings applicants should assume that the maximum number of on-site Affordable Housing will be required, and this will need to be supported by a signed Section 106 Agreement.</p>
New housing development in Rocester	Rocester Parish Council	<p>It is disconcerting to learn from HCSPD paragraph 2.12 that only 'Mainstream housing development outside Burton, Uttoxeter and the Strategic villages has to best meet 'local housing needs'. This suggests that, notwithstanding what is said in the ESLP, Rocester may have to accommodate yet more housing 'imposed' upon it. If this is to be the case, development must be such that they will achieve the desired housing mix within the village and parish. It is feared that the permissions already granted will not do this.</p>	Noted

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
<b>Affordable housing</b>	<b>Rocester Parish Council</b>	Evidence and data are needed urgently to support the notion that 40% of new housing in Rocester needs to be Affordable to provide the desired housing mix, especially when the percentage is markedly higher than the 25% for Burton and Uttoxeter and 33% on Greenfield sites within and on the edge of Burton and Uttoxeter.	Response: The affordable housing required from a particular scheme is the following percentage or the amount which is evidenced by an applicant to be viable - on previously developed land within the built up areas of Burton and Uttoxeter: 25%; On Greenfield sites within and on the edge of Burton and Uttoxeter: 33%; On other land; 40%. It is also important to note that the percentages shown may be revised during the lifetime of the plan in the light of updated viability evidence (Strategic Policy 17).
<b>Specialised housing for older people</b>	<b>Rocester Parish Council</b>	If truly mixed communities are being encouraged, the facilities to be provided in Extra Care and Retirement developments may also be needed by younger persons with disabilities. Equally, Part M of the Building Regulations (for which comment is given in the Appendix) are not limited to just older persons. The final text of the Housing Choice SPD should perhaps recognise this.	Response: Section 3.1 of the Draft Housing Choice SPD deals with Building Regulations 2010, Part M. These regulations cover information about the ease of access to, and use of, buildings, including facilities for disabled visitors or occupants, and the ability to move through a building easily. More information can be found at the following link: ( <a href="https://www.planningportal.co.uk/info/200135/approved_documents/80/part_m_access_to_and_use_of_buildings/2">https://www.planningportal.co.uk/info/200135/approved_documents/80/part_m_access_to_and_use_of_buildings/2</a> ). This link will be added to Section 3.1 to provide further clarification.
<b>Self Build</b>	<b>Rocester Parish Council</b>	Where available, plots for self-built development within the whole parish of Rocester would be acceptable.	Noted

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
<p><b>Housing Databases</b></p>	<p><b>Rocester Parish Council</b></p>	<p>It is noted that the NPPF requires ESBC to be proactive in assessing housing need. It is assumed that it will be doing this by providing background data to the parish councils at no additional cost and monitoring developments to ensure that the housing is provided in accordance with the final Housing Choice. Strategic Housing Market Assessment (SHMA) for East Staffordshire</p> <p>The SHMA was very important in the creation of the ESLP so it is surprising that its conclusions are now considered to be out-of-date and so, being well over three years old, invalid. Consequently, it may perhaps be better not to refer to the document.</p> <p>Current housing databases</p> <p>It is also assumed that, in preparing this consultation draft of the HCSPD, ESBC also undertook the necessary background research into the house types and tenures of the individual parishes' existing housing stocks as well as those housing developments that have already been granted outline planning approvals since 2012, the start date for the ESLP.</p> <p>Therefore, it should now have the data to demonstrate that the percentages for the different house types are appropriate for all four of the Strategic Villages and, as stated earlier, this should be made available to them. Should this not be the case, such data must be collected so that any existing imbalances may be addressed, something which an applicant / developer is unlikely to be in a position or unwilling to undertake.</p>	<p>Response: The Housing Choice SPD is an adopted Supplementary Planning Document, (which was adopted in April 2016). The current revision is based on the Government's review of the National Planning Policy Framework and subsequent revised definition of Affordable Housing. Notwithstanding, developer viability and needs assessments are also a material consideration in the plan making process (with the NPPF having a presumption in favour of development). Therefore, the Council will aim to examine housing mix matters at the planning application and viability level and decisions will be made on a case by case basis and in accordance with the relevant planning legislation and local plan policies.</p> <p>For this reason, developers are advised that a valid housing needs survey should be in accordance with Chapter 6 and should be carried out no earlier than 3 years before the date of the planning application. This approach will ensure that there is continued engagement between developers and local communities. It remains the Council's view that some flexibility is needed so that new affordable housing can be guided by the most up-to-date information. This new housing needs information will then be considered alongside the existing housing needs assessments and evidence base, which support the local plan and local development framework.</p> <p>In addition, the Council is looking to commence work to review the affordable housing policies and supporting housing needs evidence base (as part of a full or partial local plan review). This review is set for some time in 2020 and the Council would welcome further engagement at that time.</p>

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
Housing needs surveys	Rocester Parish Council	<p>No housing survey has been carried out in Rocester in the past three years and there is now an expectation that these will be carried out by developers and parish councils.</p> <p>Previous surveys</p> <p>It is disappointing that 'The Council does not plan to carry out a programme of housing needs surveys' (HCSPD paragraph 9.2), especially as such evidence was needed for the Adopted Local Plan that was expected to last until 2031 but is now reportedly being considered for imminent review.</p> <p>Furthermore, paragraph 7.10 states that 'evidence gathered to support Neighbourhood Plans or the East Staffordshire Local Plan such as housing surveys or Objectively Assessed Housing Assessments are not sufficient in themselves to justify a need'. This then begs the question as to what evidence will actually be regarded to be sufficient and acceptable and whether it is worth the time and expense for Parish Councils to undertake such and the involvement of those being surveyed being seen as relevant and appreciated.</p> <p>Increased involvement of the Parish Councils</p> <p>HCSPD para. 9.5 states that 'The Council expects that all surveys will be carried out by or in cooperation with the relevant Parish Council(s)'. It is important that the parish councils are seen to have a major part in the surveys and that they are able to ensure that the new residential developments within their parishes meet their local communities' needs. As has been said previously, to do this, they will need additional resources for the necessary surveys. Given their limited budgets, the significant resource implications may have to be financed by the developers.</p> <p>For the surveys to be effective, maximum public participation is essential. There is concern that residents may become un-co-operative if they are expected to take part in what they regard as repetitious surveys at least every three years and that their perception of the efficiency and effectiveness of the parish councils will deteriorate. Thus, the procedures and questions asked should be arranged to encourage all that are to be involved.</p> <p>The new surveys - Mention is made of 'emerging households' being engaged in the surveys yet the term is not defined in either the NPPF, ESLP or the draft Housing SPD. It should be defined in the latter, together with advice where surveyors might find them.</p> <p>Verification will be an important part of the survey and the Parish Council has the same interest as ESBC in establishing the needs and wishes of the local community. Whilst the draft HCSPD stated that the surveys and their findings are to be audited by ESBC, it is silent on the criteria to be used and how this is to be done. Consequent questions concerning this are given in the Appendix.</p>	<p>Response: The Housing Choice SPD is an adopted Supplementary Planning Document, (which was adopted in April 2016). The current revision is based on the Government's review of the National Planning Policy Framework and subsequent revised definition of Affordable Housing. Notwithstanding, developer viability and needs assessments are also a material consideration in the plan making process (with the NPPF having a presumption in favour of development). Therefore, the Council will aim to examine housing mix matters at the planning application and viability level and decisions will be made on a case by case basis and in accordance with the relevant planning legislation and local plan policies.</p> <p>For this reason, developers are advised that a valid housing needs survey should be in accordance with Chapter 6 and should be carried out no earlier than 3 years before the date of the planning application. This approach will ensure that there is continued engagement between developers and local communities. It remains the Council's view that some flexibility is needed so that new affordable housing can be guided by the most up-to-date information. This new housing needs information will then be considered alongside the existing housing needs assessments and evidence base, which support the local plan and local development framework.</p> <p>In addition, the Council is looking to commence work to review the affordable housing policies and supporting housing needs evidence base (as part of a full or partial local plan review). This review is set for some time in 2020 and the Council would welcome further engagement at that time</p>
Appendix 1 : Background	Rocester Parish Council	The following responses generally refer to the same paragraph numbers as the draft Housing Choice SPD (HCSPD) which should assist redrafting once all of the consultation responses have been received.	Noted

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
<p><b>Chapter 2 – Strategic Policy 16: Meeting Housing Needs</b></p>	<p><b>St Philips Land</b></p>	<p>Market housing mix in Burton, Uttoxeter, and Strategic Villages</p> <p>2.1 St Philips strongly disagrees with the requirement of paragraph 2.10(e) which states that, for development within Burton, Uttoxeter and Strategic Villages, “Larger sites of 10 or more dwellings are expected to provide the mix shown in Table 1.”</p> <p>2.2 Paragraph 2.9 notes that Table 1 shows the Council’s assessment of likely demand for mainstream market housing in each of the respective areas (Burton, Uttoxeter and Strategic Villages) over the period 2012-2031.</p> <p>2.3 Principally, the imposition of a market housing mix on proposed developments in these areas is wholly contrary to the purpose of an SPD as defined by the NPPG:</p> <p>“Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.” (PPG ID: 61-008) (Our emphasis)</p> <p>2.4 This requirement from the draft SPD risks introducing new planning policies into the development plan, contrary to the purpose of an SPD. As opposed to the other criteria at paragraph 2.10 which supplement Policy 16, part 2.10(e) creates further restriction and is therefore contrary to the Policy which states:</p> <p>“Residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Councils evidence base or other evidence, including Housing for Older People.” (Our emphasis)</p> <p>2.5 The use of “according to” suggests that the required need identified from the Council’s evidence base, or other evidence, should be considered a starting point for discussion in order to facilitate an agreement as to what is considered “appropriate”. Conversely, no such flexibility is inherent in the wording of requirement 2.10(e) save for the use of “are expected” but, even so, an alternative approach is not provided should a proposed mix conflict with the mix outlined in Table 1.</p> <p>2.6 St Philips wish to refer the Council to the implications of William Davis v Charnwood Borough Council<sup>1</sup> where Gilbart J quashed Charnwood Borough Council’s new housing mix policy on the basis that it should have been adopted as part of a Development Plan Document (“DPD”), requiring independent examination, instead of an SPD, which only requires consultation.</p> <p>2.7 The policy prescribed the appropriate mix of home sizes in a housing development, with any departure from the specified percentages requiring justification through evidence taking into account a list of factors.</p> <p>2.8 Gilbart J agreed with the group of claimants, all experienced house-builders operating within the Council’s area, that the policy constituted a statement regarding “the development and use</p>	<p>Table 1: Mainstream market housing mix needs to be supported by an updated housing needs assessment. If this is not available, the Table 8.3 Preferred Housing Mix of mainstream market housing (East Staffordshire Borough Council – Local Plan and CIL Viability Study February 2014) will be the most relevant and cannot be replaced</p>

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
		<p>of land which the local planning authority wish to encourage during any specified period”, and was also a “development management policy ... intended to guide the determination of applications for planning permission.” Accordingly, by virtue of regulations 2, 5 and 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regulations”), the policy needed to be adopted in a DPD rather than an SPD.</p> <p>2.9 The housing mix policy was also found to be unlawful due to a failure by the Council to undertake a viability assessment of the policy before the SPD was adopted.</p> <p>Market housing mix outside Burton, Uttoxeter and the Strategic villages</p> <p>2.10 St Philips strongly objects to the implications and associated requirements of paragraph 2.14 which states:</p> <p>“Applicants are invited to ask the Council whether a valid local housing needs survey has already been carried out. This could include evidence to inform a Neighbourhood Plan, a bespoke village housing needs survey or evidence submitted to support a recent application for development where appropriate.”</p> <p>2.11 Whilst not explicit, it is inferred that should a valid local housing needs survey not exist through the above instances, then the applicant will be responsible for undertaking one at its own resource and cost. It is understood the Council would require a survey to inform the market housing mix for each and every development proposal outside Burton, Uttoxeter and the Strategic Villages, immaterial of whether the site benefits from a strategic or non-strategic housing allocation.</p> <p>2.12 The latter inference is somewhat clarified at paragraph 2.15 which states “a valid housing needs survey is needed before other development of new mainstream housing” and the former point confirmed later in the SPD at paragraph 9.2 which states:</p> <p>“The Council does not plan to carry out a programme of housing needs surveys. This is because the surveys it has carried out in the past have not led to development and the results have become obsolete.”</p> <p>2.13 Firstly, St Philips consider it is wholly unreasonable for the Council to unduly place the onus of undertaking such surveys on prospective applicants. This is contrary to the purpose of an SPD which, as defined by the NPPG, “should build upon and provide more detailed advice or guidance on policies in an adopted local plan... They should not add unnecessarily to the financial burdens on development.” (PPG ID: 61-008) (Our emphasis)</p> <p>2.14 Whilst it is important to understand the needs for different groups in the community<sup>2</sup>, the responsibility for objectively-assessing these needs should not lie solely with applicants, particularly on sites which benefit from strategic or non-strategic housing allocations.</p> <p>2.15 In cases where a site outside of Burton, Uttoxeter and the Strategic Villages benefits from a housing allocation, St Philips consider it is more appropriate for the proposed market housing mix to be informed through dialogue with the Council’s Housing Delivery Team, or equivalent, alongside input from the Parish Council.</p> <p>2.16 Secondly, the Council’s reasoning for not carrying out its own programme of housing needs surveys is not considered justified as, at paragraph 9.2, the Council contend “the surveys it has carried out in the past have</p>	

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		<p>not led to development and the results have become obsolete.”</p> <p>2.17 It is considered the Council has misunderstood the function of these surveys which, rather than to encourage development, should be commissioned to inform development and assist in the</p> <p>objectives of Policy 16 which stipulates that “residential development elsewhere shall provide a dwelling or a mix of dwellings to best meet local need.” 2.19 Furthermore, it should be noted how the wording of Policy 16 was re-focused following the Examination in Public and through the Main Modifications<sup>3</sup> of the adopted Local Plan:</p> <p>2.18 Paragraph 2.18 of the SPD later confirms “development shall then provide the dwelling or dwellings required to best meet the local need identified by the survey.” St Philips consider this approach is too inflexible and prescriptive, and does not allow input from the Council’s Housing Delivery Team, or equivalent, as is encouraged by paragraph 39 of the NPPF:</p> <p>“Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.”</p> <p>2.20 Clearly, the modifications – suggested by the Inspector in order for the Plan to be considered sound and legally compliant – were suggested on the basis to ensure flexibility which otherwise would not have existed.</p> <p>2.21 The addition of “or where applicable the Council’s evidence base” suggests that a local housing needs survey need not be the only evidence base document able to inform a proposed market housing mix. The inflexible approach of this SPD – requiring that development must provide the dwellings to best meet local need identified by the survey – is therefore contrary to this adopted policy.</p> <p>2.22 Conclusively, there is concern that the Council are too reliant on the use of local housing need surveys to determine the proposed market housing mix on developments outside Burton, Uttoxeter and the Strategic Villages. As a result, St Philips recommends that Section Two of the SPD be amended as follows:</p> <p>“Residential development elsewhere shall provide the a dwelling or mix of dwellings market housing required to best meet local need based firstly on according to a local housing needs survey carried out in accordance with Housing Choice SPD and secondly on the mix required in that part of the Borough or where applicable the Council’s evidence base.”</p> <ul style="list-style-type: none"> <li>• • Where a valid local housing need survey for an area exists, this be used as a starting point to lead discussion with the Council and Parish Council;</li> <li>• • Where a survey does not exist, or is invalid by way of becoming three or more years old, other sources may be drawn upon from the Council’s evidence base where applicable (as suggested by Policy 16);</li> <li>• • Should the above still not objectively determine the mix that best meets local need, the Council will undertake its own local housing needs survey in tandem with the Parish Council.</li> </ul>	

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		<p>3.1 St Philips welcomes the Council’s use of the NPPF’s new definition of affordable housing at paragraph 6.4, but has concern over the expectation for developers to use a Registered Provider on the Council’s preferred list.</p> <p>3.2 At paragraph 6.7, the Council appears to allow flexibility in developers’ choice of Registered Provider, with the suggestion that the use of a Registered Provider already operating in the Borough is preferable.</p> <p>3.3 Whilst this is welcomed, the Council appear to further impose this preference in order to align with “Homes England policies regarding value for money, stock rationalisation and development of sustainable communities” (paragraph 6.12), however it is unclear as to what this guidance from HE is and how it is applied.</p> <p>3.4 Furthermore, paragraphs 6.13 – 6.14 appear to set unnecessary expectations should a developer wish to use a Registered Provider not on the Council’s preferred list. For example, the Council would ‘require detailed information on the RP’s standards in order to be satisfied that effective measures are in place to ensure the “quality local management” of the homes’ and ‘the Council will also need to be assured that the allocation of the homes will be undertaken fairly and properly to meet local needs.’</p> <p>3.5 Whilst the need for Registered Providers to achieve value for money is recognised, it would appear unreasonable for the Council to request such information given that Registered Providers are governed by and accountable to the Regulator of Social Housing. To set such a requirement for Registered Providers merely because they are excluded from the Council’s preferred list adds unnecessary delay.</p> <p>3.6 Paragraph 6.14 commits developers to evidence a dialogue with Registered Providers regarding the proposed house types and tenures of on-site affordable housing, and demonstrate how this dialogue has influenced the outcome.</p> <p>3.7 Whilst this measure is welcomed – as rightfully Registered Providers should be involved from the early stages in the determination process – we raise slight concern over the rigidity of this approach and the onus set upon developers to lead this engagement. In particular, we note the intended objective of paragraph 41 of the NPPF:</p> <p>3.8 As it is not explicit, we argue that paragraph 41 should not be interpreted as a way for local planning authorities to seek to minimise or water-down their current consultation on applications with relevant parties and instead put the onus and expense of this onto applicants. We therefore suggest that the requirement be re-worded as to suggest the responsibility to consult upon the applicant’s chosen Registered Provider lies with the Council and not the applicant.</p>	

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<p><b>Chapter 6 – Strategic Policy 17: Affordable Housing</b></p>	<p><b>St Philips Land</b></p>	<p>On behalf of St Philips Land Ltd (“St Philips”), these representations object to the Draft Housing Choice Supplementary Planning Document (“SPD”) principally on the basis that the SPD looks to extend policy control beyond that established by the East Staffordshire Borough Council (“the Council”) adopted Local Plan (2012-2031) and sets unduly onerous requirements on prospective applicants, contrary to the National Planning Policy Framework (“NPPF”) and National Planning Practice Guidance (“NPPG”).</p> <p>1.2 The improper extension of Local Plan policy within the draft SPD is particularly relevant to Policy 16 (Meeting Housing Needs) and Policy 17 (Affordable Housing) and thus the imposition of prescribed housing mixes on new developments risks constraining the emergence of residential development.</p> <p>1.3 Through a review of this draft SPD, St Philips maintain strong reservations over how the SPD relates to the principal evidence base which, as stated at paragraph 1.10 of the SPD, includes:</p> <ul style="list-style-type: none"> <li>• The Strategic Housing Market Assessment (“SHMA”) for East Staffordshire, published in October 2013 and updated in April 2014; and</li> <li>• The East Staffordshire Borough Council - Local Plan &amp; Community Infrastructure Levy Viability Study (the “Viability Study”), produced for the Council by HDH Planning &amp; Development which was published in November 2013 and revised in February 2014.</li> </ul> <p>1.4 Given the date of such evidence, it is questioned whether the requirements of Policies 16 and 17 are informed by up-to-date evidence. Should this not be the case, then it is considered the Council should consider a review of its Local Plan as opposed to the progression of this SPD.</p> <p>1.5 As a result of the above, these representations therefore respond to the following chapters within the draft Housing Choice SPD:</p> <ul style="list-style-type: none"> <li>• Chapter 2 – Strategic Policy 16: Meeting Housing Needs</li> <li>• Chapter 6 – Strategic Policy 17: Affordable Housing</li> </ul> <p>Strategic Policy 16: Meeting Housing Needs Market housing mix in Burton, Uttoxeter, and Strategic Villages</p> <p>2.1 St Philips strongly disagrees with the requirement of paragraph 2.10(e) which states that, for development within Burton, Uttoxeter and Strategic Villages, “Larger sites of 10 or more dwellings are expected to provide the mix shown in Table 1.”</p> <p>2.2 Paragraph 2.9 notes that Table 1 shows the Council’s assessment of likely demand for mainstream market housing in each of the respective areas (Burton, Uttoxeter and Strategic Villages) over the period 2012-2031.</p> <p>2.3 Principally, the imposition of a market housing mix on proposed developments in these areas is wholly contrary to the purpose of an SPD as defined by the NPPG:</p> <p>“Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-</p>	<p>Response: The mix of Affordable Housing is meant to consider the needs identified by the most recent housing needs survey and the existing Affordable Housing in an area. Therefore, the Council's approach will be influenced by the supporting evidence provided by the developer (with the planning application). Albeit, this is expected to be in accordance with government affordable housing guidelines and local planning policies. For example, developers are advised that a valid housing needs survey should be in accordance with Chapter 6 and should be carried out no earlier than 3 years before the date of the planning application. This approach will ensure that there is continued engagement between developers and local communities. It remains the Council's view that some flexibility is needed so that new affordable housing can be guided by the most up-to-date information. Nonetheless, the location, numbers, types of housing and supporting infrastructure should reflect the requirements set out in the adopted local plan. This is because viability should be carried out at the plan-making stage. For this reason, the plan will have been subjected to the necessary viability tests (as part of the Local Plan submissions process). Paragraph 57, NPPF, states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is important to note that the weight to be given to a viability assessment is a matter for the decision maker (local authority) and it is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the planning application stage. Notwithstanding, the Council will be looking to undertake a partial or full review of the Local Plan and supporting evidence base in October 2020.</p>

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		<p>making. They should not add unnecessarily to the financial burdens on development.” (PPG ID: 61-008) (Our emphasis)</p> <p>2.4 This requirement from the draft SPD risks introducing new planning policies into the development plan, contrary to the purpose of an SPD. As opposed to the other criteria at paragraph 2.10 which supplement Policy 16, part 2.10(e) creates further restriction and is therefore contrary to the Policy which states: “Residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Councils evidence base or other evidence, including Housing for Older People.” (Our emphasis)</p> <p>2.5 The use of “according to” suggests that the required need identified from the Council’s evidence base, or other evidence, should be considered a starting point for discussion in order to facilitate an agreement as to what is considered “appropriate”. Conversely, no such flexibility is inherent in the wording of requirement 2.10(e) save for the use of “are expected” but, even so, an alternative approach is not provided should a proposed mix conflict with the mix outlined in Table 1.</p> <p>2.6 St Philips wish to refer the Council to the implications of William Davis v Charnwood Borough Council<sup>1</sup> where Gilbart J quashed Charnwood Borough Council’s new housing mix policy on the basis that it should have been adopted as part of a Development Plan Document (“DPD”), requiring independent examination, instead of an SPD, which only requires consultation.</p> <p>2.7 The policy prescribed the appropriate mix of home sizes in a housing development, with any departure from the specified percentages requiring justification through evidence taking into account a list of factors.</p> <p>2.8 Gilbart J agreed with the group of claimants, all experienced house-builders operating within the Council’s area, that the policy constituted a statement regarding “the development and use of land which the local planning authority wish to encourage during any specified period”, and was also a “development management policy ... intended to guide the determination of applications for planning permission.” Accordingly, by virtue of regulations 2, 5 and 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regulations”), the policy needed to be adopted in a DPD rather than an SPD.</p> <p>2.9 The housing mix policy was also found to be unlawful due to a failure by the Council to undertake a viability assessment of the policy before the SPD was adopted.</p> <p>Market housing mix outside Burton, Uttoxeter and the Strategic villages</p> <p>2.10 St Philips strongly objects to the implications and associated requirements of paragraph 2.14 which states: “Applicants are invited to ask the Council whether a valid local housing needs survey has already been carried out. This could include evidence to inform a Neighbourhood Plan, a bespoke village housing needs survey or evidence submitted to support a recent application for development where appropriate.”</p>	

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		<p>2.11 Whilst not explicit, it is inferred that should a valid local housing needs survey not exist through the above instances, then the applicant will be responsible for undertaking one at its own resource and cost. It is understood the Council would require a survey to inform the market housing mix for each and every development proposal outside Burton, Uttoxeter and the Strategic Villages, immaterial of whether the site benefits from a strategic or non-strategic housing allocation.</p> <p>2.12 The latter inference is somewhat clarified at paragraph 2.15 which states “a valid housing needs survey is needed before other development of new mainstream housing” and the former point confirmed later in the SPD at paragraph 9.2 which states: “The Council does not plan to carry out a programme of housing needs surveys. This is because the surveys it has carried out in the past have not led to development and the results have become obsolete.”</p> <p>2.13 Firstly, St Philips consider it is wholly unreasonable for the Council to unduly place the onus of undertaking such surveys on prospective applicants. This is contrary to the purpose of an SPD which, as defined by the NPPG, “should build upon and provide more detailed advice or guidance on policies in an adopted local plan... They should not add unnecessarily to the financial burdens on development.” (PPG ID: 61-008) (Our emphasis)</p> <p>2.14 Whilst it is important to understand the needs for different groups in the community<sup>2</sup>, the responsibility for objectively-assessing these needs should not lie solely with applicants, particularly on sites which benefit from strategic or non-strategic housing allocations.</p> <p>2.15 In cases where a site outside of Burton, Uttoxeter and the Strategic Villages benefits from a housing allocation, St Philips consider it is more appropriate for the proposed market housing mix to be informed through dialogue with the Council’s Housing Delivery Team, or equivalent, alongside input from the Parish Council.</p> <p>2.16 Secondly, the Council’s reasoning for not carrying out its own programme of housing needs surveys is not considered justified as, at paragraph 9.2, the Council contend “the surveys it has carried out in the past have not led to development and the results have become obsolete.”</p> <p>2.17 It is considered the Council has misunderstood the function of these surveys which, rather than to encourage development, should be commissioned to inform development and assist in the objectives of Policy 16 which stipulates that “residential development elsewhere shall provide a dwelling or a mix of dwellings to best meet local need.” 2.19 Furthermore, it should be noted how the wording of Policy 16 was re-focused following the Examination in Public and through the Main Modifications<sup>3</sup> of the adopted Local Plan:</p> <p>2.18 Paragraph 2.18 of the SPD later confirms “development shall then provide the dwelling or dwellings required to best meet the local need identified by the survey.” St Philips consider this approach is too inflexible and prescriptive, and does not allow input from the Council’s Housing Delivery Team, or equivalent, as is encouraged by paragraph 39 of the NPPF: “Good quality pre-application discussion enables better</p>	

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		<p>coordination between public and private resources and improved outcomes for the community.”</p> <p>2.20 Clearly, the modifications – suggested by the Inspector in order for the Plan to be considered sound and legally compliant – were suggested on the basis to ensure flexibility which otherwise would not have existed.</p> <p>2.21 The addition of “or where applicable the Council’s evidence base” suggests that a local housing needs survey need not be the only evidence base document able to inform a proposed market housing mix. The inflexible approach of this SPD – requiring that development must provide the dwellings to best meet local need identified by the survey – is therefore contrary to this adopted policy.</p> <p>2.22 Conclusively, there is concern that the Council are too reliant on the use of local housing need surveys to determine the proposed market housing mix on developments outside Burton, Uttoxeter and the Strategic Villages. As a result, St Philips recommends that Section Two of the SPD be amended as follows:</p> <p>“Residential development elsewhere shall provide the a dwelling or mix of dwellings market housing required to best meet local need based firstly on according to a local housing needs survey carried out in accordance with Housing Choice SPD and secondly on the mix required in that part of the Borough or where applicable the Council’s evidence base.”</p> <ul style="list-style-type: none"> <li>• • Where a valid local housing need survey for an area exists, this be used as a starting point to lead discussion with the Council and Parish Council;</li> <li>• • Where a survey does not exist, or is invalid by way of becoming three or more years old, other sources may be drawn upon from the Council’s evidence base where applicable (as suggested by Policy 16);</li> <li>• • Should the above still not objectively determine the mix that best meets local need, the Council will undertake its own local housing needs survey in tandem with the Parish Council.</li> </ul> <p>3.1 St Philips welcomes the Council’s use of the NPPF’s new definition of affordable housing at paragraph 6.4, but has concern over the expectation for developers to use a Registered Provider on the Council’s preferred list.</p> <p>3.2 At paragraph 6.7, the Council appears to allow flexibility in developers’ choice of Registered Provider, with the suggestion that the use of a Registered Provider already operating in the Borough is preferable.</p> <p>3.3 Whilst this is welcomed, the Council appear to further impose this preference in order to align with “Homes England policies regarding value for money, stock rationalisation and development of sustainable communities” (paragraph 6.12), however it is unclear as to what this guidance from HE is and how it is applied.</p> <p>3.4 Furthermore, paragraphs 6.13 – 6.14 appear to set unnecessary expectations should a developer wish to use a Registered Provider not on the Council’s preferred list. For example, the Council would ‘require detailed information on the RP’s standards in order to be satisfied that effective measures are in place to ensure the “quality local management” of the homes’ and ‘the Council will also need to be assured that the allocation of the homes will be undertaken fairly and properly to meet local needs.’</p> <p>3.5 Whilst the need for Registered Providers to achieve value for money is recognised, it would appear unreasonable for the Council to request such information given that Registered Providers are</p>	

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		<p>governed by and accountable to the Regulator of Social Housing. To set such a requirement for Registered Providers merely because they are excluded from the Council's preferred list adds unnecessary delay.</p> <p>3.6 Paragraph 6.14 commits developers to evidence a dialogue with Registered Providers regarding the proposed house types and tenures of on-site affordable housing, and demonstrate how this dialogue has influenced the outcome.</p> <p>3.7 Whilst this measure is welcomed – as rightfully Registered Providers should be involved from the early stages in the determination process – we raise slight concern over the rigidity of this approach and the onus set upon developers to lead this engagement. In particular, we note the intended objective of paragraph 41 of the NPPF:</p> <p>3.8 As it is not explicit, we argue that paragraph 41 should not be interpreted as a way for local planning authorities to seek to minimise or water-down their current consultation on applications with relevant parties and instead put the onus and expense of this onto applicants. We therefore suggest that the requirement be re-worded as to suggest the responsibility to consult upon the applicant's chosen Registered Provider lies with the Council and not the applicant.</p> <p>Strategic Policy 17: Affordable Housing What is Affordable Housing? "The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs."</p> <p>3.9 St Philips welcome the Council's use of the new NPPF's requirement that affordable housing should not be sought for residential developments that are not major developments.</p> <p>3.10 The Council reiterate the affordable housing thresholds of Policy 17 at paragraph 6.18. Whilst it is acknowledged that the this requirement is set within Policy, St Philips consider that the evidence base underpinning the thresholds – the SHMA and Viability Study – is unlikely to be up-to-date, thus further highlighting the need for the Council to begin a review of its Local Plan.</p> <p>3.11 The NPPF clearly advises that "it is essential that plans are in place and kept up to date" (PPG ID: 61-001). Whilst Policy 17 states that the affordability thresholds "may be revised during the lifetime of the plan in the light of updated viability evidence" it is understand this has not been forthcoming.</p> <p>3.12 Consequently, the imposition of a 40% proportion for affordable housing outside the urban areas – whilst this may not necessarily harm the viability of developments in these areas – could risk being founded upon evidence not up-to-date.</p> <p>3.13 St Philips therefore requests that the Council progresses a review of its Local Plan – including a review of Policies 16 and 17 – at the earliest opportunity, with a particular focus on updating its SHMA and Viability Study.</p>	

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		<p>3.14 As an aside, the Council is to be reminded that, when it comes to reviewing its overall housing requirement, it should consider the need to adjust the figure in order to response to its acute need for affordable housing.</p> <p>3.15 It is acknowledged that, at the time of Examination, the Inspector<sup>4</sup> considered “there is no evident need to increase the overall housing requirement and supply in relation to affordable housing need” (paragraph 121). The affordable housing need was quantified at 112 dpa, or about 18 per cent of the calculated OAHN (paragraph 118).</p> <p>3.16 St Philips question whether this annual requirement needs adjusting in light of the following factors: 1 Historic delivery rates of new affordable housing; and 2 Projected newly-forming households and the proportion of these households unable to access market housing<sup>5</sup></p> <p>3.17 Given the Council’s historic under-delivery of affordable units at 112 dpa, as shown in Table 4.1, clearly there is a need to review its overall local housing requirement.</p> <p>Affordable housing threshold Affordable housing requirement 4 Report Table 3.1 East Staffordshire Completed Affordable Units Monitoring Period Number of Completed Affordable Units 2017/18 80 2016/17 95 2015/16 86 2014/15 98 2013/14 62</p> <p>The NPPG clearly advises that the need for affordable housing can be considered to provide an uplift to the local housing need figure: “An increase in the total housing requirement included in the plan may need to be considered where it could help deliver the required number of affordable homes” (PPG ID: 67-008). 3.20 The Council sets out a process where applicants can present evidence that a lower proportion of affordable housing is necessary to make the development of the site viable.</p> <p>3.21 St Philips consider that the Council must work on this basis with an up-to-date evidence base, particularly including an up-to-date Viability Study, in order to ensure the requirements are fairly informed. For example, it is noted that indicative land values rely heavily on the Viability Study which was produced in 2013 and updated in 2014.</p> <p>3.22 Paragraph 6.24 reiterates he requirements of Policy 17 which states the following:</p> <p>3.19 As a result, St Philips urge the Council to begin a review of its Local Plan in light of the evidence base underpinning the above is unlikely to be up-to-date. Evidencing limited viability Amount of on-site affordable housing provision and off-site commuted sum “The amount of affordable housing which must be provided on site will be as follows, with the balance commuted off site in accordance with the Housing Choice SPD: • On Burton and Uttoxeter - 13% of dwellings; • On Strategic Village sites, an amount consistent with</p>	

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		<p>local need;</p> <ul style="list-style-type: none"> <li>• • On other sites, an amount determined by the housing needs survey” 3.23 Whilst there is an element of flexibility with the requirements of the Policy, and thus the SPD, St Philips consider that the Council are too reliant on the use of a housing need survey to determine the amount of on-site affordable housing for development outside Burton, Uttoxeter and the Strategic Villages.</li> <li>• 3.24 As a result, St Philips recommends the SPD text be amended to reflect the following points: <ul style="list-style-type: none"> <li>•</li> <li>• • Where a valid local housing need survey for an area exists, this be used as a starting point to lead discussion with the Council and Parish Council;</li> <li>• • Where a survey does not exist, or is invalid by way of becoming three or more years old, other sources may be drawn upon from the Council’s evidence base where applicable.</li> <li>• • Should the above still not objectively determine the mix that best meets local need, the Council will undertake its own local housing needs survey in tandem with the Parish Council. 3.25 Whilst the Council has evidenced its requirement for an off-site affordable housing commuted sum of £40,000 at Appendix 1, St Philips maintains that the evidence underpinning these requirements is unlikely to be up-to-date, thus furthering the need for the Council to undertake a review of its Local Plan, along with a review of its evidence base.</li> <li>• 3.26 At paragraph 6.35 the Council state: <ul style="list-style-type: none"> <li>•</li> </ul> </li> </ul> <p>How to incorporate affordable housing into the design and layout of developments</p> <ul style="list-style-type: none"> <li>• 3.27 St Philips question whether this preference by the Council is informed and underpinned by an up-to-date evidence base. Whilst the Council consider this relates to the design and layout of development, the need for these types of flats must be evidenced either through an up-to-date SHMA or Viability Study.</li> <li>• 3.28 Paragraph 6.40 states the following:</li> <li>• 3.29 St Philips welcomes the pragmatic approach of the Council where, in this case, the housing needs survey will act as a starting point for discussion rather than as prescriptive tool as the SPD earlier proposes for market housing mix. However, it is unclear as to whether the applicant would be responsible for undertaking the survey.</li> <li>• 3.30 St Philips maintain that the onus for undertaking such evidence should not be on the applicant, as has been demonstrated at Section Two of this representation.</li> <li>• 3.31 The housing needs of specific groups, which the NPPG includes as affordable housing, must be considered by the Council as part of its evidence-base: <ul style="list-style-type: none"> <li>•</li> </ul> </li> </ul> <p>“The Affordable housing flats sought by the Council are Duplex/Tyneside Flats with one flat on the ground floor and one on the first floor each having its own external ground level front door. Hence each two flats externally resemble a house.”</p> <p>On-site affordable housing mix</p> <p>“Elsewhere in the Borough, the mix of Affordable housing to be provided will be advised by the Council on request taking into account the needs identified by the housing needs survey and the existing Affordable</p> </li></ul>	

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		<p>housing in the area.”</p> <p>“Strategic policy-making authorities will need a clear understanding of housing needs in their area. The steps in building up this evidence include:</p> <ul style="list-style-type: none"> <li>• • establishing the overall housing need (conducted using the standard methodology unless exceptional circumstances justify an alternative);</li> <li>• • identifying the housing need of specific groups;</li> <li>• • working with neighbouring authorities and key stakeholders to establish the housing market area, or geography which is the most appropriate to prepare policies for meeting housing need across local authority boundaries;” (PPG ID: 61-039) (Our emphasis)</li> <li>• 3.32 The implication is that Councils are required to be fully cognisant of the housing needs for those whose needs aren’t met by market housing, and for this to underpinned by an up-to-date evidence base.</li> <li>• 3.33 In addition, it is unclear whether Parish Councils are afforded an input into the mix of affordable housing on developments outside the Strategic Villages as paragraphs 6.39 and 6.40 as follows:</li> <li>•</li> </ul> <p>“In the Strategic Villages of Barton under Needwood, Rocester, Rolleston on Dove and Tutbury, the mix of Affordable housing to be provided will be advised by the Council in consultation with the relevant Parish Council, who will often have local knowledge and understanding of local requirements Elsewhere in the Borough, the mix of Affordable housing to be provided will be advised by the Council on request taking into account the needs identified by the housing needs survey and the existing Affordable housing in the area.”</p> <ul style="list-style-type: none"> <li>• As was similarly concluded in Section Two of this representation regarding market housing mix, St Philips consider that that the Council are too reliant on the use of local housing need surveys to determine the proposed affordable housing mix on developments outside the Strategic Villages. As a result, St Philips recommends the be amended as follows:</li> <li>• 3.35 Should the above still not objectively determine the mix that best meets local need, the Council will undertake its own local housing needs survey in tandem with the Parish Council.</li> <li>• Where a valid local housing need survey for an area exists, this be used as a starting point to lead discussion with the Council and Parish Council;</li> <li>• Where a survey does not exist, or is invalid by way of becoming three or more years old, other sources may be drawn upon from the Council’s evidence base where applicable.</li> </ul>	

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General Comments	Tetlow King	<p>We represent the West Midlands HARP Planning Consortium which includes all the leading Housing Association Registered Providers (HARPs) across the West Midlands. Our clients' principal concern is to optimise the provision of affordable housing and to ensure the evolution and preparation of consistent policies that help deliver the wider economic and social outcomes needed throughout the region. As significant developers and investors in local people, HARPs are well placed to contribute to local plan objectives and act as long term partners in the community.</p> <p>We welcome the opportunity to comment on the draft Housing Choice SPD (September 2019) which will update the current adopted Housing Choice SPD (April 2016). Accordingly, the proposed changes are not extensive and mainly relate to policy changes and updates introduced by the revised NPPF (February 2019) such as the affordable housing contribution threshold of 10 units or more (i.e. major development). It is noted that the evidence base for both SPDs relies on the Strategic Housing Market Assessment (SHMA) for East Staffordshire, October 2013 and updated in April 2014 and the East Staffordshire Borough Council Local Plan Community Infrastructure Levy Viability Study, November 2013 and February 2014. Both these documents form the evidence for the East Staffordshire Local Plan 2015 and therefore remain relevant.</p> <p><b>Building Regulations – Part M</b>  We are pleased that policy SP16 requirement for all developments to meet or exceed the optional technical standard M4(2) of the Building Regulations (Accessible and adaptable dwellings), continues to be removed from the SPD. The practical implications of applying such a standard across all dwellings due to constraints such as topography, size of site and location makes it incredibly difficult to achieve.</p> <p>We note the addition of paragraph 3.3 which states where schemes provide a proportion of dwellings which meet the M4(2) standard, the Council will consider this suitable for meeting the needs of older people.</p> <p><b>Affordable Housing Definition</b>  We welcome that the revised draft SPD cites the NPPF (2019) definition of affordable housing which includes a wider range of affordable housing products including starter homes, discount market homes and other affordable routes to home ownership. It is important that the Council endorses the revised definition of affordable housing and is receptive of development schemes that seek to deliver a range of affordable housing products to cater for a wide variety of housing needs. Engagement with Registered Providers  We welcome the introduction of additional paragraphs in section 6 (paragraphs 6.11-6.14) which encourage early active engagement with Registered Providers, i.e. West Midlands HARP members. Early engagement enables Registered Providers to have an active role in the planning and design of developments to ensure that the development addresses local housing needs and meets the management requirements of HARP members.</p> <p>It is noted that the Council has preference to working with preferred Registered Providers, but it is welcomed that the Council will consider working with other housing associations provided that the Council is engaged in early dialogue with the Registered Provider at pre-application stage.</p> <p><b>Viability</b>  We support the inclusion of a new paragraph 6.23 which recognises that there have been circumstances</p>	Noted (Email address for consultation to be updated)

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		<p>where there have been too many unknown issues at the outline stage to be able to robustly fix the percentage of affordable housing. In such circumstances the Borough Council will suggest that a review mechanism is written into a s.106 so that further assessment can be undertaken at the reserved matters or if a full application is subsequently submitted by the housebuilder.</p> <p>Whilst HARP members seek to maximise the delivery of affordable homes, we recognise the importance of considering viability matters in the determination of planning applications. This approach enables flexibility and ensures that the most up-to-date financial viability considerations are taken into account. It therefore supports the NPPF key objective of significantly boosting the supply of new homes.</p> <p>Entry Level Home Ownership Exception Sites In accordance with the revised NPPF, we welcome the inclusion of entry level home ownership exception sites in section 7 of the SPD. Our members support the opportunity to meet local housing needs including first time buyers or those looking to rent their own home.</p> <p>The above comments are intended to be constructive, to ensure the policies are found sound at examination. We would like to be consulted on further stages of the above document and other publications by the Council, by email only to <a href="mailto:consultation@tetlow-king.co.uk">consultation@tetlow-king.co.uk</a>; please ensure that the West Midlands HARP Planning Consortium is retained on the consultation database, with Tetlow King Planning listed as its agent.</p>	

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Provision for older people	Trent and Dove	<p>Trent and Dove welcome the opportunity to make comment on the draft Housing Choices Supplementary Planning Document and thank the Council for making the draft available for consultation.</p> <p>We welcome the positive statements in the draft SPD about support for housing associations and the encouragement of mixed and “tenure blind” communities. There are some areas where there could be improvement and we have specific concerns in four areas:</p> <p><i>Provision for older people</i>  <i>Meeting housing need</i>  <i>The approach to development in rural areas</i>  <i>The approach to on and off site provision</i></p> <p>Trent and Dove would be happy to work with the Council to rework the draft SPD to ensure that the Council is in the best position to deliver its housing targets. Provision for older people</p> <p>Our main issue here is that whilst Extracare, Retirement Housing and Housing for Older People are all mentioned there are caveats and there is no mention of Sheltered Housing which should be another option. Examples of caveat are:</p> <p>∅ The insistence on wheelchair standard (paragraph 4.2 in the draft SPD). The accessibility of, say a Lifetime Home does not always match the enhanced accessibility of a wheelchair housing design standard but is still accessible. This issue is discussed more at Lifetime Homes</p> <p>∅ The definition of Housing for Older People (Table 1 on page 5) does not include flats, focuses on downsizing (important but not the only reason older people want to move) and freehold, market dwellings</p>	<p>Response: Replace with Housing for the Elderly Section 3.1 of the Draft Housing Choice SPD deals with Building Regulations 2010, Part M. These regulations cover information about the ease of access to, and use of, buildings, including facilities for disabled visitors or occupants, and the ability to move through a building easily. More information can be found at the following link (<a href="https://www.planningportal.co.uk/info/200135/approved_documents/80/part_m_-_access_to_and_use_of_buildings/2">https://www.planningportal.co.uk/info/200135/approved_documents/80/part_m_-_access_to_and_use_of_buildings/2</a>), which will be added to Section 3.1 to provide further clarification.</p>
Meeting housing need	Trent and Dove	<p>The mix of housing suggested at Table 1 (page 5) is helpful but surely this should be needs led? Any deviation from the suggested mix in the Table needs to be explained and justified as part of the planning process. However, if significant or regular deviations are allowed, this limits the effectiveness of the SPD as a material consideration in the planning process.</p> <p>Chapter 9 goes into granular detail for undertaking and assessing housing need surveys and is perhaps too detailed for an SPD. There is also an issue about how robustly the requirements will be enforced; whilst Trent and Dove work in partnership with Parish Councils to undertake need surveys (paragraph 9.5) we are aware of at least one development where this is not the case.</p>	<p>Response: The Strategic Housing Market Assessment (SHMA) is a housing needs assessment for the borough, covering the period 2012 to 2031, which supports the Council’s local plan. The Local Plan 2015 is expected to be reviewed in 2020. This review will likely require a review of the supporting evidence base and housing needs assessment.</p>

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<b>The approach to development in rural areas</b>	<b>Trent and Dove</b>	<p>Our main issue here is that there should be separate chapters/sections for Entry Level Home Ownership and Rural Exception sites as they are separate items. There is a risk of confusion between the two, which undermines both.</p> <p>On a similar note, we would encourage a separation of the elements of the SPD covering Travellers to be in a separate chapter or section, to provide clarity. The draft SPD paragraph 7.9) acknowledges that need assessments for housing and travellers are independent of each other so it makes sense to have separate chapters or sections.</p>	<p>Response: The Housing Choice SPD is an adopted Supplementary Planning Document, which was adopted in April 2016. The current revision is based on the Government's review of the National Planning Policy Framework and subsequent revised definition of Affordable Housing. Therefore, much of the original document remains unchanged.</p> <p>Notwithstanding the Council is looking to commence work to review the affordable housing policies and supporting housing needs evidence base (as part of the local plan review) sometime in 2020 and would welcome further comments and engagement at that time.</p>
<b>The approach to on and off site provision</b>	<b>Trent and Dove</b>	<p>We feel strongly that if there is an identified need for affordable housing there should be a presumption that this is delivered on site. There should be a "high bar" for this provision with developers having to prove, to the Council's satisfaction that full on site delivery is not possible before any off site contributions are permitted. This is supported by the NPPF which has an expectation of on-site provision unless there is a "robust" justification for off-site provision or a financial contribution.</p> <p>There is a lack of clarity in the draft SPD on when off site contributions are required and to say this advice will be "on request" (paragraph 6.40) does not provide clarification.</p>	<p>Response: Ideally, Affordable Housing should be provided on site. Nonetheless, the location, numbers, types of housing and supporting infrastructure should reflect the requirements set out in the adopted local plan. This is because viability should be carried out at the plan-making stage (Paragraph 57, NPPF). For this reason, the plan will have been subjected to the necessary viability tests (as part of the Local Plan submissions process). At the moment, SP17 requires that roughly 13% of the required affordable housing percentage is to be provided onsite. This figure for On-site Affordable Housing came from the Local Plan &amp; Community Infrastructure Levy Viability Study (February 2014). However, the Council recognises that these policies should be reviewed in the context of the revised NPPF, 2019 (100% AFH onsite). Therefore, the Council will aim to examine these matters at the planning application and viability level and decisions relating to sections a and b above (NPPF) will be made on a case by case basis and in accordance with the relevant planning legislation and local plan policies.</p>
<b>Paragraph 4.1 and Table 1</b>	<b>Trent and Dove</b>	<p>Definition of Extra Care Housing and Housing for Older People focuses on owner occupation and does not include sheltered housing or flats. Our intelligence would suggest that there is a significant demand for older person accommodation (mixture of extra care, sheltered and bungalows). It may be more helpful to reflect the HAPPI design recommendations. Definition of Retirement Housing is predicated on meeting wheelchair standards; accessible dwellings are not all to wheelchair standard.</p>	Noted

Topic	Consultee	Housing Choice SPD Comments	ESBC Response
Retirement Housing	Trent and Dove	Do not agree that there is no need for affordable retirement housing in retirement housing unless this definition is just for care and nursing homes.	Noted
Paragraph 4.9	Trent and Dove	Probably need to add something about wheelchair/scooter charging points and storage areas within flats.	Response: Section 3.1 of the Draft Housing Choice SPD deals with Building Regulations 2010, Part M. These regulations cover information about the ease of access to, and use of, buildings, including facilities for disabled visitors or occupants, and the ability to move through a building easily. More information can be found at the following link: ( <a href="https://www.planningportal.co.uk/info/200135/approved_documents/80/part_m_-_access_to_and_use_of_buildings/2">https://www.planningportal.co.uk/info/200135/approved_documents/80/part_m_-_access_to_and_use_of_buildings/2</a> ). This link will be added to Section 3.1 to provide further clarification.
Paragraph 6.4	Trent and Dove	Affordable definitions are directly from MHCLG but not easy to read.	Noted
Social Rented Units	Trent and Dove	As East Staffordshire is not a "social rent" funding area for Homes England, it is important that Section 106 Agreements are the only way that social rent can be delivered in the area. We are clarifying but our understanding is that Affordable Rent can only be delivered through the Homes England Affordable Homes Programme (AHP).	Noted
Paragraph 6.7	Trent and Dove	Not sure what is mean by 'contain fixture & fittings to the standard normally expected by RP of Social Housing'. Providers need to meet Homes Standard but this is a regulatory not a planning issue.	Response: Well-designed fixtures and fittings are part of the criteria that support good overall design and promote acceptable AFH standards. For example, the quality of Affordable Housing units for a development should be provided to the same standards as the associated Market units.
Paragraph 6.9	Trent and Dove	Owner-occupied Affordable housing – should this be 'Low Cost Home Ownership' – terminology is better understood in the sector.	Response: This type of Affordable Housing is generally defined as shared ownership
Paragraph 6.10	Trent and Dove	It would be helpful to have more local housing price information included in this section on Starter Homes.	Noted
Paragraph 6.15	Trent and Dove	NPPF threshold for affordable housing is 10. Therefore, the draft SPD leaves a "gap" between the proposed threshold of 4 and the NPPF threshold of 10. There is a risk that this will be exploited by developers.	Response: The Local Plan is the starting point for decision making (Para 12, NPPF). Therefore, where there is potential conflict between the NPPF and the strategic policies of a Development Plan, the strategic policies of the local plan will take precedence. For this reason, the number of homes required will be informed by a housing needs assessment as per the Draft Housing Choice SPD (2019) and adopted Local Plan 2015.
	Trent and Dove		

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Paragraph 6.23	Trent and Dove	No affordable in the Section 106 at outline could lead to higher land values knowing that they will negotiate viability and remove the affordable element. Attach percentage at outline and then land is sold with the knowledge of the amount of affordable and if necessary let them argue viability at reserve matters	<p>Response: In cases where Affordable Housing provision is below the policy compliant figure, the Council will seek to agree a clawback mechanism as part of a signed S106 Agreement, which will establish a threshold for the Gross Development Cost (GDC) and Gross Development Value (GDV) for the development. Under this arrangement, should the established GDV threshold be exceeded, the developer will need to provide the additional Affordable Housing requirement as a commuted sum.</p> <p>The details of the S106 Agreement will be decided on a case by case basis and will require a review of the viability assessment by a Chartered Member of the Royal Institute of Chartered Surveyors (RICS), once the development has been sold in full. Under this arrangement the S106 will ensure that the chartered surveyor is to be appointed by the Council (and paid for by the developer).</p>
Paragraph 6.27	Trent and Dove	Use of commuted sums for funding repairs to existing housing so that the occupants no longer need affordable housing, feels counter to the reasons that a commuted sums has been asked for.	Noted
Paragraph 6.47	Trent and Dove	The relevance of not more than 25 homes is questioned. Affordable led housing developments should be based on tenure need.	Response: The Council accepts that there is a need for a more diverse supply of Affordable Housing. Therefore, sites which can accommodate more than 25 dwellings should also include other types of housing, for example Rented Affordable housing designated for allocation to older people, market housing for sale or rent, shared ownership Affordable housing where appropriate, or Self-build plots, in order to enhance the inclusivity and sustainability of the development.
Chapter 7	Trent and Dove	Entry level and rural exception sites should be separated out into separate chapters to ensure clarity.	Noted
Paragraph 7.2	Trent and Dove	This section makes reference to “small settlements” however the NPPF does not mention size of a settlement rather that developments should “reflect local needs” and “enhance or maintain the vitality of rural communities”. The NPPF also makes no mention of existing or planned developments or timescales, which the draft SPD does.	Response: Rural Exception Sites generally tend to be located in or in close proximity to small settlements.

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Paragraph 7.16	Trent and Dove	Perpetuity arrangements need to apply to rented housing as well (i.e. to prevent Right to Buy and Right to Acquire)	Response: This requirement is in place as the Housing Associations will ensure that all affordable housing apart from shared ownership (where and when it is agreed in the S106 that the freehold is acquired) is to be maintained in perpetuity.
Paragraph 7.19	Trent and Dove	The default definition of "local" should include caring responsibilities. There needs to be some time frame for previous residence (point (b)). We are happy to provide examples of cascades from other areas we work in.	Noted
Chapter 9	Trent and Dove	Too much detail for an SPD. We are happy to provide examples of need surveys from other areas we work in.	Noted
Appendix 1	Trent and Dove	Not sure why there is a rounding down to £40,000. It could be set at £42,500 which is under the calculated figure, but still an easy number to remember. With rising build costs the additional £2,500 per unit is material.	Noted
Glossary	Trent and Dove	HCA is mentioned; this should be Homes England.	Noted
No Comment	Uttoxeter Rural Parish Council	Thank you for your email about the Draft supplementary planning documents, which I forwarded to my Councillors on 6th September 2019 for comments.  I have only received one comment, which is that the documents make sense and so therefore no comment needed.	Noted