

Organisation	Response	Officer Recommendation
Robert Hitchins Ltd	<p>i) Stroud District Council ("the Council") adopted its revised deposit Local Plan ("LP") in November 2005. This substantially amended the affordable housing policy context for the District which is now set out within policies HN4, HN5 & HN6.</p> <p>ii) The draft Affordable Housing Supplementary Planning Document ("draft SPD") seeks to provide guidance against this Local Plan policy, and is a revision of an earlier document entitled as the "Interim Planning Statement", which was consulted upon during July / August 2006.</p> <p>iii) Despite the detailed representations made in response to this earlier document the revised draft SPD has failed to address many of the criticisms levied against the earlier document.</p> <p>iv) The draft SPD continues to seek to impose new definitions of affordable housing, prescribe the role of registered social landlords in the delivery of affordable housing, and, contrary to national guidance, seeks to secure affordable housing provision free of public subsidy.</p> <p>v) The draft SPD should therefore be amended in accordance with the following 'required modifications' to align with both the adopted local plan and national guidance.</p>	<p>Disagree. The guidance amplifies Local Plan policies and also reflects up to date Government guidance in PPS3. The approach of seeking to deliver affordable housing without recourse to public subsidy responds to Housing Corporation policy which is normally only to award grant to schemes where viability issues have been raised. The Council's approach has been tried and tested and has not had an adverse affect on housing delivery in the District. Previous changes were made to the document as a result of the representations made. Further changes are proposed to this SPD as a result of further representations.</p> <p>No changes proposed</p>
HBF	<p>PPS3 states that the Government's Key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live, and that the Government is seeking 'to create sustainable, inclusive mixed communities in all areas, both urban and rural'.</p>	<p>Disagree. The application of the Council's policy has not had any adverse impact on housing delivery. The Council is on target to meet its Structure Plan requirement.</p> <p>No changes proposed</p>

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	<p>Fundamentally, the shortage of affordable housing will not be addressed without greater increase in the provision of housing across the whole spectrum. Where affordable housing is sought to be subsidised by open market housing, this will not come forward without a substantial increase in the provision of open market housing to accommodate it. Furthermore, where a low threshold of affordable housing is sought, this is likely to prevent sites coming forward and thus hamper the provision of both affordable and or open market housing, as no allowance is made for the suitability, viability or deliverability of a site in relation to Affordable Housing.</p>	
HBF	<p>Any policy on affordable housing should be evidence based and informed by a robust Housing Market Assessment, which has involved the industry in accordance with recent guidance.</p>	<p>Noted. There has been public consultation with the emerging SHMA. Fordham Research held stakeholder events. The SHMA will be part of the evidence base to the LDF. Any future changes in affordable housing policy will be subject of fresh public consultation.</p> <p>No changes proposed</p>
HBF	<p>The targets for affordable housing should also take into account the provision of 100% affordable housing developments by Registered Social Landlords (RS's). These have the ability to make significant and appropriate contributions to the need for housing within the area and must not be ignored in the formation of housing policy.</p>	<p>Agreed. The supply from this source is closely monitored and is submitted annually to Government for statistical purposes.</p> <p>No changes proposed</p>
HBF	<p>The requirement must be related directly to local need and not to an arbitrary aspiration applied to the whole of the District. In addition, there are sites where the provision of affordable housing is inappropriate, where sites are too small to be developed profitably if an element of affordable housing is required or where the local need for affordable housing has not been identified.</p>	<p>Agreed. These considerations are taking into account when deciding planning applications and this is recognised in the SPD.</p> <p>No changes proposed</p>

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Crest Nicholson	<p>I attach a copy of the HBF response to the draft SPD on Affordable Housing. Crest Nicholson (South West) Ltd fully support the contents of this letter and would wish to add, on a general point, that Crest will object to any restrictions in the SPD with regards to the value payable by the RSL to a Developer for affordable housing (particularly New Build Homebuy) as this would unfairly restrict open competitive commercial practice and be in contradiction to PPS3. Crest will also object to the SPD setting out design, size and specification requirements for the affordable housing units (ie Lifetime Homes, Eco Homes v.good / code for sustainable homes etc) should no Social Housing Grant become available from the Housing Corporation. This approach is in line with the Housing Corporation's own view of subsidy funded design standards and additionality.</p>	<p>Noted. The Council's approach has been operated successfully for a considerable period by its partners. This is not surprising given the relatively modest affordable housing target of 30% in comparison to other districts such as Cotswold which has a 50% target. The SPD acknowledges that sustainable development standards can only be secured in grant funded schemes. However, the environmental performance of all new homes will in the future have to meet level 4 of Code for Sustainable Homes and then progressively to level 6 by 2016 in accordance with RSS.</p> <p>No changes proposed</p>
Robert Hitchens Ltd	<p>1.0 Section 1 " Introduction: Purpose and Status"</p> <p>1.1 The draft SPD identifies in paragraph 1.3 that the Council has determined the level of housing need in Stroud District based on the Council's Housing Needs Survey ('HNS') which was published in 2005 and carried out by Outside Research and Development. The assessment was conducted and completed prior to the publication of the first version of the Strategic Housing Market Practice Guidance in March 2007, and the second version of the Strategic Housing Market Practice Guidance published in August 2007 ('SHMAPG2')</p>	<p>Noted. The Council's policies which the SPD reflect were previously endorsed by a Government Inspector who was satisfied they were underpinned by sufficient evidence of local housing need. The Council will take into account a range of housing needs data including the current housing needs survey when seeking to negotiate affordable housing not just the housing needs assessments. Paragraph 4.4 will be updated to refer to the current progress of the draft SHMA. Once approved, this will be utilised in future negotiations.</p> <p>4.4 updated to refer to progress of SHMA. Wording amended to say the previous assessments reflected Government good practice at the time.</p> <p>Disagree. The Council's policies which the SPD reflect were previously endorsed by a Government Inspector who was satisfied they were underpinned by sufficient evidence of local housing need. The Council will take into account a range of housing needs data including the current housing needs survey when seeking to negotiate affordable housing not just the housing needs assessments. Paragraph 4.4 will be updated to refer to the current progress of the draft SHMA. Once approved, this will be utilised in future negotiations.</p>

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Robert Hitchins Ltd	<p>1.6 Paragraph 1.8 must be amended to clarify that pages 41 to 43 of appendix 3 is only applicable where a developer chooses to involve a Registered Social Landlord ('RSL'). Further comments in respect of the content of appendix 3 are set out below in section 10.0. Whilst appendix 3 may set out various options for the delivery of affordable housing, all of these options are described in the terms of the delivery taking place via an RSL. However, the Council cannot prescribe that this approach is taken; to do so would be contrary to national guidance.</p>	<p>Disagree. Appendix 3 refers to alternative options available to developers which does not necessarily involve an RSL. In addition, the SPD does not prevent affordable housing being provided by private sector developers, e.g. see para 10.9 which encourages innovative proposals. See also para 9.22 and Appendix 7.</p> <p>No changes proposed.</p>
Robert Hitchins Ltd	<p>Section 2 of the draft SPD sets out the PPS3 definition of affordable housing and the PPS3 definitions of social rented and intermediate affordable housing. However, the Council then provides its own definition of affordable housing in paragraph 2.5 which seeks to redefine and narrow the definition of affordable housing set out</p>	<p>Disagree. The guidance amplifies the Local Plan definition and does not preclude the provision of intermediate affordable housing. Reference is made in para 2.1 to subsidy being recycled if restrictions are lifted so there is no need to repeat this in para 2.5.</p> <p>No changes proposed.</p>

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	<p>within PPS3. It does this by negating to include any reference to affordable housing being able to be either retained or, if restrictions are lifted, for any subsidy to be recycled. In this way the Council appears to be attempting to 'water down' the affordable definition set out within PPS3. In this respect the proposed draft SPD does not accord with PPS3.</p>	
Tetlow King	<p>Although the council state that providing affordable housing is a material consideration as set out by PPS3, we believe they should also state that providing affordable housing is a planning gain in itself and will be weighed and prioritised against other planning gains. Including this would encourage developers to provide additional affordable housing units in their schemes in order to try and gain planning permission for their developments.</p>	<p>Disagree. Para 9.2 of the SPD makes it clear that affordable housing will take priority over other obligations that are requested.</p> <p>No changes proposed.</p>
HBF	<p>In paragraph 4.3, it mentions that the Gloucestershire Countrywide Housing Needs Assessment was published in 2005. The HBF object to the use of the current out of date evidence base for the determination of housing mix. This should be determined through an up to date Housing Market Area Assessment which have replaced Housing Needs Assessments in accordance with PPS3. The Council should delay the production of this SPD until it has the appropriate evidence base in place, namely the emerging Gloucestershire Housing Market Assessment.</p>	<p>Disagree. The Council's policies which the SPD reflect were previously endorsed by a Government Inspector who was satisfied they were underpinned by sufficient evidence of local housing need. The Council will take into account a range of housing needs data including the current housing needs survey when seeking to negotiate affordable housing not just the housing needs assessments. Paragraph 4.4 will be updated to refer to the current progress of the draft SHMA. Once approved, this will be utilised in future negotiations.</p> <p>No changes proposed.</p>

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	<p>3.4 Paragraph 4.12 and 4.13 of the draft SPD considers special needs and supported housing need across the district. However, the Council state within paragraph 4.13 that developers should speak with the Council at an 'early stage' as dwellings for these groups may be 'required'. The Council should be mindful that there is no requirement within the adopted LP affordable housing policies for developers to provide a proportion of affordable housing which is designed to meet the special needs of specific households.</p> <p>3.5 Thus there is no local policy or national guidance basis for the Council to require a proportion of affordable homes to be completed to meet a specific households specialised needs. Whilst the Council may wish to suggest such provision they cannot require it. There should not be an attempt by the Council to create new policy within the draft SPD outside of statutory adopted documents which have been subject to independent examination; to do so would be contrary to 'Planning Policy Statement 12: Local Development Frameworks' (PPS12).</p>	<p>The Council will seek to negotiate for the provision of special needs affordable housing, providing this is agreed by the developer and is equivalent in value to a general needs scheme.</p> <p>No changes proposed</p>

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HBF	<p>In paragraph 4.7 the Council recognises that there are fewer entry level homes sold. The HBF would like bring to the attention of the Council the role low cost market housing has in enabling people in the district an opportunity onto the property ladder as an affordable option. Low cost market housing should be recognised as affordable option as an effort by the industry to respond to a clear housing need. Therefore the HBF considers that on sites where such housing is proposed, this should be recognised as making a valuable contribution to the housing market, and therefore should not be burdened with providing further affordable housing as part of the overall mix.</p>	<p>Noted. In accordance with the definition of affordable housing in PPS3, the Council does not seek to preclude the provision of affordable homes for sale.</p> <p>No changes proposed.</p>
Tetlow King Robert Hitchins Ltd	<p>Although the Council has stated that the Housing Enabling Officer should be contacted to check the methodology of any Parish Housing Needs survey, it would be beneficial if in addition to this the SPD contains the broad parameters necessary for such a survey. This would assist both the Parish Council and RSLs when drafting their surveys and should ensure consistency in this matter. Prior knowledge of the broad requirements of the survey would give an indication of the resources and timeframe needed to complete a study. This is particularly important for RSLs who need certainty to set a timetable and budget for projects in order to meet Housing Corporation deadlines.</p>	<p>Disagree. The SPD is not updated that frequently and good practice is emerging all of the time. Hence it is more appropriate the advice of the RHE is sought on a regular basis.</p> <p>No changes proposed.</p>
	4.0 Section 5 'Definitions of Affordability'	

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	<p>4.1 The Council refer in section 5 of the draft SPD to the National Housing Federation's definition of affordability and then to their own 40% of net income approach. The Council then refers to their "benchmark" house prices included at appendix 2 which they deem to be affordable to households that fall within various income bands. Given that the Council have proposed benchmark affordable housing costs (see appendix 2 of the draft SPD) of 40% of net incomes, it is not clear that the reference to the NHF 25% of net is of any relevance, and certainly it is not in line with national guidance.</p> <p>4.2 The reference to the NHF definition suggests that the Council may seek to apply the NHF approach during affordable housing negotiations. This would not accord with the adopted LP or national guidance, and neither does such an approach align with the affordability criteria applied by the Housing Corporation. The "affordability assessment calculator" which has been developed by the Housing Corporation to calculate the:</p> <p>"applicant's affordability in accessing the low cost home ownership suite of products,"</p> <p>The calculator utilises a net income cap of 45 - 50% and assumes that net income equates to 74% of gross income. Thus the cap equates to 29.6% to 33.3% of gross income and therefore broadly aligns with the approach stipulated in the SHMAPG2 at page 59.</p>	<p>Noted. The Council's policies which the SPD reflect were previously endorsed by a Government Inspector who was satisfied they were underpinned by sufficient evidence of local housing need. The Council will take into account a range of housing needs data including the current housing needs survey when seeking to negotiate affordable housing not just the housing needs assessments. Paragraph 4.4 will be updated to refer to the current progress of the draft SHMA. Once approved, this will be utilised in future negotiations.</p> <p>No changes proposed.</p> <p>Disagree. The ability of a household to afford housing is complex and the Council's approach reflects this. Households with higher incomes are more likely to stretch themselves more in order to be able to gain access to the market, hence the income differentials.</p> <p>No changes proposed.</p>

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	<p>4.3 In addition to this the NHF quote refers to the inclusion of service charges within the 25% net housing costs. There is no support for this approach within the adopted LP or national guidance. The SHMAPG2 makes no reference to service charges being included within housing costs, but describes what are considered to be reasonable housing costs in terms of either multipliers of the gross annual household income, or where the combined cost of mortgage repayments and equity rent equate to a proportion of the gross household income.</p> <p>REQUIRED MODIFICATION(S): The NHF quotation should be deleted from paragraph 5.1 of the draft SPD as it sets out a position which is contrary to national guidance, does not reflect adopted LP policy or Housing Corporation guidance. Furthermore, the inclusion of this quotation and the wording in the subsequent paragraph 5.3 which refers to the NHF approach only serves to confuse the reader as to which approach the Council will seek to apply during affordable housing negotiations, thus removing consistency from the guidance.</p>	<p>Partially accepted. For statistical purposes it is more accurate to refer to medians rather than the mean.</p> <p>SUGGESTED MODIFICATIONS</p> <ul style="list-style-type: none"> + ASHE Land Registry/Housing Register data will be updated. + Reference will be made to median individual incomes.

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	<p>4.4 Paragraph 5.6 refers to local earnings data which the Council sets out in more detail at appendix 2. However, it is apparent that the data within appendix 2 (which is sourced from the "median annual pay from the Annual Survey of Hours and Earnings" 'ASHE') does not represent household income, but the gross annual income of individuals. It is also not clear why the Council feel that it is appropriate to compare mean house prices for the Stroud district taken from the Land Registry database to median income data. Whilst it is possible that mean income data may be skewed by a relatively small number of high earners, it is similarly possible that mean house prices will be skewed by a relatively small number of dwellings with higher than average sales prices. In addition to this the income data covers the period up to 2005, but this should now be updated to reflect ASHE 2007 income data for households.</p> <p>REQUIRED MODIFICATION(S):</p> <p>The wording of paragraph 5.5 should be amended to state that the income data set out in appendix 2 of the draft SPD refers to the incomes of individuals as opposed to households. Appendix 2 should also be amended to compare either median gross incomes to median house prices or mean gross incomes to mean house prices. Like should be compared to like if any useful comparison is to be made. The data also needs to be updated to represent the most recently available ASHE data.</p>	<p>Partially accepted. For statistical purposes it is more accurate to refer to medians rather than the mean. The Land Registry data does not include median house price figures but this would make no material difference to the large differential which exists between incomes and house prices.</p> <p>Disagree. There is no requirement for the Council to go into this level of detail in an SPD. The mortgage multiplier referred to in para 5.7 is from the Practice Guidance on SHMA (see page 42). Reference will be made to this in Section 12.</p> <p>MODIFICATION</p> <p>Bibliography updated to refer to Practice Guidance on SHMA.</p>

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	<p>4.5 Paragraphs 5.7 and 5.8 of the draft SPD refers to mortgage multipliers as normally being 3.5 times single earner incomes and 3 times joint earner incomes. The Council then concludes that neither single nor dual average incomes allow access to the housing market without an unusually high deposit. Again the reader is referred to appendix 2. However, the Council does not clarify how they have arrived at this conclusion. The income data provided in appendix 2 refers to individual as opposed to household incomes, and is not therefore likely to be representative of the districts average gross household annual income.</p> <p>4.6 It is unclear why the Council do not refer to the gross annual household incomes contained within appendix 3 of the 2006 update to the Stroud Housing Needs Survey, which suggest that at 2005 almost 68% of households have a gross income in excess of the average "£19,222" figure which the Council refers to within appendix 2. The Council should clearly identify the evidence source for their claims. In addition to this the Council do not appear to take into consideration that households may have access to equity or savings which will assist with being able to purchase a dwelling. The SHMAPG2 states that:</p> <p>"Where possible, allowance should be made for access to capital that could be used towards the cost of home ownership"</p> <p>(SHMAPG2, page 42)</p>	<p>MODIFICATIONS</p> <p>+ ASHE Land Registry/Housing Register data will be updated.</p> <p>+ Reference will be made to median individual incomes.</p> <p>Disagree. The data clearly shows that the house price affordability ratio is currently over 11 times average incomes so those households in need of affordable housing are a long way from gaining access to the market unless they have an unusually high deposit.</p> <p>Disagree. The ASHE data is updated annually. It is not possible for the Council to make an allowance for savings without knowing the individual circumstances of each household. Obviously the more savings they do possess means they are more likely to be able to buy a property on the open market.</p>

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	<p>4.7 Crucially, paragraph 5.8 of the draft SPD also fails to consider the accessibility of the private rented sector to households across the district. There will be households which are unable to access home ownership that are able to afford to rent privately, and by the PPS3 definition of affordable housing, are as such not in affordable housing need. The ability of the private rented sector to address housing need is considered within the recent report by Hometrack entitled 'Can't Buy: Can Rent' (published winter 2007).</p> <p>It would appear that the Council have failed to consider the affordability of the private rented sector, and this represents a major flaw in the assessment of affordability set out within the draft SPD.</p> <p>4.8 The Council would appear to be continuing with their attempt to produce a 'one size fits all' criteria for affordability which is clearly inappropriate. Affordable housing should operate for the range of incomes that are insufficient to access the private market and align with the adopted plan policy.</p> <p>REQUIRED MODIFICATION(S):</p>	<p>Disagree. The Council has limited influence control over the existing private rented market but it can seek to negotiate the affordable housing including homes for rent as referred to in Appendix 7.</p> <p>Disagree. There is no requirement for the Council to go into this level of detail in an SPD. The mortgage multiplier referred to in para 5.7 is from the Practice Guidance on SHMA (see page 42). Reference will be made to this in Section 12.</p> <p>MODIFICATION</p>

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	<p>The Council should reference the evidence source upon which they rely when making the assertions in paragraph 5.7 and 5.8 of the draft SPD. The Council should refer to household incomes as opposed to individual incomes, and, crucially, the accessibility of the private rented sector when conducting an assessment of affordability; appendix 2 and paragraphs 5.7 to 5.8 should reflect this. Not to consider these points is contrary to national guidance and results in an unreliable assessment of affordability.</p>	<p>Bibliography updated to refer to Practice Guidance on SHMA.</p>
<p>Robert Hitchins Ltd</p>	<p>5.1 Within this section the Council sets out their 'overall approach' (paragraph 6.2) to affordable housing and references various evidence sources that will be referred to when making an assessment of the 'nature and mix' of affordable housing that they will seek. However, no reference is made the Council referring to an SHMA. This paragraph must be amended so that it aligns with the PPS3 requirement for Councils to ensure that their affordable housing policies are informed by a robust and credible SHMA prepared in line with the SHMAPG2.</p> <p>REQUIRED MODIFICATION(S):</p> <p>Paragraph 5.1 must be amended so that it aligns with the PPS3 requirement for Councils to ensure that their affordable housing policies are informed by a robust and credible SHMA prepared in line with the SHMAPG2.</p>	<p>Disagree. The Council has at its disposal more than sufficient evidence on local housing needs data to justify the approach to future negotiations to securing the provision of affordable housing on individual sites.</p>
<p>Robert Hitchins Ltd</p>	<p>6.0 Section 7 'Thresholds and Targets for the Provision of Affordable Housing'</p>	

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	<p>6.1 The Council refers to the affordable housing thresholds set out within the adopted LP in section 7 of the draft SPD. In paragraph 7.4 the Council states that developers will be encouraged to make contributions to affordable housing upon sites which are below the thresholds set out within the LP, and that any such provision will help 'justify approval'. The Council claims that this approach is advocated by the Court of Appeal Judgement 'Harry Rowlinson and Lynda Rowlinson as Trustees of the Linson Construction Pension v Warrington Borough Council and the DETR (2002)'. The Council's reasoning is incorrect. Firstly, it is not in accordance with Circular 5/05 which, when considering the Secretary of State's policy tests, states that:</p> <p>Planning obligations should not be used solely to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives that are not necessary to allow consent to be given for a particular development.'</p> <p>It is apparent that the provision of affordable housing is not required by adopted local policy upon sites that are below the thresholds identified i.e. in general terms it is not required in these circumstances in order to make development acceptable that would otherwise not be considered acceptable.</p> <p>6.2 Whilst there may be specific situations in which the provision of affordable housing would make such development acceptable, where it would otherwise not be considered to be acceptable, this does not represent a general approach to be taken by the Council and in this respect Circular 5/05 clearly states that:</p>	<p>Disagree. The approach accorded with the advice in previous Circular 6/98 which emphasised that developers, where they think it feasible and appropriate, should be encouraged to provide affordable housing on sites which did strictly qualify as being a suitable site to accommodate an element of affordable housing. The High Court case is still highly relevant in demonstrating the weight to be attached to in any planning decision to the provision of affordable housing as a material planning consideration leading to the grant of permission. It is agreed that the Council should also refer to a more recent case in North Wiltshire District v Secretary of State and Others and Chippenham Motors Limited (2007). The Council therefore encourages the provision of affordable housing given the acknowledged shortage which exists.</p>

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	<p>The use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms (see B5(ii)).</p> <p>and:</p> <p>Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development, i.e. as a means of securing a "betterment levy".</p> <p>(paragraphs B6 and B7, Circular 5/05)</p> <p>6.3 The Court of Appeal Judgement referred to by the Council appears to be misinterpreted by the Council. This Judgement refers to a very specific situation in relation to the release of land prior to other land opportunities which preceded it in the 'sequential test', and should not be applied as a general rule outside of the context within which that Judgement was delivered. Furthermore, this case concerned the sequential release of land in accordance with PPG3, something which has now been abandoned. This appears to be an attempt to enable the Council to seek affordable housing provision from sites which fall below the LP thresholds</p> <p>REQUIRED MODIFICATION(S):</p> <p>Paragraph 7.4 should be amended to align with Circular 5/05 and not seek to obtain benefits through planning obligations where these are not required to make the development acceptable in planning terms.</p>	<p>MODIFICATION</p> <p>Inserted at end of 7.4</p>

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	<p>The reference to the Court of Appeal Judgement (Harry Rowlinson and Lynda Rowlinson as Trustees of the Linson Construction Pension v Warrington Borough Council and the DETR (2002)) should be removed from paragraph 7.4, or placed into context. This Judgement refers to a specific set of circumstances in relation to the site in question and the sequential release of land in accordance with PPG3 something which is now abandoned. The decision should not be cited by the Council as being justification for seeking affordable housing upon sites which fall below the LP affordable housing threshold.</p>	<p>“This was also the case in R on the application of North Wiltshire District Council v Secretary of State and Others and Chippenham Motors Limited (2007). The court upheld the Inspector’s decision on the basis that affordable housing is potentially a material planning consideration and decision makers are entitled to attach substantial weight to it even to outweigh Development Plan policies.</p>
<p>Dursley Town Council</p>	<p>Affordable Housing Supplementary Planning Document, Consultation Draft, paragraph 7.3, last sentence (quote) If a site is split into two or more sites, which physically abut each other, the Council will treat any which fall below the site size thresholds as one site for the purposes of the policy</p> <p>We consider that this needs tightening up to ensure that affordable housing is included, and suggest the following:</p> <p>Prior to a site being split in two or more sub-sites, the whole site is assessed to fix the minimum level of affordable housing. When application is made to develop, and when the housing threshold is reached by the developer, the subsequent applications for housing must include the appropriate number of affordable units.</p>	<p>Noted. The application of this guidance will need to be applied and monitored closely through the development control process.</p>

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	<p>This should ensure that if a site is carved up into numerous small units that do not in themselves attract affordable housing, only the first planning application is able to evade the provision of affordable housing. It will also prevent the creation of undeveloped strips to bypass the 'physically abut each other' clause.</p>	
	<p>When a site is split into 2 or more smaller sites that abut each other I think that Stroud District Council should count the site as a whole. When the first parcel is developed and the number of houses built is below the site threshold then there is no requirement for affordable housing. However when the next parcel is developed, then these houses should be added to the original development and the number of affordable housing worked out on the whole number of houses (those already built and the new proposed houses). This should continue till the whole site is developed. I understand that the council has stated that it will be alert to attempts to circumvent the threahold site sizes but the last sentance implies differently; the council will treat any which fall below the site size thresholds as one site for the purposes...this implies that the smaller sites will be assessed individually and not as part of the whole.</p>	<p>It is agreed the wording could be improved.</p> <p>MODIFICATION</p> <p>Wording of penultimate sentence of 7.3 changed. "one" deleted and "part of the larger" inserted.</p>

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HBF	<p>In paragraph 7.4, the document refers to a 2002 court case, and how the provision of affordable housing on sites below the authorities threshold, will be encouraged, and considered a material consideration in the determination of any planning application. The HBF considers that whilst this approach may be a positive step to encourage affordable housing provision, it must not be used as a dis-incentive to developers. Affordable housing provision should be considered by officers on a site by site basis, as not all sites are able to provide affordable housing.</p> <p>A second point in relation to this paragraph, refers again to the identified court case. This paragraph appears in many other local authorities Affordable Housing SPDs, and as such the HBF would like further clarification on how this particular case is of relevance in particular to Stroud's local plan policies or this SPD. The HBF would also like clarification on whether the Local Authority is stating that if a 'substantial' level of affordable housing is provided, will this outweigh other material considerations in determining planning applications?</p>	<p>Noted. The approach accorded with the advice in previous Circular 6/98 which emphasised that developers, where they think it feasible and appropriate, should be encouraged to provide affordable housing on sites which did strictly qualify as being a suitable site to accommodate an element of affordable housing. The High Court case is still highly relevant in demonstrating the weight to be attached to in any planning decision to the provision of affordable housing as a material planning consideration leading to the grant of permission. It is agreed that the Council should also refer to a more recent case in North Wiltshire District v Secretary of State and Others and Chippenham Motors Limited (2007). The Council therefore encourages the provision of affordable housing given the acknowledged shortage which exists.</p>
Robert Hitchins Ltd	7.0 Section 8 'Community Participation'	

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	<p>7.1 Paragraph 8.3 of the draft SPD states that the information that will be required to be included by developers within their planning applications is included at appendix 4. Appendix 4 includes a list of 'planning application information requirements' which the Council 'requires' are submitted in addition to the standard planning application form requirements. However, one of these requirements is that developers identify how their proposals will secure the delivery of affordable housing in association with one of the Council's partner Registered Social Landlords. This does not align with the guidance provided to local authorities within 'The Validation of Planning Applications: Guidance for Local Planning Authorities' ('VPA') published by the Department for Communities and Local Government in December 2007. This provides a 'recommended national list of local requirements that may be adopted locally' and this includes reference to the submission of an 'affordable housing statement'. The document identifies the various aspects that such a statement should include and states that: The affordable housing statement should also include details of any Registered Social Landlords acting as partners in the development</p> <p>7.3 The Council also state within appendix 4 that the developer is required to 'demonstrate' that the proposed development can be delivered without the input of public subsidy. The position in national guidance acknowledges the need to allow for alternative arrangements if public subsidy is not forthcoming. PPS3 states that when setting targets for the delivery of affordable housing within Local Development Documents local authorities should draw on: informed assessments of the likely levels of finance available for affordable housing, including public subsidy and the level of developer contribution that can reasonably be secured.'</p>	<p>Agreed.</p> <p>MODIFICATION</p> <p>Wording of Appendix 4 changed; under 'Planning Application Information Requirements'. First line to fifth bullet point, "preferably" inserted before "through".</p> <p>Noted. While the Council's approach has been tried and tested and supported by the Secretary of State in an appeal decision in Hinckley (Hinckley and Bosworth Borough Council), the SPD does not preclude the input of grant through the use of cascades, it fully justified , in cases where viability is raised as an issue.</p>

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	<p>REQUIRED MODIFICATION(S): Appendix 4 (referred to by paragraph 8.3 of the draft SPD) must be modified with the requirement for developers to identify that the development will be delivered via a partner RSL being deleted. Appendix 4 must be modified with the requirement for developers to identify that the development will be delivered can be delivered without the input of public subsidy being either deleted or amended to reflect that the developer can set out a baseline position providing information on the level and tenure split of affordable housing that can be provided without recourse to public subsidy, with mechanisms being included within Planning Obligations to ensure that the investment of grant will only improve the proportion, tenure split or quality of construction of the affordable dwellings. The approach currently taken by the Council is contrary to national guidance.</p>	
<p>Robert Hitchins Ltd</p>	<p>8.0 Section 9 "Implementation of Policy"</p> <p>8.1 Text should be added into paragraph 9.1 to acknowledge that reference must be made to an SHMA when considering the level, tenure, type and mix of affordable housing required upon a site, currently the paragraph refers only to Housing Needs Surveys. Paragraph 29 of PPS3 requires that local authorities are informed by an SHMA when considering targets for the delivery of affordable housing.</p>	<p>Disagree. The Council's policies which the SPD reflect were previously endorsed by a Government Inspector who was satisfied they were underpinned by sufficient evidence of local housing need. The Council will take into account a range of housing needs data including the current housing needs survey when seeking to negotiate affordable housing not just the housing needs assessments. Paragraph 4.4 will be updated to refer to the current progress of the draft SHMA. Once approved, this will be utilised in future negotiations.</p> <p>MODIFICATIONS</p> <p>'required' deleted. "to be negotiated" inserted</p> <p>"Affordable housing provider" inserted after RSL partner.</p> <p>Partially Agree.</p>

Organisation	Response	Officer Recommendation
	<p>REQUIRED MODIFICATION(S):</p> <p>Paragraph 9.1 of the draft SPD should be amended to acknowledge that local authorities are required by national guidance to have reference to an SHMA when considering the level, tenure, type, and mix of affordable housing to be delivered.</p> <p>8.2 The Council state in paragraph 9.2 that the delivery of affordable housing will take priority over all other obligations. This not in line with the adopted LP which states that: The amount sought [i.e. amount of affordable housing] may be less than 30% where unusually high costs associated with the development or where the realisation of other planning objectives which take priority make this not viable.'</p>	<p>MODIFICATION</p> <p>“Strategic Housing Market Assessment” inserted to 2nd line of para 9.7.</p> <p>Agreed.</p> <p>MODIFICATION</p> <p>Inserted at end of Section on tenure preference “The Council’s preferred tenure split takes into account the housing needs data and the need to deliver viable, sustainable and balanced communities across the District.”</p> <p>Disagree. While most sites should be able to meet their requirements in full there may be a need on occasions when viability issues are raised to prioritise these.</p>

Organisation	Response	Officer Recommendation
	<p>(paragraph 5.10.14, page 71)</p> <p>It is clear that the LP envisages that there will be circumstances where other planning obligations will take priority over affordable housing delivery. It would be nonsense to state that essential planning obligations (such as highways infrastructure, education establishments for example) should take second place to the provision of affordable housing on a site. Where these obligations are required the site would not function without them, and certainly would be unlikely to contribute to the creation of sustainable communities.</p> <p>Paragraph 9.10 should be amended to state that planning officers 'would like' agreed head of terms submitted prior to the submission of the planning application 'where ever this is possible.'</p> <p>Paragraph 9.12 should be amended with the line 'any differential in costs will not be treated as an abnormal cost.' Being removed.</p> <p>8.3 Furthermore, the Council's approach is contrary to national guidance. Circular 5/05 advises that: The principal objective of the planning system is to deliver sustainable development, through which key Government social, environmental and economic objectives are achieved.'</p> <p>Paragraphs 9.14 to 9.16 should be amended to reflect the wording of the LP (which does not require developers to provide the Council with financial information which will then be assessed by an independent valuer.)</p>	<p>There is no reason why for major applications the Heads of Terms are not agreed by the Committee date. This will encourage early discussions at the pre-application stage in accordance with PPS1.</p> <p>Disagree. Paragraph 9.12 is a factual statement. Potential costs incurred in para 9.13 are not abnormal.</p> <p>Disagree. The purpose of the SPD is to provide more detailed advice to developers to assist in the implementation of the Local Plan policy on affordable housing.</p> <p>Partially Agree. Sub heading inserted and role of Private Sector Affordable Housing Providers acknowledged; these are encouraged in the accompanying Statement to PPS3 "Delivering Affordable Housing". (See paras 7, 9, 11, 34, 51, 96 and 100).</p>

Organisation	Response	Officer Recommendation
	<p>In line with the Circular 5/05 stance PPS3 identifies the specific outcomes that the planning system is to deliver and included in these objectives is the need to provide high quality market and affordable housing in sufficient quantities, and to deliver: Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.'</p> <p>The Council should include a paragraph that acknowledges that affordable housing can be provided by non public bodies.</p> <p>On larger strategic schemes it is likely that community facilities and infrastructure will be necessary and required as planning obligations which may take priority over other obligations such as the provision of affordable housing. This is acknowledged by the Council themselves in paragraph 9.17 of the draft SPD and it is apparent that national guidance places an emphasis on the adequate provision of market housing, not only affordable housing, and it is therefore self evident that the singular prioritisation of one over the other, regardless of other requirements, will not produce sustainable, balanced and inclusive communities. The Council should therefore delete this paragraph or amend it to align with the wording within the adopted LP.</p> <p>REQUIRED MODIFICATION(S): Paragraph 9.2 should either be deleted or modified to align with the wording within the adopted LP. Currently the approach set out by the Council is contrary to national guidance and adopted local policy.</p>	<p>Noted. The Council encourages the deployment of good practice when Planning Obligations are negotiated. No further advice is considered necessary on this.</p> <p>Disagree. The purpose of the SPD is to provide more detailed advice to developers to assist in the implementation of the Local Plan policy on affordable housing.</p>

Organisation	Response	Officer Recommendation
	<p>8.4 Paragraph 9.3 of the draft SPD includes a flow chart which the Council states indicates how they establish appropriate levels of affordable housing on a site by site basis. The reference to 'RSL partner' should be amended to state 'Affordable Housing Provider' as it does not reflect the emphasis within national guidance upon the delivery of affordable housing through a 'mixed economy' of providers and the inability of a local authority to prescribe AHPs. The prescription of AHPs by local authorities has recently been considered at Inquiry. In that Inquiry the Inspector concluded in his report that to restrict the RSL 'to one with a local management base' would not be in accordance with national guidance. The Secretary of State's decision letter confirms that this conclusion is correct.</p> <p>8.5 The chart also refers to the 'element of affordable housing required'. However, the adopted LP states that the level of affordable housing will be negotiated with reference to site specific circumstances and does not state that the local authority will 'require' an element of affordable housing. The word 'require' should therefore be replaced with 'to be negotiated'.</p> <p>REQUIRED MODIFICATION(S):</p> <p>The chart included within paragraph 9.3 must be amended with the reference to 'RSL partner' being changed to 'Affordable Housing Provider' to make it evident that, in line with national guidance, local authorities cannot prescribe the delivery of affordable housing via a particular RSL or AHP.</p>	<p>Partially Agree.</p> <p>Sub heading inserted and role of Private Sector Affordable Housing Providers acknowledged; these are encouraged in the accompanying Statement to PPS3 "Delivering Affordable Housing". (See paras 7, 9, 11, 34, 51, 96 and 100).</p>

Organisation	Response	Officer Recommendation
	<p>Text within the paragraph 9.3 chart in relation to the element of affordable housing sought must also be amended with the word 'required' being replaced with 'to be negotiated'. This reflects the emphasis in national guidance upon collaborative working and the wording of the LP, which seeks to negotiate an element of affordable housing on a site by site basis.</p> <p>8.6 Amendments (as those set out at paragraph 8.1 of these representations) should be made to paragraphs 9.7 and 9.8 of the draft SPD to reflect that the Council will have regard to an SHMA in addition to other local evidence. Paragraph 9.8 refers to the Council's preferences for tenure being set out within appendix 12. Appendix 12 identifies a preference for 50% social rented and 50% intermediate housing, but does not identify how this figure has been arrived at, or upon which evidence source it is based. Appendix 12 should also be amended to acknowledge the emphasis within national guidance upon the need for the level and type of affordable housing sought to be responsive to the availability of public subsidy and reasonable levels of developer contribution.</p> <p>REQUIRED MODIFICATION(S): Paragraphs 9.7 and 9.8 of the draft SPD should be amended to acknowledge that local authorities are required by national guidance to have reference to an SHMA when considering the level, tenure, type, and mix of affordable housing to be delivered.</p>	<p>MODIFICATION</p> <p>"Strategic Housing Market Assessment" inserted to 2nd line of para 9.7.</p>

Organisation	Response	Officer Recommendation
	<p>Appendix 12 should be modified to evidence how the Council have arrived at their conclusions in respect of tenure split. Reference should be had to a PPS3 compliant SHMA and to how the level and type of affordable housing sought will be responsive to the availability of public subsidy and reasonable levels of developer contribution.</p> <p>8.7 It is identified within paragraph 9.10 of the draft SPD that the Council 'expects' the Heads of Terms to be included within section 106 agreements to be agreed by the time that a planning application is submitted. However, whilst early discussions between local authorities and developers are helpful these will not necessarily ensure that all of the Heads of Terms are agreed prior to an application being submitted.</p> <p>8.10 The adopted LP seeks for an 'element' of affordable housing to be negotiated on a site by site basis and for a variety of reasons it will not always be possible to assess the impact of the cost of providing affordable housing at the point of land purchases and it would be unreasonable for the Council to expect this in every instance.</p>	

Organisation	Response	Officer Recommendation
	<p>8.13 Paragraphs 9.14 - 9.16 of the draft SPD identify that abnormal development costs may be offset against affordable housing requirements provided that a viability assessment is submitted to the Council. Similarly, in 'other instances' where the provision of affordable housing upon a site would render the site unviable the Council will 'require' developers to provide them with financial evidence and the Council will appoint an independent valuer (appendix 6 of the draft SPD provides an example of the 'Council Brief' to an independent valuer). This stance is not supported by PPS3 which places an emphasis on collaborative working and the DAH which refers to the importance of negotiation. The use of the word 'require' does not infer negotiation or collaboration and should be altered to align with national policy. Additionally, at no point within PPS3 or DAH is it required that developers provide 'financial evidence' or viability evidence. National policy refers to local authorities making informed assessments of viability and levels of developer contribution that can reasonably be secured. It is beyond local authority planning powers to demand this financial information from developers.</p>	<p>planning considerations and states (see para 11):</p> <p>“In principle ... any considerations which refers to the use and development of land is capable of being a planning consideration”</p> <p>The considerations must also fairly and reasonably relate to the application concerned. The Courts have held that viability/economic considerations are legitimate considerations, material to a planning decision. Developers need to provide detailed financial information to justify provision in circumstances where it is different to the Council's preferred target/tenure mix.</p> <p>Disagree. The SPD accords with the advice in 6.7/7 of PPS12. PPS12 applies to many of the general criticisms which are made to the SPD. None of them raise issues which are of national/regional importance.</p>

Organisation	Response	Officer Recommendation
	<p>8.14 It is important to note that by seeking financial viability information the draft SPD seeks to re-write the policy contained within the LP which does not require this. The SPD contravenes PPS12 by attempting to re-write adopted local policy. The wording of this section should be altered to place an emphasis on negotiation and discussion regarding the details of the abnormal costs affecting a site. Independent valuation on a site by site basis is not a requirement of national guidance, and neither is it a requirement of national guidance that developers provide viability assessments.</p> <p>8.15 Paragraphs 9.18 to 9.21 provide the Council's approach to the integration of affordable housing across the site. These paragraphs state that affordable accommodation should be provided in 'small clusters' of up to 8 houses or 12 flats. It is inappropriate to impose specific cluster sizes, particularly if they are at odds with the normal size of blocks of properties developed.</p> <p>8.16 There is no definitive affordable housing cluster size identified within national guidance or adopted LP policy - national guidance does not prescribe cluster sizes of affordable housing, but instead places an emphasis upon the creation of sustainable communities. It is therefore appropriate to apply a flexible approach and to reach negotiated agreement with developers on this issue, particularly as there is no adopted LP policy which identifies that the Council will seek specific clusters of affordable housing.</p>	<p>Noted. The advice in para 9.18 is sufficiently flexible. However, in recognition that on larger sites, a cluster of 25 units may well be acceptable to the Council, a slight change of wording is considered appropriate.</p> <p>MODIFICATION</p> <p>+ Appendix 12, 2nd para on Integration/Clusters of Affordable Housing Units. "Normally" inserted in third line before comprise.</p> <p>Noted. The Council is mindful of the advice in PPS3 and accompanying Statement. Given the practical and time consuming issues of managing affordable housing, most providers will want to utilise an RSL to carry out this function.</p>

Organisation	Response	Officer Recommendation
	<p>8.17 Guidance on this issue can be found within the Housing Corporation's "National Affordable Housing Programme 2008-11 Prospectus" which states that:</p> <p>we will only support developments containing a single concentration of more than 25 Social Rented homes on an exception basis.'</p> <p>(paragraph 77, page 27 see appendix 1)</p> <p>Thus, the Housing Corporation do not find it unacceptable to deliver affordable housing in clusters of up to 25 dwellings, and this flexible approach enables housing management issues to be taken into consideration whilst also ensuring the delivery of sustainable communities. The wording within these paragraphs, and particularly that in appendix 12 at page 68, should be amended so that it does not set specific cluster sizes, but acknowledges that this will be negotiated on a site by site basis with developers and with reference to site specific circumstances and housing management requirements. If the Council wishes to provide guidance in relation to cluster size it could refer to the Housing Corporation approach.</p> <p>REQUIRED MODIFICATION(S):</p>	<p>Noted. While the Council's approach has been tried and tested and supported by the Secretary of State in an appeal decision in Hinckley (Hinckley and Bosworth Borough Council), the SPD does not preclude the input of grant through the use of cascades, it fully justified , in cases where viability is raised as an issue.</p>

Organisation	Response	Officer Recommendation
	<p>8.18 The Council states within paragraph 9.30 that their preference is for affordable housing to be delivered via RSLs and Housing Corporation non-RSL developer partners and paragraph 9.33 identifies that a list of the Council's preferred partner RSLs is included within appendix 11. The Council must remain mindful however, that they should not adopt any restrictive practices or seek to prescribe affordable housing providers. To do so would be contrary to national guidance (see also comments at paragraph 8.4 of these representations). PPS3 states that social rented and intermediate affordable housing can be provided by non public bodies and with or without the input of public subsidy.</p> <p>8.19 Paragraphs 9.34 and 9.35 of the draft SPD states that developers and landowners cannot assume that public subsidy will become available. This should be amended to reflect that the Council must also recognise that public subsidy will not necessarily be available and that the provision of affordable housing will have to be responsive to this. It should be acknowledged within these paragraphs that this can be addressed through the inclusion within Planning Obligations of cascade mechanisms which a) set out the baseline level of affordable housing that a developer can achieve without the investment of public subsidy and which b) will enable the investment of public subsidy to improve the level, tenure split and / or construction quality of affordable dwellings upon a site. See section 7.0 of these representations for further information and required modifications.</p>	

Organisation	Response	Officer Recommendation
	<p>Paragraph 9.36 should be amended to reflect the wording of the adopted LP (which does not require developers to provide the Council with financial viability information) and to align with the emphasis within national guidance upon negotiation and collaborative working practices.</p>	
Tetlow King	<p>The Council should make it clear that affordable housing will be subject to reduced education contributions through planning obligations, as affordable housing is substantially concerned with meeting the housing needs of the existing population. In the case of education contributions, the new occupiers of affordable homes, particularly social rented units, are far more likely to be local families from the local housing register. Therefore, their children will already attend local schools and so will not create a new demand for local school places.</p> <p>Some local authorities, such as Plymouth City Council, have gone as far as exempting affordable housing units from all contributions, with the exception of waste management and transport.</p>	Noted. The Council does not preclude this - see para 9.2 of SPD.
Montagu Evans LLP	<p>The paragraph should be reworded to the following as the term "precedence over other items" is unclear. The following amendment is suggested:</p> <p>9.2 The delivery of affordable housing will take priority over any other obligations that are requested. Where the viability of a scheme is compromised by the total cost of Developer contributions requested, securing the delivery of affordable housing provision will take precedence.</p>	Noted. It is not considered necessary to change the wording as the message it carries is sufficiently clear.

Organisation	Response	Officer Recommendation
Tetlow King	<p>We are pleased to see that the council takes a flexible approach when setting the appropriate type, mix and tenure split within new affordable housing schemes. The Council is correct to state that this split should be based on the findings of the most up-to-date Housing Needs Survey, however once it becomes available it should also reflect the findings of the Strategic Housing Market Assessment as directed by paragraph 29 of PPS3. We therefore recommend that paragraph 9.7 is amended as below: 'On any site where affordable housing is provided the approximate tenure split should reflect the findings of the HNS or Strategic Housing Market Assessment in terms of most appropriate tenure, mix, type and size of new affordable homes.'</p>	<p>Support is welcome. Partially Agree.</p> <p>MODIFICATION</p> <p>“Strategic Housing Market Assessment” inserted to 2nd line of para 9.7.</p>
Montagu Evans LLP	<p>The paragraph should be reworded as it is contradictory. The following amendment is suggest:</p> <p>9.8 If planning or other site specific circumstances (including viability) affect the Developers' ability to provide the Council's preferred mix, an alternative mix of dwellings will be considered. This approach accords with the latest Government guidance set out in PPS3 which states that separate targets should be set for social rented and intermediate housing. The current tenure preference is indicated in Appendix 12 'Quick Reference Data'.</p>	<p>Noted. It is not considered necessary to change the wording as the message it carries is sufficiently clear.</p>

Organisation	Response	Officer Recommendation
Tetlow King	<p>We welcome the Council's flexible approach to the use of planning obligations, conditions or Section 106 agreements to ensure that the occupiers of affordable homes fall within the identified levels of need. However the Council should go further and state Section 106 agreements are not necessary when a Housing Association is providing the affordable housing units. Housing Associations are mostly not-for-profit organisations whose main purpose is to provide affordable housing to those in need and are also governed by strict Housing Corporation rules. Ensuring they provide affordable housing through a legal agreement may therefore be unnecessary.</p>	<p>Noted. It is considered the wording in paragraph 9.9 is sufficiently flexible as it refers to conditions and/or obligations.</p>
HBF	<p>In paragraph 9.17 the Council mentions that abnormal costs will be considered in relation to assessing the proportion of affordable housing sought. The viability of a scheme is not only affected by 'abnormal costs' but also by general development costs, especially in relation to brownfield land and the Council should consider these costs when assessing the financial viability of a scheme in relation to the provision of affordable housing. The HBF therefore wishes to point out that the delivery of affordable housing as part of a Section 106 agreement, is dependent upon these costs and therefore could be hindered by the overall cost of developing the site.</p>	<p>Disagree. The cost of developing a site should be reflected in the purchase price paid by the developer for the site.</p>
Montagu Evans LLP	<p>This paragraph should be deleted as there is no policy justification that dictates how many affordable units can be clustered together. The spread of affordable housing units over a site can only be determined on a site specific basis, determining a range is overly restrictive.</p>	<p>Noted. The advice in para 9.18 is sufficiently flexible. However, in recognition that on larger sites, a cluster of 25 units may well be acceptable to the Council, a slight change of wording is considered appropriate.</p> <p>MODIFICATION</p> <p>+ Appendix 12, 2nd para on Integration/Clusters of Affordable Housing Units. "normally" inserted in third line before</p>

Organisation	Response	Officer Recommendation
		comprise.
Bradbeer Planning LTD	<p>The title of the subheading is inappropriate since it suggests that the terms 'sheltered housing' and 'retirement communities' are interchangeable. It is the case that not all forms of sheltered housing or retirement communities meet the needs of older people in terms of health care and social care support. The type of accommodation being addressed at paragraphs 9.22 and 9.23 requires clarification.</p> <p>Paragraph 9.22 This analysis is too superficial and fails to identify the range of accommodation models being provided for older people. At one end of the spectrum such models may comprise age limited housing with basic warden monitoring with no 24hr on site care service, through to fully comprehensive extra-care schemes that include 24hr CSCI registered domiciliary care through an on-site team together with provision on site of all daily needs including nursing care, food, laundry and social facilities.</p> <p>Paragraph 9.23 In relation to this SPD the more recent RTPI Good Practice Note 8 (November 2007) is considered to be a more relevant and up to date good practice source . This makes a key distinction between 'ordinary dwellings' (C3) and 'residential institutions' C2 with reference to key characteristics and indicates that this distinction may determine whether an affordable housing contribution is sought. It is suggested that the SPD should reflect that distinction and make it clear that models of housing for older people within Class C3 will be subject to affordable housing contributions but models of provision that</p>	<p>Noted. The SPD does not say that sheltered housing schemes are exempt from the provision of an element of affordable housing. The distinction between C2 and C3 is blurred and there have been appeals where despite a degree of care it still falls in C3 Use Class. Even if the use is mixed, the Council will still seek to negotiate that some of the units are affordable in accordance with this SPD. Reference to the RTPI publication will be included.</p> <p>MODIFICATION</p> <p>Reference added to RTPI Good Practice Note 8 to Paragraph 9.23.</p>

Organisation	Response	Officer Recommendation
	comprise Class C2 use would not	
HBF	<p>Paragraph 9.24 regards development being built at higher densities to deliver affordable housing more easily. The HBF objects to this idea, as whilst higher densities may be suitable in some locations, this may not be the case in others. Given the oversupply of high density schemes in many locations, it is considered that it should be the developer, rather than the local authority who are best placed to ascertain the most suitable density on a specific site. The SPD refers to its saved local plan policy which was prepared in the context of PPG3, however, high density developments may not be desirable in all circumstances now. This is the basis upon which the Council should use more up to date robust evidence within Housing Market Area Assessments and PPS3 rather than Housing needs assessments based upon PPG3.</p>	<p>Noted. It is considered there is no conflict with the guidance on densities in PPS3/Local Plan. No change is therefore required.</p>
Robert Hitchins Ltd	<p>9.0 Section 10 "Rural Exceptions" 9.1 Paragraph 10.8 of this section expresses a bias towards the delivery of affordable housing via an RSL which is incompatible with the comments in paragraph 10.9 which states that affordable housing on rural exception sites need not exclusively be delivered via an RSL. The references to RSLs in paragraph 10.8 should be replaced with the term: 'Affordable Housing Provider'.</p> <p>REQUIRED MODIFICATION(S):</p>	<p>Partially Accepted.</p> <p>MODIFICATION</p> <p>Paragraph 10.8 words "affordable housing provider" inserted after RSL (First line of first bullet point).</p>

Organisation	Response	Officer Recommendation
	Paragraph 10.8 should be amended with the term 'RSL' being replaced with 'Affordable Housing Provider' or 'AHP'. This is in line with national guidance and the comments made by the Council in paragraph 10.9.	
Tetlow King	The SPD would benefit from the Council setting out its geographical cascade policy for rural exception schemes, if it has one. They should set out how a person qualifies for each tier and the geographical limit of this tier. The time period before the cascade to the next tier is triggered should be a maximum of three months, and the tiers should be as few as possible.	<p>Agreed.</p> <p>MODIFICATION</p> <p>Additional bullet point added at Appendix 9. "To ensure that the scheme is occupied by local people in the Parish or if units remain unallocated after 3 months the adjoining Parishes and after 5 months, the whole District".</p>
Tetlow King	The SPD should contain a list of the settlements with a population below 3000 which will be considered for rural exception schemes. This is for ease of use for RSLs and parish councils who may not be aware if certain settlements would be acceptable for rural exception schemes. This might be best suited to additional Appendix to the SPD.	<p>Agreed.</p> <p>MODIFICATION</p> <p>+ Insert an Appendix inserted to cover this .</p>
Robert Hitchins Ltd	<p>10.2 Paragraph 1 identifies that where grant funding is secured; The homes must be procured having regard to the Housing Corporation's published performance standards, including the recommended Scheme Development, Eco, and Sustainable Homes Standards, current at the time</p> <p>10.3 This is incorrect for two reasons. Firstly, the Housing Corporation's 'Scheme Development Standards' have now been replaced with the 'Design and Quality Standards' (DQS) published in April 2007. Secondly, the presence of grant funding only necessitates adherence to the 'core' requirements of the DQS, and waivers are available by agreement with the Housing Corporation in exceptional circumstances. This element of the draft SPD should be amended to</p>	<p>Partially Accept.</p> <p>MODIFICATIONS</p> <p>First paragraph of Appendix 3 amended and last sentence in Appendix 3 to refer to Housing Corporation Sustainable Development Standards/Design and Quality Standards.</p> <p>Second paragraph amended to refer to level 3 of Code for Sustainable Homes.</p> <p>+ Added to bibliography.+ End of para 9.35 amended.</p> <p>Disagree</p> <p>The approach outlined in Appendix 3 has been operated successfully for a considerable period by the Council's partners.</p>

Organisation	Response	Officer Recommendation
	<p>reflect these points.</p> <p>Section 1 of appendix 3 should be amended. The council's analysis of RSL finance procedures is too simplistic.</p> <p>REQUIRED MODIFICATION(S): Paragraph 1 of appendix 3 should be amended to refer to the Housing Corporation's 'Design and Quality Standards' publication.</p> <p>Paragraph 1 of appendix 3 should be amended to reflect that grant funded affordable dwellings must only comply with the 'core' requirements as opposed to the 'recommended' standards set out within the 'Design and Quality Standards' document.</p> <p>Section 2 of appendix 3 should be amended and the sentence which states that 'Those policies provide that Social Housing Grant will only be made available to the Council's nominated RSL partners should be deleted.</p> <p>Section IV of appendix 3 must be amended to acknowledge that affordable housing costs cannot always be absorbed through a reduction in land value and that the delivery of affordable housing will need to be responsive to the availability of public subsidy and reasonable levels of developer contribution.</p> <p>Section 3 of appendix 3 must be amended to reflect the adopted LP. The LP identifies that whilst the Council has a preference for completed dwellings, it may also alternatively seek 'land or</p>	<p>Agreed</p> <p>MODIFICATION</p> <p>Word "RSL" deleted.</p> <p>Noted. It is for the developer to demonstrate this through a feasibility study.</p> <p>Disagree. The preferred approach is to ensure affordable housing units are actually delivered on site without public subsidy.</p> <p>The Council would require a proportion of nomination rights to new affordable housing.</p> <p>Disagree. It is considered that the approach is in accordance with PPS3 including the advice in paragraph 29 as the sum would be of "broadly equivalent value".</p> <p>Noted. The availability of any private finance that might be utilised is outside the control of the Council and cannot be calculated or relied upon. The RSLs who are active in the District have supported the Council's approach.</p>

Organisation	Response	Officer Recommendation
	<p>plots' which would enable the construction of the appropriate number of affordable dwellings.</p> <p>The council should align the reference to nominations within section 'b' to the approach set by the Housing Corporation. Nominations procedures must be arrived at through agreement with AHPs.</p> <p>Section 'd' of appendix 3 must be altered and the requirement for payments of commuted sums to the value of 'partial' dwellings removed. This is contrary to PPS3.</p> <p>10.5 Section I of appendix 3 entitled 'Mortgages' suggests that RSL's secure mortgage funds against each 'new' scheme and the level of mortgage that can be raised will vary from scheme to scheme. The reality is that most RSL's raise development finance for new schemes against existing stock and this is not therefore necessarily constrained by the mix and value of the new scheme.</p> <p>10.6 Typically the level of development finance available is related to the business plan modelling of the particular RSL and not singularly against the new scheme. This section within the draft SPD is misleading and an over simplification of RSL development financing and should be deleted. It is an approach which would seem to be suggesting that 'RSLs' are only able to pay a fixed 'transfer price' to developers for affordable housing, however this approach does not take into account that the emphasis in affordable housing delivery should be placed upon outputs as opposed to inputs. By prescribing the inputs by which affordable housing is to be delivered the Council will effectively act to preclude competition and innovation between providers. It is contrary to</p>	<p>Disagree. The approach outlined in Appendix 3 has been operated successfully for a considerable period by the Council's partners.</p>

Organisation	Response	Officer Recommendation
	<p data-bbox="277 280 786 387">national guidance for: local authorities to adopt restrictive practices which could preclude innovation and competition between potential affordable housing providers.'</p> <p data-bbox="277 683 801 959">Section 1 of appendix 3 should be amended. The Council's analysis of RSL finance procedures is too simplistic. Furthermore, the Council appear to be seeking to place themselves in a position through the wording of this section of the draft SPD which will enable them to prescribe fixed transfer prices to be paid by an RSL to a developer. This is contrary to national guidance and this section should either be deleted or re-worded to comply with national guidance.</p>	<p data-bbox="835 475 2141 528">Disagree – The approach outlined in Appendix 3 has been operated successfully for a considerable period by the Council's partners.</p>

Organisation	Response	Officer Recommendation
	<p>10.7 Appendix 3 suggests at section II paragraph 3 that; Those policies provide that Social Housing Grant will only be made available to the Council's nominated RSL partner (s).'</p> <p>The Council only has a relatively limited and predominantly 'consultee' role in the allocation of grant funding by the Housing Corporation. It is therefore unable to prescribe that grant funding will only be directed to 'arbitrarily' nominated RSL partners of the Council's choosing. This should be deleted. Should the Council wish to make reference to the investment of its own resources being limited to partner RSLs (as is suggested in the Council's response to a September 2007 draft SPD representation) it should reconsider this approach. This would constitute a restrictive practice which may impact upon the availability of a 'mixed economy' of providers and reduce competition and innovation between providers. This would be contrary to national guidance.</p> <p>REQUIRED MODIFICATION(S):</p>	<p>Disagree. The application of the Council's policy has not had any adverse impact on housing delivery. The Council is on target to meet its Structure Plan requirement.</p> <p>Digree. This SPD is in accordance with PPS12 – see paragraphs 6.1 and 7.1.</p> <p>Disagree. The outcome of the Government Consultation is uncertain. It in any case only provides generalised guidance. It is therefore of limited relevance to the local circumstances pertaining in Stroud District where there is limited public grant available and there already exists an established framework for the delivery of affordable housing.</p>

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	<p>Section 2 of appendix 3 should be amended and the sentence which states that 'Those policies provide that Social Housing Grant will only be made available to the Council's nominated RSL partner(s).' should be deleted. It is contrary to national guidance and does not reflect that in reality organisations other than partner RSLs may bid for Social Housing Grant from the Housing Corporation. The Council should not adopt restrictive practices in relation to affordable housing providers.</p> <p>Section IV of appendix 3 must be amended to acknowledge that affordable housing costs cannot always be absorbed through a reduction in land value and that the delivery of affordable housing will need to be responsive to the availability of public subsidy and reasonable levels of developer contribution.</p>	<p>Disagree. A number of local authorities use this approach including in Gloucestershire so it has been tried and tested. The statement accompany PPS3 'Delivering Affordable Housing' encourages innovative approaches towards affordable housing delivery including without the use of grant. It is acknowledged that the appropriate financial contribution will be subject of negotiation between the parties.</p>

10.11 Sections 'a' and 'b' of appendix 3 identify that where affordable housing is to be provided on site that the developer may provide it as serviced plots or completed dwellings. However, the developer may choose to meet their affordable housing obligations by transferring 'free' land to an AHP as opposed to serviced plots or completed dwellings (the AHP can then enter

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	<p>authorities must be reasonable in all respects and reflect planning policy. Through the inclusion of this requirement the draft SPD is attempting to create new policy outside of a document that will be subject to independent examination, contrary to Planning Policy Statement 12. The adopted LP identifies that whilst the Council has a preference for the provision of completed dwellings, it may also alternatively seek 'land or plots' which will enable the construction of the appropriate number of affordable dwellings. The LP does not require that the transfer of 'land' is accompanied by a financial contribution to cover the cost of servicing that land, or that it is transferred only to an RSL nominated by the Council.</p> <p>10.12 Following the release of PPS3 the government also published, in December 2006, a consultation document entitled 'Changes to planning Obligations: a Planning-gain Supplement consultation' which proposes that a common starting point for negotiations on affordable housing provision be implemented through Local Development Frameworks. To this end it suggests that:</p> <p>..a contribution by the developer in the form of, or equivalent to the value of, the land necessary to support the required number of affordable units on the development site would represent a reasonable starting point for negotiations.'</p>	<p>The Council would require a proportion of nomination rights to new affordable housing.</p>

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	<p>It should be noted that this approach was arrived at following consideration of various options, and as such the government have rejected pursuing the provision of free serviced land or land plus an additional contribution to build costs. The level of developer subsidy should be negotiated with the developer and the draft SPD must reflect the stance of the LP and national guidance in relation to the delivery of affordable housing contributions. The Council cannot prescribe affordable housing providers.</p> <p>11.1 The Council provides information on how it will calculate commuted sums within appendix 5 of the draft SPD. The Council assesses the sum payable based on the difference between the open market values and sales or rented values of affordable dwellings that would notionally have been provided on site. However, a) references in this section should be to AHPs as opposed to 'RSLs', and b) as stated in these representations in response to Section I of appendix 3, the Council's approach represents an over simplification of 'RSL' development financing and the prices that can be paid to a developer.</p> <p>11.2 PPS3 states that affordable housing can, where robustly justified, be provided as an 'off-site provision' or 'financial contribution' which is in lieu of on-site provision and of 'broadly' the same value. PPS3 does not however state that any such contribution by a developer must enable the development without recourse to public subsidy. The Council's approach does not consider the availability of public subsidy or the level of developer contribution that can reasonably be expected. Therefore the draft SPD is prescriptive and not in line with PPS3 which states that when targets are set within local development documents local authorities must draw on:</p>	

informed assessments of the likely levels of

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	<p>finance available for affordable housing, including public subsidy and the level of developer contribution that can reasonably be secured.' (Paragraph 29, page 10 emphasis added)</p> <p>11.3 It is evident that there is no intention in national policy to exclude the use of public subsidy alongside developer contribution. If indeed, this had been the intention the affordable housing definition within PPS3 would have been designed to consider affordable housing secured through planning obligations separately to that provided directly by public bodies with public subsidy. PPS3 clearly states that the definition does not exclude dwellings provided by private bodies or without grant funding.</p> <p>12.2 The Council cannot prescribe that occupants of affordable dwellings are all nominated from the Council's housing register or that the Council has all nomination rights. The references in appendix 7 to nominations should acknowledge that nominations procedures will be agreed with the AHP in line with Housing Corporation practices and in accordance with a recent Secretary of State decision as set out at paragraph 10.14 of these representations.</p>	
Robert Hitchins Ltd	<p>13.2 The Council cannot dictate that affordable dwellings will be designed and constructed to Housing Corporation standards where there is no input of grant funding or to the Councils standards where these do not form part of the Council's statutory adopted LP policy. The Housing Corporation DQS document identifies that it: sets out the Corporation's requirements and recommendations for all new homes which receive Social Housing Grant (SHG)</p>	<p>Disagree. A number of local authorities use this approach including in Gloucestershire so it has been tried and tested. The statement accompany PPS3 'Delivering Affordable Housing' encourages innovative approaches towards affordable housing delivery including without the use of grant. It is acknowledged that the appropriate financial contribution will be subject of negotiation between the parties.</p>

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	<p>Therefore where affordable housing is being provided without 'SHG' it is not a requirement that 'DQS' standards are adhered to. The Council has no powers to seek differing standards to the national Building Regulations or to influence internal design.</p> <p>REQUIRED MODIFICATION(S): Appendix 9 should be amended with the term 'RSL' being replaced with 'AHP'. The requirement that dwellings are constructed to Housing Corporation standards must be amended to reflect that this will not be required if there is no input of public subsidy. Amendments must also acknowledge that the Council cannot enforce standards not set out within adopted statutory policy.</p>	<p>MODIFICATION Draft Heads of Terms provided for non-Rural Exception sites.</p>

Organisation	Response	Officer Recommendation
	<p>We welcome the inclusion of the summary of the model heads of terms for Rural Exception Sites, but it would be extremely useful if the Council were to do the same for non-Rural Exception Sites. This would be particularly beneficial to small and medium sized developers when they have to provide affordable housing through legal agreements for the first time.</p> <p>The list of Registered Social Landlords and their contact details is a very helpful addition to the SPD, but the council should make it clear if this is its preferred list of RSLs to work with or not.</p> <p>Firstly, in relation to the first paragraph which indicates that the facts and figures are liable to change, and subsequently have been included in the appendix to enable the SPD to be kept up to date. The HBF objects to the amendment of any SPD outside of the statutory procedures, even where reference material. In accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 the contents of the SPD should be consulted on in its entirety.</p> <p>This statement is incorrect. Paragraph 5.18.4 of the Local Plan uses the word "generally" before 30%, and goes on to give examples of situations where more or less than 30% may be sought. This should be seen in the context of the draft SWRSS which suggests up to 60% may be sought in "areas of greatest need".</p>	

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	<p>The Cotswolds Conservation Board would suggest that due to extreme problems of affordability, those parts of the District within the Cotswolds AONB are "areas of greatest need".</p> <p>It is also not clear how a definite figure of 30% can be put into practice on sites which have a capacity of 4 dwellings.</p>	
Robert Hitchins Ltd	<p>A further point, regards the shortfall of affordable homes, it is not stated, how long this shortfall is over, it would be assumed per year. This should be clarified</p> <p>In terms of the tenure preference, the HBF objects to this on the grounds that it has not been founded upon an up to date Housing Market Assessment, which takes account of both needs and demands. This should then guide affordable housing provision on a site by site basis, and not be set in stone over the plan period, as this needs may change.</p>	<p>Agreed.</p> <p>MODIFICATION: Section summarised more fully.</p>

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	<p>By prescribing the mix in this way, the local authority is not facilitating for changes in the housing market, and the needs of those living within the local authority area. Affordable housing allocation should be based on need, using an up to date evidence base.</p>	<p>Noted. The findings of the SHMA will be utilised when it is published. All stakeholders will be notified about this.</p>

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