

# Draft Housing Choice Supplementary Planning Document



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## **Application checklist**

<b>Application type</b>	<b>Key Policy Considerations</b>
Is your market housing proposal less than 10 dwellings within a settlement boundary of Burton Upon Trent, Uttoxeter and the Strategic Villages?	<ul style="list-style-type: none"> <li>• Housing mix – please see page 5</li> <li>• Please note that some Neighbourhood Plans may require a particular housing mix</li> </ul>
Is your market housing proposal more than 10 dwellings within a settlement boundary of Burton Upon Trent, Uttoxeter and the Strategic Villages?	<ul style="list-style-type: none"> <li>• Affordable housing is provided on site and in clusters of no more than 8 dwellings</li> <li>• Housing mix – please see page 5</li> <li>• Affordable housing mix</li> <li>• Please note that some Neighbourhood Plans may require a particular housing mix</li> <li>• 10% of dwellings meet M4(2) standard</li> </ul>
Is your market housing proposal less than 10 dwellings outside of a settlement boundary of Burton Upon Trent, Uttoxeter and the Strategic Villages?	<ul style="list-style-type: none"> <li>• Is the site an exception site? What evidence is being provided?</li> <li>• Housing mix – please see page 5</li> <li>• Please note that some Neighbourhood Plans may require a particular housing mix</li> </ul>
Is your market housing proposal more than 10 dwellings outside any settlement boundary?	<ul style="list-style-type: none"> <li>• Is the site an exception site? What evidence is being provided?</li> <li>• Affordable housing is provided on site and in clusters of no more than 8 dwellings</li> <li>• Housing mix – please see page 5</li> <li>• Affordable housing mix</li> <li>• Please note that some Neighbourhood Plans may require a particular housing mix</li> <li>• 10% of dwellings meet M4(2) standard</li> </ul>

# **1. Introduction**

- 1.1 The purpose of any Supplementary Planning Document (SPD) is to provide additional guidance on key development plan policies and how they will operate. The Housing Choice SPD provides advice on the Council's approach to creating and maintaining sustainable and inclusive mixed communities including affordable, market and specialised housing.
- 1.2 This SPD will provide applicants, developers including housing associations and other registered providers, valuers and landowners with information about the Council's requirements, to assist them in planning new housing developments and making planning applications.

## **Consultation**

- 1.3 This revised SPD will be the subject of public consultation for a period of six weeks from 6<sup>th</sup> September to 18<sup>th</sup> October 2019.
- 1.4 This SPD has been prepared in line with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 and upon adopted it will replace the 2016 Housing Choice SPD.
- 1.5 A Sustainability Appraisal and Habitats Regulations Assessment Screening Report has been carried out and consulted upon for the East Staffordshire Local Plan. As the draft SPD supports the East Staffordshire Local Plan 2015, there is no further need to undertake a separate Sustainability Appraisal or Habitats Regulations Assessment for the SPD itself.

## **Status of this Document**

- 1.6 This Supplementary Planning Document SPD is a material consideration in the determination of relevant planning applications within the Borough of East Staffordshire. A full schedule of responses will be made available and explanation of how they have been taken into account will be prepared alongside the final SPD.

## **National and Local Planning Policy**

- 1.7 The NPPF was revised in February 2019. Revisions to the NPPF included broadening the definition of affordable housing amongst other changes.
- 1.8 In October 2015 the Borough Council adopted its Local Plan which remains compliant with the National Planning Policy Framework (NPPF).

- 1.9 The East Staffordshire Local Plan Strategic Objective and policies supported by this SPD are:

*Strategic Objective:*

- **SO2: Well designed communities:** To provide a mix of well designed, sustainable market, specialist and affordable homes that meet the needs of existing and future residents given ongoing and expected population change in the Borough.

*Local Plan Policies:*

- **Strategic Policy 16:** Meeting Housing Needs
- **Strategic Policy 17:** Affordable Housing
- **Strategic Policy 18:** Residential Development on Exception Sites
- **Strategic Policy 19:** Sites for Gypsies, Travellers and Travelling Showpeople

- 1.10 The evidence base which supported the preparation and examination of the Local Plan policies includes:

- The *Strategic Housing Market Assessment (SHMA)* for East Staffordshire, published in October 2013 and updated in April 2014.
- The *East Staffordshire Borough Council - Local Plan & Community Infrastructure Levy Viability Study (Plan Viability Study)*, produced for the Council by HDH Planning & Development which was published in November 2013 and revised in February 2014.

## 2. Strategic Policy 16: *Meeting Housing Needs*

- 2.1 New residential development needs to help create or maintain sustainable inclusive mixed communities. It should extend the choice of accommodation available in the area to better meet the needs of all types of household.
- 2.2 The National Planning Policy Framework requires the Council to plan to meet the full objectively assessed needs for market housing as well as affordable housing. It specifically requires the Council to identify the size, tenure and range of housing that is required in particular locations, reflecting local demand.
- 2.3 There are two categories of residential development set out in this document:
- a) **Mainstream housing** – dwellings not defined as specialised accommodation in point b.
  - b) **Specialised accommodation** – *Extra-care housing, Retirement housing, Self-build housing, Traveller pitches, Market housing for Rent, Care homes and Nursing homes.*
- 2.4 Strategic Policy 16 details how these two categories will be delivered.

### STRATEGIC POLICY 16

#### Meeting Housing Needs

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.

Residential development elsewhere shall provide a dwelling or a mix of dwellings to best meet local need according to a local housing needs survey or where applicable the Councils evidence base.

Developments will also provide Affordable Housing in accordance with Strategic Policy 17

Developments shall be permitted on Exception Sites in accordance with Strategic Policy 18.

Different sizes and tenures of housing shall be fully integrated by means of dispersal around the site.

All newly erected housing providing ground floor living accommodation shall meet

requirement M4(2) of the Building Regulations (accessible and adaptable dwellings).

Proposals to develop Extra-care Housing and Retirement Housing on suitable sites will be welcomed.

Inclusion of an appropriate number of Self-build Plots within developments will be welcomed.

2.5 Specialist housing is also expected to be delivered on Sustainable Urban Extensions as set out in Strategic Policy 7.

2.6 The Borough Council expects prospective developers to consider whether a site is suitable for specialised accommodation. Guidance on specialised accommodation is provided in Chapter 2, 3 and 4. Chapter 2 explains how the amount and mix of Affordable housing required on market housing led development will be determined. Exception Sites and their development are set out in Chapter 7.

## **Housing within Settlement Boundaries of Burton Upon Trent, Uttoxeter and Strategic Villages<sup>1</sup>**

### **Mainstream housing**

2.7 The amount and density of mainstream housing on a site will need to be consistent with the sizes and types of dwellings which are appropriate alongside other types of development and open space requirements.

### **Market housing mix in Burton, Uttoxeter, and Strategic Villages**

2.8 The Council will need to be satisfied that the mainstream market housing to be provided on a development is appropriate. Applicants therefore need to take full account of the information that follows and to negotiate proposals with the Council at the earliest opportunity.

2.9 The mix shown in Table 1 is the Council's assessment of likely demand for mainstream market housing in that area over the period 2012-2031. If an applicant has carried out their own research to identify current demand, and if this indicates that there is currently a lack of demand for a particular type of home shown, then the Council will take this into account when considering whether a proposed mix is appropriate.

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<sup>1</sup> Strategic Villages are defined in the Local Plan as Tutbury, Barton Under Needwood, Rolleston on Dove and Rocester

**Table 1: Mainstream market housing mix**

	Burton			Uttoxeter	Strategic Villages
	Branston Burton Eton Park Outwoods	Anglesey Horninglow Shobnall Stretton	Brizlincote Stapenhill Winshill		
<b><i>Housing for Older People**</i></b>	12%	20%	50%	10%	35%
1-bedroom homes (flats, houses or bungalows)	3%	3%	3%	3%	2%
2-bedroom houses	16%	15%	10%	28%	26%
3-bedroom houses	32%	29%	17%	30%	23%
4-bedroom houses	26%	23%	14%	20%	10%
5-bedroom houses	11%	10%	6%	9%	4%

**\*\* Housing for Older people**

*DEFINITION:* Bungalows or houses which are specifically designed with older people wanting to downsize in mind, offering for example a downstairs bathroom and/or a level access or low threshold shower. These are mainstream market dwellings which will be sold freehold without any age restriction or requirement to pay service charges. Applicants will need to evidence that proposed dwellings have been designed with older people in mind. Please note they do not have to specifically be single storey units.

2.10 To be appropriate, development will need to be consistent with the mix required in the area but also reflect the nature of the site:

- a) Where existing non-residential buildings are being converted the type of dwelling is likely to be largely determined by the physical constraints of the building.
- b) Development of entirely or predominantly flats may be appropriate on smaller sites within the built up area, in which case developments should include 1-bedroom flats appropriate for private renting.
- c) Developments of entirely *Housing for Older People* may be appropriate on smaller sites, particularly in Brizlincote, Stapenhill, Winshill and *Strategic villages*.

- d) Appropriate development on smaller sites is otherwise likely to mean the type and size of housing most lacking in the immediate vicinity, in order to extend choice and inclusivity, with a mix of such dwellings and inclusion of *Housing for Older People* wherever possible.
- e) Larger sites of 10 or more dwellings are expected to provide the mix shown in Table 1.
- f) Depending on the scale, location and housing mix, some sites may be particularly appropriate for Affordable housing led development.

2.11 Different sizes and tenures of housing must be fully integrated across a site. Hence all phases of a development need to provide a mix of dwelling types and sizes; different character areas can be achieved by varying such things as design, materials and landscaping rather than by segregating different sizes and types of dwelling.

### **Market housing mix outside Burton, Uttoxeter and the Strategic villages**

2.12 Mainstream housing development outside Burton, Uttoxeter and the Strategic villages has to best meet local housing needs.

2.13 Note that this section does not apply to:

- a) Exception Sites: see Chapter 7.
- b) *Self-build* housing development.
- c) Conversion of existing buildings which are not considered major applications

2.14 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.

2.15 A valid housing needs survey is needed before other development of new mainstream housing to identify local need and ensure that development best meets that need. Survey results must be provided to the Council by the applicant before a planning permission can be granted to determine the on-site Affordable Housing requirement. Where an outline approval was granted before the Local Plan was adopted in October 2015, survey results must be provided by the applicant before reserved matters can be determined.

- 2.16 A valid housing needs survey is one carried out in accordance with Chapter 7 no earlier than 3 years before the date of planning application.
- 2.17 Applicants should discuss the results of a housing needs survey with the Council at the earliest opportunity and preferably at the pre-application stage.
- 2.18 Development shall then provide the dwelling or dwellings required to best meet the local need identified by the survey. Need for Affordable housing must be met first (up to the maximum amount required), followed by market housing for households who need alternative housing (e.g. to look after an elderly relative), followed by market housing for households wanting alternative housing (e.g. downsizing or upsizing to accommodate a growing family). The Borough Council has an expectation that these alternative housing that is both needed and wanted should relate to local households only where there is a justification and local connection to the area.

### **When a Housing Needs Survey is not required**

- 2.19 A housing needs survey is not required on proposals for conversion of traditional rural buildings, agricultural workers dwellings<sup>2</sup>, or the sub division of existing dwellings.

### **Removing conditions on holiday accommodation**

- 2.20 When proposals for holiday accommodation in the countryside are permitted, they are often accompanied by a condition ensuring they are solely used for visitor accommodation, not residential use. In some cases, the applicant may pursue at a future date removing the condition, in effect turning the proposal into a market dwelling.
- 2.21 Where this is the case, the key test for lifting conditions is whether they are still pertinent and necessary to make the development acceptable.
- 2.22 All planning applications and applications to lift conditions must be treated on their own merits irrespective of precedent; this should include an understanding of the viability of holiday accommodation proposals and an assessment of the proposal against up to date policy as set out in the Local Plan.

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<sup>2</sup> Please note in this situations an agricultural justification should be provided

### 3. Building Regulations Part M

- 3.1 Applicants need to verify that proposed newly built housing providing ground floor living accommodation will meet or exceed requirement M4(2) of the Building Regulations (Accessible and adaptable dwellings). This is the second category of requirement M4 not the universal first category.

In this respect:

- a) Newly built means newly constructed, excluding housing created by converting an existing building.
  - b) Ground floor living accommodation means any room on the ground floor apart from toilets, bathrooms and utility rooms.
- 3.2 Policy SP16 states that all dwellings must comply with this standard. However following the adoption of the Local Plan and the practical implications of applying the policy to all dwellings, it has become clear that it is not possible to achieve. The Council therefore accept that due to site constraints such as topography, size of site and location the standard cannot be achieved. The Council have published separate guidance on applying the standard and will review the guidance note regularly in consultation with the Councils Building Consultancy team.
- 3.3 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 as required in the housing mix table on page 5.

### 4. Specialised Housing for Older People

- 4.1 East Staffordshire Borough has an increasingly elderly population and it is important that their housing needs are met in the future. Extra care and continuing retirement communities often provide self-contained units.

#### **Extra-Care Housing**

*DEFINITION: A development of clustered dwellings and communal facilities for households with varying care needs where overnight on site care services will be available to occupiers so that they are able to remain in their own homes as their care needs increase. May also include accommodation for staff.*

## **Retirement Housing**

*DEFINITION: A development of clustered dwellings and communal facilities meeting requirement M4 (3) of the Building Regulations (wheelchair user dwellings) with occupation restricted to older people. May also include other accommodation for staff.*

- 4.2 The Council will need to be satisfied that a proposed development meets these definitions before it grants permission. Permission will then be subject to conditions and/or obligations to ensure the development meets this definition. Applicants will need to verify that proposals for both Extra Care and Retirement Housing meet or exceed M4(3)(2)(a) of the Building Regulations relating to wheelchair adaptable dwellings.
- 4.3 Extra-care developments are expected to include Affordable Housing in accordance with identified need and policy SP 17, but this is subject to the availability of funding; developers of Extra-care housing are not required to provide affordable Extra-care housing without grant. Developers are expected to explore the availability of Government funding, and the Council may be able to provide grant funding from commuted sums; the Council will look to fund schemes which provide an appropriate mix of tenures.
- 4.4 There is no Affordable housing requirement from Retirement housing, to encourage investment, in recognition of its higher costs which make Affordable housing without grant unviable, and because need for Affordable Retirement housing has not been identified to justify grant funding.
- 4.5 It is recognised that the level of care and associated facilities provided in such developments can vary considerably.
- 4.6 The best locations for Extra-care housing and Retirement housing are those within easy walking distance of the services residents most need in order to live independently, including:
- Shops to meet daily needs
  - Cash dispenser or bank/post office
  - Public transport
  - Community facilities e.g. places of worship
  - Primary health care
  - Pharmacy

4.7 Extra-care housing and Retirement housing should be designed in accordance with:

- a) *Guidelines for the Planning of Housing for Senior Citizens*<sup>3</sup>, and
- b) The ten HAPPI design recommendations<sup>4</sup>:
  - i. Generous internal space standards (within flats)
  - ii. Plenty of natural light in the home and in circulation spaces
  - iii. Balconies and outdoor space, avoiding internal corridors and single-aspect flats
  - iv. Adaptability and ‘care aware’ design which is ready for emerging tele-care and tele-health-care technologies
  - v. Circulation spaces that encourage interaction and avoid an ‘institutional feel’
  - vi. Shared facilities and community ‘hubs’ where these are lacking in the neighbourhood
  - vii. Plants, trees, and the natural environment
  - viii. High levels of energy efficiency, with good ventilation to avoid overheating
  - ix. Extra storage for belongings and bicycles
  - x. Shared external areas such as ‘home zones’ that give priority to pedestrians

4.8 Relevant design considerations to respect cultural diversity include:

- i. Larger schemes should include a number of separate communal spaces to allow men and women to socialise separately.

4.9 Where Extra-care housing and Retirement housing are provided as part of a larger housing development the aim should be to create a Lifetime Neighbourhood throughout the larger development which means:

- Accessible and inclusive;
- Aesthetically pleasing;
- Safe (in terms of both traffic and crime);
- Easy and pleasant to access; and
- Communities that offer plenty of services, facilities and open space.

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<sup>3</sup> Wel-Hops, 2007, available on the Council’s website

<sup>4</sup> *Housing our Ageing Population: Plan for Implementation*, All Party Parliamentary Group on Housing and Care for Older People, November 2012

- 4.10 Applicants therefore need to discuss proposed Extra-care housing or Retirement with the Council at the earliest opportunity, before making a planning application.
- 4.11 Applicants are also encouraged to discuss Extra-care housing proposals with Staffordshire County Council.
- 4.12 The Local Plan identifies the need for new places in Care/Nursing homes and the Council welcomes applications to provide these places.
- 4.13 An appropriate location for these facilities will depend on the level of services and care that each facility provides. Applications will be treated on a case by case basis and an assessment of the services provided and the services in the immediate vicinity will be undertaken.

## 5. Self-build

- 5.1 Self-build housing is an important element of the Government's housing strategy because self-build can contribute towards housing delivery and economic growth. The Government therefore wants to see an increase in the amount of land providing plots for self-building.
- 5.2 Self-build housing, also called Custom-build housing, is a dwelling which an individual (or dwellings which an association of individuals) builds itself or has built by a builder it chooses, on land it owns, to a design that it chooses, to be occupied by that individual (those individuals) as their sole or main residence (not as a second home).

### **Self Build**

*DEFINITION: A serviced<sup>5</sup> plot which will be sold to an individual household which will build, or have built by a builder unrelated to the vendor, a dwelling for its own occupation.*

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<sup>5</sup> Serviced means with access to a public highway and connections for electricity, water and waste water.

- 5.3 The Council will need to be satisfied that the proposed development meets this definition before it grants outline or full permission or Self-build housing. Permission will then be subject to conditions and/or obligations to ensure it meets this definition. The Council will also have regard to the Self-Build register required under the 'Self-Build and Custom Housebuilding' planning practice guidance and any subsequent guidance.
- 5.4 Hence the building of a dwelling on a plot acquired from a builder who builds the dwelling wholly or mainly to plans or specifications decided or offered by them does not qualify as Self-build in accordance with the East Staffordshire Local Plan.
- 5.5 The Council encourages the inclusion of a suitable number of Self-build plots within housing developments or as stand alone applications in line with policies in the Local Plan, to provide an opportunity for residents to choose their own design of home and to foster innovation and diversity in housing design.

## 6. Strategic Policy 17: Affordable Housing

- 6.1 The aim of Policy SP17 is to provide more Affordable Housing units in the Borough, for the benefit of the community and in particular those in housing need.
- 6.2 Affordable Housing will form part of most new development schemes. It is therefore essential that developers clearly demonstrate early in the pre-application process how Affordable Housing will be integrated into a scheme. Developers should engage early with the Borough Council before a planning application is submitted.
- 6.3 The Housing Choice SPD advises on what is considered to be the appropriate amount, size, type, tenure and location of affordable housing units. Developers are urged to meet with a Registered Provider at the earliest opportunity to discuss the layout of the site and the design of the affordable housing units.

### STRATEGIC POLICY 17

#### Affordable Housing

Market housing led residential development that will provide 4 or more dwellings or on a site of 0.14 hectares or more shall provide up to 40% of the dwellings as affordable housing. This threshold may be revised during the lifetime of the plan if national policy changes.

- The affordable housing required from a particular scheme is the following percentage or the amount which is evidenced by an applicant to be viable. The percentages shown may be revised during the lifetime of the plan in the light of updated viability evidence.
  - 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%.
- To evidence what other amount of affordable housing is viable an applicant will need to submit their development appraisal and supporting evidence to the Council on an open book basis and to fund the Council's costs of assessing this.
- An application for development which extends an earlier permission will be treated together with that permission as one scheme.
- Planning permission will be subject to agreement to provide the required amount of affordable housing, and on schemes providing less than 40% and likely to be developed in phases over the longer term to agreement of a

suitable mechanism to increase the amount of affordable housing provided over time if viability improves.

- Affordable housing is not required from Self-build Plots of up to 250 square metres in size, from Retirement Housing, or from Market Housing for Rent (definitions in the Glossary).
- 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 local need;
  - On other sites, an amount determined by the housing needs survey.

Residential development permitted in accordance with a Made Neighbourhood Plan on a site which is outside a settlement boundary and not a rural exception site shall provide an amount of affordable housing determined as above, or the amount required by the neighbourhood plan if greater.

Well-planned affordable housing led residential development providing an appropriate mix of housing will be welcomed.

Extra-care developments are expected to include affordable housing alongside market housing in accordance with identified need, subject to the availability of funding including via the Council from commuted sums.

On site affordable housing shall be provided as follows:

- Affordable housing will normally be provided on each phase of a development.
- The mix on Burton and, Uttoxeter developments shall be agreed with the Council based on the need identified in the Housing Choice SPD.
- The mix on Strategic Village developments shall be agreed with the Council based on local need
- The mix on other developments shall be agreed with the Council based on the housing needs survey carried out in accordance with Housing Choice SPD.
- In accordance with the definitions in the Housing Choice SPD
- Affordable housing shall be fully integrated by means of dispersal around the site in clusters of no more than eight dwellings so that no street or part of the street is dominated by affordable housing.
- Affordable housing shall be externally indistinguishable from market housing on the same site.

## What is Affordable Housing?

6.4 Affordable housing is provided to eligible households who are unable to rent or buy housing at market rates. It is therefore housing which is subsidised in some way. These are the only types of housing which contribute towards the Affordable housing requirement. The Government, in the NPPF (Feb 2019) have revised and widened the definition of affordable housing to include other forms of housing such as starter homes.

**Affordable housing:** housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable);

(b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and

(c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

- 6.6 Rented Affordable housing will normally mean either Social Rented housing or Affordable Rented housing. However S106 agreements entered into before adoption of the 2015 Local Plan may specifically require Social Rented housing.
- 6.7 Rented Affordable housing needs to contain fixtures and fittings to the standard normally expected by Registered Providers of Social Housing. Rented Affordable housing has to be built by or transferred to a Registered Provider of Social Housing. The Council welcomes investment from any Registered Provider but will be pleased to supply applicants with the contact details of Registered Providers already operating in the Borough on request.
- 6.8 Rented Affordable housing provided under S106 has to be allocated in accordance with the Council's allocation scheme. Under that scheme most allocation is by means of choice based letting, and Registered Providers acquiring housing are expected to co-operate with allocation on that basis.
- 6.9 Owner-occupied Affordable housing means Shared Ownership housing and Discounted Sale housing. These types of housing are interchangeable, so that either can be provided to meet the need for Owner-occupied Affordable housing. Shared Ownership housing is normally transferred to a Registered Provider of Social Housing, but it does not have to be. Discounted Sale housing is sold to the occupier rather than to a Registered Provider. Applicants therefore have a choice about whether or not to sell Owner-occupied Affordable housing to a Registered Provider.
- 6.10 Starter homes are expected to meet the needs of first time buyers. A Starter Home is not expected to be priced after the discount significantly more than the average price paid by a first time buyer. This would mean the discounted price should be no more than £250,000 outside London and £450,000 in London. Starter Homes must be offered for sale at a minimum of 20% below its open market value of the property. Such properties are expected to be offered to people who have not previously been a home buyer and want to own and occupy a home, and who are below the age of 40 at the time of purchase.
- 6.11 The Council's preferred method for the provision of affordable housing<sup>6</sup> is through the involvement of a Registered Provider (RP). The involvement of a RP is the best way of ensuring that provision is designed and managed so that it meets local needs and will remain affordable for successive occupiers.
- 6.12 The Council will encourage and facilitate early discussions with RPs to ensure that a partnership approach is adopted early in the process. The Council will provide developers with a list of RP partners who have a local management presence in the Borough. In line with Homes England policies regarding value

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<sup>6</sup> Apart from Starter Homes

for money, stock rationalisation and the development of sustainable communities, the Council would prefer developers to choose an RP partner with an existing concentration of units in the Borough.

- 6.13 Should a developer wish to work with an RP who is not on the Council's own preferred list, the Council will require early dialogue between the developer and the potential RP provider at the pre-application stage. The Council would require detailed information on the RPs standards in order to be satisfied that effective measures are in place to ensure the "quality local management" of the homes. The Council will also need to be assured that the allocation of the homes will be undertaken fairly and properly to meet local needs.
- 6.14 It is important that for applications which specify on site affordable housing, the applicant provides information evidencing dialogue with an RP and the RP have been influential in the proposed house types and tenures.

### **Affordable housing threshold**

- 6.15 Whilst Strategic Policy 17 states that affordable housing is required from sites providing 4 or more dwellings and sites of 0.14 hectares (1,400 sq m) or more in size, the revised NPPF states that affordable housing should not be sought for residential developments that are not major developments. Therefore, where applications are not major developments, no affordable contribution will be sought.
- 6.16 However, applicants in areas where there is a Made Neighbourhood Plan should be aware that there may be a specific housing mix on small sites.
- 6.17 Applicants are reminded that the number of dwellings proposed on a site will need to be consistent with the sizes and types of market housing which are appropriate and the required mix of Affordable housing.

### **Affordable housing requirement**

- 6.18 The proportion of Affordable housing required from housing developments at or above the threshold is as follows:
- 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;
  - 33% on Greenfield sites within and on the edge of Burton and Uttoxeter (see glossary);
  - 40% on other land.
- 6.13 The relevant percentage is applied to the number of qualifying dwellings to give the Affordable housing requirement as a number of dwellings (including fractions thereof).

- 6.14 Qualifying dwellings means all dwellings (Use Classes C3 and C4) except for: dwellings to be built on Self-build plots of up to 250 square metres in size; Retirement housing, Extra-care housing, and Market housing for rent.
- 6.15 A different proportion of Affordable housing will be required where:
- a) An applicant evidences that a lower proportion of *Affordable housing* is necessary to make development viable;
  - b) The applicable Neighbourhood Plan requires a higher proportion;
  - c) The site is a rural or entry level Exception Site as explained in Chapter 7.
  - d) The proposal is applicable for vacant building credit

### **Evidencing limited viability**

- 6.16 Any applicant can choose to present evidence to the Council that a lower proportion of Affordable Housing is necessary to make development of the site viable. To do this, they need to submit their development appraisal and supporting evidence on an open book basis, and agree to fund the Council's costs of assessing this.
- 6.17 The development appraisal needs to clearly show what proportion of Affordable Housing is viable given an appropriate mix of mainstream market housing in accordance with Chapter 2 and appropriate development density.
- 6.18 Development appraisal means an appraisal of the cost and value of the development.
- a) The cost of the development includes: the value of the site; the cost of building the mainstream housing (market and affordable); the cost of preparing plots for other uses; the cost of CIL (if applicable), meeting planning conditions, and planning obligations *required by the Council*; reasonable development profit, and; marketing, sales and financing costs.
  - b) The value of the site will take into account the current value of the site given its existing use and any realistic alternative use (apart from housing) to determine the price for which a reasonable landowner would be willing to sell, with undevelopable land, planning requirements and abnormal development costs reducing that price. If a developer has paid a higher price for the land than that was at their risk and will deliver reduced profit. Indicative land values from the Plan Viability Study, applicable to the gross

area of a site excluding land with no existing use or realistic alternative use, are as follows:

Small edge of village sites:	£240,000 / ha (exception sites) to £360,000 / ha (other sites)
Other Greenfield land:	£236,000 / ha (large sites) to £330,000 / ha (smaller sites)
Urban Brownfield land with viable alternative use:	£370,000 / ha (vacant sites) to £444,000 / ha (sites in current use) <sup>7</sup>

- c) Reasonable development profit will vary depending on the riskiness of the development which is affected by size, complexity, infrastructure requirements, remediation costs, etc.
- d) The value of the development means the market value of the *mainstream housing (market housing and affordable housing)* and the market value of plots for any other uses.

6.19 Providing supporting evidence on an open book basis means providing sufficient information to be able to verify all costs and values. Where development has already been carried out on the site or by the developer on a nearby site, this will include evidence of the actual costs incurred and values achieved (ignoring marketing incentives). Clear justification will be required if costs exceed evidence on standardised figures. Site specific evidence (cost estimates) should be provided by the applicant and benchmarked against comparable market evidence, where relevant. The NPPF states that all viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available. However the Council undertakes to keep commercially sensitive information confidential to protect the applicant and developer's business interests where requested.

6.20 The Council will provide on request an estimate of its costs to assess a development appraisal for a particular development and will advise the applicant of the revised estimated cost if this subsequently increases. The Council will only take account of an applicant's development appraisal if the applicant agrees to pay these costs and once the applicant has paid them to the Council.

6.21 Providing all necessary supporting evidence is provided and these costs are paid, the Council will use the development appraisal to determine the

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<sup>7</sup> Source of figures: Chapters 4 and 9 of the East Staffordshire Local Plan and CIL Viability Assessment 2014

optimum package of obligations which can be provided. The Council will also consider whether this is sufficient to make the development acceptable and hence whether planning permission should be granted. The Council may also provide grant funding to make a greater amount of Affordable housing viable, or it may require an amount of Affordable housing subject to grant being secured.

6.22 Where the viable amount of Affordable housing on a development is shown by a development appraisal to be less than the policy requirement, approval may be subject to one or more of the following three provisions:

- a. Agree a reduced level of affordable housing based on the findings of the Councils assessment of the evidence submitted by the applicant.
- b. Agreement of a review mechanism. This will define an appropriate trigger point (or more than one on a large scheme which will be developed over many years) when the applicant will provide an updated development appraisal for the remainder of the development, based on updated evidence. This will determine the proportion of *Affordable housing* required from the remainder of the development. (The contribution from dwellings already completed will be subject to the overage mechanism explained below).
- c. Agreement of an overage mechanism. This means that the applicant will report to the Council what value was realised (from the prices paid by purchasers), and where this was higher than the value expected in the development appraisal, the developer shall pay to the Council 75% of the additional value sufficient to bring the total *Affordable housing* contribution up to the otherwise required percentage. If a development is subject to a review mechanism, the overage mechanism will apply to dwellings completed up to the first trigger point.

6.23 There have been circumstances at the outline application stage where an agreed viability point and therefore a % affordable housing required either on or off site has not been agreed between the Borough Council and an applicant. In these circumstances where there are too many unknown issues at the outline stage to be able to robustly fix the % affordable housing, 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.

## **Amount of *on-site* Affordable housing provision and off commuted sum**

- 6.24 Policy SP17 requires on-site provision with the balance of the Affordable housing requirement commuted off-site. There are a couple of exceptions which include the following:
- on-site Affordable housing will not normally be required from blocks of flats in Burton if it could only be provided in a mixed tenure block.
- 6.25 Affordable housing commuted off-site in accordance with this document shall be at the rate of £40,000 per Affordable Housing dwelling (pro-rata). The evidence for the rate can be found in Appendix 1.
- 6.26 The commuted sum in lieu of Affordable Housing is payable in four equal instalments prior to occupation of more than 20%, 40%, 60% and 80% of all qualifying market housing. Please see worked examples in the appendices demonstrating application of the policy.
- 6.27 The Council will spend commuted sums on measures to address housing need within the Borough, for example by funding repairs to existing housing so that the occupants no longer need Affordable housing, construction of Affordable housing, or purchase of existing homes for Affordable housing.

### **Extension of an earlier permission**

- 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. 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.
- 6.29 An applicant can choose to provide their development appraisal to show that a smaller amount of *Affordable housing* is viable. In this case the development

appraisal needs to be for the cumulative development, and hence to include both the proposed development and the already approved development.

## **S106 Agreement**

- 6.30 Planning permission will be subject to agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to provide the required Affordable Housing contribution.
- 6.31 Outline planning permission will be subject to agreement to provide the required percentage of Affordable housing dwellings (the on-site provision) and the formula for calculation of an Affordable housing sum (the commuted sum) as the required percentage of qualifying dwellings multiplied by £40,000. Hence the split between on-site and commuted sum will be fixed at outline approval stage; however the S106 agreement will allow that this can be revised with the written agreement of the Council as necessary.
- 6.32 For outline permission of development to be delivered in more than one phase, the Section 106 Agreement will deal with how on-site Affordable housing will be distributed between phases, with the default expectation being the same percentage of Affordable housing on each phase. It may also apply the instalments provision in 0 to individual phases.
- 6.33 Full planning permission will be subject to agreement to provide a specified number of Affordable housing dwellings (the on-site provision) and a defined Affordable housing sum (the commuted sum).
- 6.34 A cap mechanism was employed in a previous SPD only to deal with an unforeseen increase in other S106 costs which may not have been allowed for in the then most recent viability assessment. However an appropriate level of other S106 costs has now been allowed for in the Plan viability assessment, to the satisfaction of the Local Plan Inspector, and hence there is no need for the cap mechanism under the new Plan.

## **How to incorporate affordable housing into the design and layout of developments**

- 6.35 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.
- 6.36 Affordable housing needs to be dispersed around the site in clusters of no more than 8 dwellings and so that no street or part of a street is dominated by Affordable housing. Hence clusters of Affordable housing need to be surrounded on each side along the street and across the street by market housing
- 6.37 Affordable housing needs to be externally indistinguishable from market housing on the same site.

### **On-site Affordable housing mix**

- 6.38 The revised NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. The NPPF sets out where exemptions to this requirement should also be made.
- 6.39 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
- 6.40 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.
- 6.41 Where a development of entirely Housing for Older People market housing is appropriate the Affordable housing associated with that development can be for older people. The affordable housing in this case could therefore be the same type of housing the only difference being that the cost/management of it.

## **Affordable housing led development**

- 6.42 Affordable housing led development means residential development which is entirely or predominantly affordable housing. Hence this is typically development carried out by or for Housing Associations.
- 6.43 The Council welcomes appropriately planned Affordable housing led development which helps to deliver the Affordable housing needed in the area.
- 6.44 New housing development needs to help create and maintain sustainable and inclusive mixed communities. Affordable housing led development needs to be planned to achieve this, for example through appropriate design which reflects and integrates the new Affordable housing into the existing community.
- 6.45 However there remains the risk that Affordable housing led development of larger sites can create segregation of social housing, sustainability concerns, and polarisation within the community.
- 6.46 Developers therefore need to discuss sites with the Council at the earliest opportunity and before designing a development to agree what mix of housing, including affordable housing will be appropriate.
- 6.47 As a guide, developments of exclusively Rented Affordable housing for General needs should not normally contain more than 25 dwellings. 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, Owner-occupied Affordable housing where appropriate, or Self-build plots, in order to enhance the inclusivity and sustainability of the development.
- 6.48 Where different types and tenures of housing are included, these need to be as fully integrated as possible by means of dispersal around the site.

## 7. Entry Level Home Ownership exception sites and Rural Exception Sites

- 7.1 There are two types of exception sites. These are rural exception sites in accordance with Strategic Policy 18 of the Local Plan and Entry Level Exception sites as defined by the NPPF.
- 7.2 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 need identified must derived from a detailed local housing needs survey, details of which are set out later in this chapter.
- 7.3 Entry Level Exception Sites were introduced in the NPPF in 2018. These sites are outside of but adjacent to existing settlements, on land that is not already allocated for housing. The expectation is that this will enable development on cheaper land, thereby delivering affordable homes; all homes on Entry Level Exception Sites must be affordable.
- 7.4 The NPPF states that local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:
- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and
  - b) be adjacent to existing settlements, proportionate in size to them<sup>8</sup>; not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.
- 7.5 It is important that applicants who make an application for an entry-level exception site demonstrate that the need for such homes is not being met. It is also important that applicants refer to the Strategic Housing Market Area Assessment which concludes on the affordable housing need for the Borough. Much of the need in the Borough is for affordable rent, not affordable home ownership.
- 7.6 The Exception Sites policy enables the development of Affordable housing and Traveller pitches to meet local need in rural settlements where this cannot be achieved within settlement boundaries or on allocated sites or where no such boundary or sites exist. Such development is an exception to the policy

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<sup>8</sup> Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.

that most development will take place within settlement boundaries, and sites on which such development is permitted are therefore called Exception Sites.

- 7.7 To justify such development an applicant will firstly need to demonstrate the need for Affordable housing within the area or the need for Traveller pitches in the local area.
- 7.8 The Council will then need to be satisfied that the need will not otherwise be met, from turnover of existing Affordable housing or Traveller pitches, or from new development within settlement boundaries or on approved Exception Sites.
- 7.9 Assessments of the need for housing and for Traveller pitches are independent of each other. Hence there is no need to assess the need for housing to justify development of Traveller pitches, and no need to assess the need for Traveller pitches to justify development of housing. However both assessments will be needed to justify development which includes both housing and Traveller pitches.
- 7.10 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. Applicants would be expected to provide more detailed information on the current need within the area for which the development is proposed.

## **STRATEGIC POLICY 18**

### **Residential Development on Exception Sites**

Where the Council is satisfied in the light of evidence that there is a need for new affordable housing or Traveller pitches which will not otherwise be met, permission may be granted for a small development to specifically meet that need on a suitable site outside a settlement boundary provided that:

- Evidence of need is provided in accordance with the Housing Choice SPD;
- The development will specifically meet the assessed need;
- The site is within or on the edge of a settlement;
- The site is within easy reach of local services and facilities;
- The scale of development is appropriate given the size of the existing settlement;
- The majority of units (dwellings and pitches) provided on the site will be affordable housing or Traveller pitches to meet the need. A minority of the

units provided may deliver a mix of market housing that is appropriate to meet local need based firstly on a housing needs survey and secondly on other evidence of need in that part of the Borough;

- Permission will be subject to agreement of cascade arrangements to provide priority in perpetuity for local people;
- Occupation of Traveller pitches will be restricted to Gypsies, Travellers and Travelling Showpeople;
- Affordable housing will remain affordable in perpetuity.
- The development complies with other relevant policies in this Plan.

7.11 Where the Council is satisfied that a need for development has been evidenced, permission may be granted for a small development to specifically meet that need on a suitable site outside a settlement boundary provided that:

- a) The development will specifically meet the assessed need for *Affordable housing* or *Traveller pitches*. This means that the site will meet all the identified need if at all possible. Sites that would only provide housing for members of the site owner's family will not be permitted (unless that is the only need identified) since the objective is to ensure that all need for *Affordable housing* is met, not to benefit only those whose families own land;
- b) The site is within or on the edge of a settlement. This will normally mean adjacent to existing development which is clearly situated within a recognised Tier 3 village or adjacent to a Tier 1 or 2 village settlement boundary;
- c) The site is within easy reach of local services and facilities. This ideally means that there are services and facilities in the settlement or in a nearby settlement which are accessible without the use of a private motor vehicle. Weighing of this issue will consider the types of household for which development is proposed;
- d) The scale of development is appropriate given the size of the existing settlement. Appropriate scale means amounting to only a modest proportionate increase in the size of the settlement.

- 7.12 Exception Site development is only justified by need for Affordable housing or Traveller pitches, and this need must be met first. Affordable housing means housing as defined in Chapter 3. The mix of Affordable housing provided will be in accordance with the identified need which will not otherwise be met.
- 7.13 However a site may also provide market housing amounting to less than 50% of units (dwellings and pitches). The mix of market housing provided will be in accordance with the local need identified by the housing needs survey, firstly market housing for households who need alternative housing, followed by market housing for households wanting alternative housing. Any additional market housing dwellings shall each not exceed 93 m<sup>2</sup> Gross Internal Area (GIA), to contribute to the wider need in rural areas for smaller dwellings.
- 7.14 The number of Traveller pitches allowed will not be more than the number shown to be needed.
- 7.15 To ensure integration into the community, Traveller pitches on Exception Sites must provide permanent accommodation not transit accommodation.

## **Occupation**

- 7.16 To ensure that development on Exception Sites meets and continues to meet local need, permission for housing other than rented Affordable housing and permission for Traveller pitches will be subject to agreement of cascade arrangements to provide priority in perpetuity for local people. The cascade arrangements will be part of the S106 agreement and will continue to apply to the land in perpetuity.
- 7.17 The cascade arrangements will require that once built the homes or pitches shall firstly be offered to the households identified by the housing needs survey as having the need.
- 7.18 The cascade arrangements will also normally specify that for the first four weeks the home or pitch can only be sold or transferred to and occupied by a person who is local to the parish in which the site is situated. That for the following 9 weeks the home or pitch can only be sold or transferred to and occupied by a person who is local to the Housing Market Area as defined by the Council. That if no such occupier has been secured within 13 weeks, that the home or pitch can then be sold or transferred to a person who is not local.
- 7.19 The definition of 'local' can be agreed with the Council by the local Parish Council, or by the Community Land Trust developing the site. Failing that 'local' will normally be defined as being:

- a) Continuously resident in the parish/area for at least the last 5 years; or
- b) Having lived in the parish/area at some point for at least 30 years; or
- c) Previously a resident of the parish for at least 5 years and with family (parent, child, brother or sister) currently living in the parish/area; or
- d) Current or confirmed permanent employment in the parish/area; or
- e) Continuously resident in the parish/area for the last year and a need to remain living in the parish so that children can remain at their primary school.

7.20 The Council's Allocation Scheme will provide priority access to Rented Affordable housing for local people.

7.21 Occupation of Traveller pitches will be restricted to Gypsies and Travellers and Travelling Showpeople who own the site or who occupy under a long lease.

7.23 Starter Homes will not be supported as part of the affordable housing component on Rural Exception Sites as such housing must remain affordable in perpetuity.

## 8. Strategic Policy 19: *Gypsy and Traveller Sites*

8.1 In accordance with national guidance, the specific planning criteria in Strategic Policy 19 have been adopted to reflect the special characteristics of Sites for Gypsies, Travellers and Travelling Showpeople, and to ensure that they meet the needs of occupiers and are successfully integrated into the wider community.

### STRATEGIC POLICY 19

#### Sites for Gypsies, Travellers and Travelling Showpeople

In assessing the suitability of sites for residential and mixed use occupation by Gypsies, Travellers and Travelling Showpeople, and for the purposes of considering planning applications for such sites, proposals will be supported where the following criteria are met:

- The site affords good access to local services including schools;
- The site is not at risk of flooding or adjacent to uses likely to endanger the health of occupants such as a refuse tip, sewage treatment works or contaminated land;
- The development is appropriate in scale compared to the size of the existing settlement;
- The development will be able to achieve a reasonable level of visual and acoustic privacy both for people living on the site and for those living nearby;
- The development will provide a high quality frontage onto the street which maintains or enhances the street scene and which integrates the site into the community;
- The development will be well-laid out to provide adequate space and privacy for residents;
- The development complies with relevant national planning policies;
- The development complies with the other relevant policies in this Plan.

If and when a need is identified, the Council will set pitch targets and/or plot targets accordingly and will identify a site or sites to meet the need through a Development Plan Document as necessary.

- 8.2 Sites for Gypsies, Travellers and Travelling Showpeople means sites providing any number of Traveller pitches.
- 8.3 Traveller pitches mean pitches for residential occupation of caravans by Gypsies and Travellers or Travelling Showpeople, together with ancillary development e.g. amenity blocks and, where applicable, business use.
- 8.4 Development of Traveller pitches within settlement boundaries or on sites allocated in a Development Plan Document does not need to be justified by showing a need.
- 8.5 Traveller pitches may be permitted on Exception Sites in accordance with Chapter 4 where need is demonstrated in accordance with Chapter 6.
- 8.6 There is no Affordable housing requirement from Traveller pitches.

### **Gypsies and Travellers**

*DEFINITION: Persons of nomadic habit of life including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel.*

### **Travelling showpeople**

*DEFINITION: Members of a group organised for the purposes of holding fairs, circuses or shows. This includes such persons who on the grounds of their own or their family's or dependents' more localised pattern of trading, educational or health needs or old age have ceased to travel.*

## **9. Evidencing Need**

### **Housing needs surveys**

- 9.1 Chapters 2 and 5 explain when a housing needs survey is needed to support an application for housing development outside Burton, Uttoxeter and the Strategic Villages.
- 9.2 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.
- 9.3 A survey will be valid if it has been carried out (questionnaires returned) no earlier than 3 years before the date a valid outline or full planning application is made.
- 9.4 Hence a housing needs survey will need to be carried out once a specific development opportunity is being promoted, unless valid survey results already exist e.g. from the development of a Neighbourhood Plan or a previous development proposal.
- 9.5 A housing needs survey will assess need in one or more civil parish council areas, with the Council needing to agree that the survey area is appropriate. The Council expects that all surveys will be carried out by or in cooperation with the relevant Parish Council(s).
- 9.6 To be valid evidence of need, a survey must involve an appropriately designed questionnaire being delivered to all dwellings in the survey area giving sufficient time and opportunity for response.
- 9.7 The Council will in all cases need to see all the evidence including the returned questionnaires and assessment, so that it can ensure that the assessment is robust, consistent and fair. Questionnaires must therefore make clear that the information will be shared with the Council but not with anyone else.
- 9.8 The anonymous results of a survey must be made publically available and may be published by the Council.

## **Survey questions**

- 9.9 Surveys need to invite all households and emerging households living in the survey area to answer questions about:
- a) Their current housing
  - b) Whether and why their current housing has become inadequate
  - c) What sort of other housing they need or want and why
  - d) How long they have been living in the survey area
  - e) Whether and why they need or want to remain living in the survey area
  - f) About their ability to meet their needs, in other words their level of savings, equity and income
  - g) How long they can wait for suitable housing
- 9.10 The Council will be pleased to supply a model questionnaire on request.

## **Assessment of surveys**

- 9.11 A household needs alternative housing if its current home has become inadequate because:
- a) It is tied accommodation and the worker will reach retirement age within 5 years; or
  - b) It is too small as defined by Housing Benefit entitlement; or
  - c) It is unaffordable or unmanageable e.g. because it is too large; or
  - d) It does not meet their needs because they have specific requirements e.g. disability; or
  - e) It requires repairs or improvement and they cannot afford the necessary works; or
  - f) It is being harassed in their accommodation; or
  - g) It needs to move to be able to retain employment; or
  - h) It needs to move within the area to be able to receive or give care to a relative or dependant; or

- i) A household member aged 21+ is seeking independent accommodation.
- 9.12 A household which needs alternative housing is deemed to need housing within the survey area if:
- a) It has expressed sufficient reason to remain living in the area; and
  - b) At least one member of the household has been habitually resident in the area for the last 5 or more years; and
  - c) It can wait until new housing can be built.
- 9.13 If a household needs alternative housing within the survey area, the tenure of housing it needs must then be established by comparing its financial means with the prices of local market housing and owner-occupied Affordable housing.
- 9.14 If a household needs Affordable housing then the number of bedrooms it needs is deemed to be:
- a) In *rented Affordable housing* its entitlement under the Council's Housing Allocation Scheme or under Housing Benefit/Universal Credit depending on the circumstances of the particular household.
  - b) In *owner-occupied Affordable housing* its entitlement under Government Help to Buy Shared Ownership.
- 9.15 Local need for housing also includes the housing sought by resident households who do not satisfy the criteria above but who want to move to different accommodation in the survey area.

### **Need for Traveller pitches on Exception Sites**

- 9.16 "Traveller" in this context means Gypsies and Travellers and Travelling Showpeople.
- 9.17 Applicants wishing to evidence a need for Exception Site development of Traveller pitches in the Borough are invited to contact the Council at the earliest opportunity. Each case will be assessed on its merits.

9.18 To demonstrate need for Exception Site development of a *Traveller pitch or pitches an applicant simply needs to do the following:*

- a) Show that the intended occupiers qualify as *Gypsies and Travellers or Travelling showpeople*; and
- b) Show that the intended occupiers need a pitch – see below; and
- c) Show that they have a connection to the local area – see below.

9.19 A Traveller household needs a pitch if:

- a) It lives in a caravan but has or will soon have no authorised site anywhere on which to reside (including if temporary permission is coming to an end); or
- b) Its existing caravan site accommodation is overcrowded or unsuitable; or
- c) It is a newly forming household including at least one person aged 21+ which has no pitch on which to set up a separate family unit; or
- d) It is a household living in bricks and mortar housing which is overcrowded or unsuitable, including unsuitable because the household has a medically confirmed psychological aversion to bricks and mortar accommodation, which wishes to return to caravan dwelling.

9.20 The local area means the area within 10 miles of the proposed site. A connection includes:

- a) currently settled in the local area;
- b) frequent travel to the local area;
- c) regular or frequent work in the local area;
- d) children attend school in the local area;
- e) family settled in the local area;
- f) previously settled in the local area.

## Glossary

**Affordable housing:** housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

**Affordable housing led residential development:** Residential development which is entirely or predominantly Affordable housing.

**Affordable Rented housing:** Housing which is let by a Registered Provider of Social Housing to a person allocated that Dwelling in accordance with the Council's Allocation Scheme at a controlled rent of no more than 80% of the local market rent.

**Building Regulations Part M:** As defined in the Approved Document 2015 edition for use in England or its replacement.

**Care homes and Nursing homes:** Residential institutions providing accommodation with shared facilities together with support and/or care.

**Discounted Sale housing:** Housing which is sold in perpetuity to an eligible person for their occupation at not more than 60% of the open market value. In addition it shall not be extended, and shall not be let other than to an eligible person at a rent no greater than 60% of the market rent.

**Duplex/Tyneside Flats:** A building providing one flat on the ground floor and one flat on the first floor, each with a separate entrance, so that the building resembles a single two-storey dwelling.

**Dwelling:** An individual self contained unit of accommodation containing the normal facilities for cooking, eating, washing and sleeping associated with use as a dwelling house. Includes self contained units within a development which may also provide communal facilities and services and non self contained accommodation.

**Eligible household:** A person and their household who is unable to pay the Capital Value of the Affordable Housing Unit as verified in writing by a financial advisor or a mortgage advisor and who intends to occupy the Dwelling as his/her home.

**ESLP:** The East Staffordshire Local Plan 2012 – 2031.

**Extra-care Housing:** A development of clustered dwellings and communal facilities for households with varying care needs where overnight on site care services will be available to occupiers so that they are able to remain in their own homes as their care needs increase. May also include accommodation for staff.

**General needs:** Affordable housing provided without support and not designated for a particular type of household.

**Greenfield land:** A general term to describe all sites that have not previously been developed.

**Greenfield sites:** Sites which are predominantly Greenfield land.

**Ground floor living accommodation:** Any room on the ground floor apart from toilets, bathrooms and utility rooms.

**Gross Internal Area:** The total floor space measured between the internal faces of perimeter walls that enclose the dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs, garages and conservatories. The internal face of a perimeter wall is the finished surface of the

wall; for a detached house, the perimeter walls are the external walls that enclose the dwelling, and for other houses or apartments they are the external walls and party walls.

**Gypsies and Travellers:** Persons of nomadic habit of life including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel.

**Housing for Older People:** Bungalows or houses which are specifically designed with older people wanting to downsize in mind, offering for example a downstairs bathroom and/or a level access or low threshold shower. These are mainstream market dwellings which will be sold freehold without any age restriction or requirement to pay service charges. Applicants will need to evidence that proposed dwellings have been designed with older people in mind.

**Intermediate Housing:** Discounted Sale housing and Shared Ownership housing.

**Mainstream housing:** Dwellings that are not: Extra-care housing, Retirement housing, Self-build housing, and Market housing for Rent.

**Market housing:** Dwellings that are not Affordable housing.

**Market Housing for Rent:** A development of dwellings which will be owned by an Institutional Investor or Registered Provider of Social Housing which will let the individual dwellings to individual household occupiers at market rents for at least 10 years following completion. An Institutional Investor means a pension fund, mutual fund, money manager, insurance company, investment bank, commercial trust, endowment fund or hedge fund which is investing clients' monies. Approval of *Market Housing for Rent* will be subject to conditions and/or obligations to ensure it meets this definition.

**Market housing led residential development:** Residential development of predominantly market housing.

**Neighbourhood Plan:** Neighbourhood Plans, or Neighbourhood Development Plans, were introduced by the Localism Act 2011. The term may also be used by some to refer to Neighbourhood Development Orders, which were also introduced by the Localism Act 2011 and are a second tool to enable neighbourhood planning. Communities will be able to prepare neighbourhood planning documents, outlining how they envisage their area developing in the future.

**Newly built:** Newly constructed, excluding housing created by converting an existing building.

**Open book basis:** Providing sufficient information to verify all costs and values.

**Owner-occupied Affordable housing:** Shared Ownership housing and Discounted Sale housing.

**Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-development but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

**Qualifying dwellings:** All dwellings (Use Classes C3 and C4) except for: dwellings to be built on Self-build plots of up to 250 square metres in size; Retirement housing; Extra-care housing; and Market housing for rent.

**Rented Affordable housing:** Social Rented housing and Affordable Rented housing. Needs to contain fixtures and fittings to the standard normally expected by Registered Providers of Social Housing.

**Residential development:** Any development of housing, including housing as part of a mixed use development

**Retirement housing:** A development of clustered dwellings and communal facilities meeting requirement M4(3) of the Building Regulations (wheelchair user dwellings) with occupation restricted to older people. May also include other accommodation for staff.

**Self-build:** A dwelling which an individual (or dwellings which an association of individuals) builds itself or has built by a builder it chooses, on land it owns, to a design that it chooses, to be occupied by that individual (those individuals) as their sole or main residence (not as a second home). Hence the building of a dwelling on a plot acquired from a builder who builds the dwelling wholly or mainly to plans or specifications decided or offered by them does not qualify as *Self-build* under the ESLP.

**Self-build Plot:** A serviced plot which will be sold to an individual household which will build, or have built by a builder unrelated to the vendor, a dwelling for its own

occupation. Serviced means with access to a public highway and connections for electricity, water and waste water.

**Serviced:** with access to a public highway and connections for electricity, water and waste water.

**Settlement boundary:** The boundary of the settlement as defined in the ESLP.

**Shared Ownership housing:** Housing which shall be occupied by eligible persons on a part rent/part sale basis under a HCA model lease or equivalent where the rent does not exceed 3% of the balance of the capital value and annual rent increases are limited to the Index plus 0.5%. In addition the initial leasehold interest shall be a 25% to 75% share of the capital value and the occupier shall have the right to increase his ownership share by purchasing additional equity over time at minimum points of 5% and at a price reflecting the capital value of the share being acquired at the date of acquisition but subject to statutory restriction of the maximum share which can be acquired.

**Sites for Gypsies, Travellers and Travelling Showpeople:** Sites providing any number of Traveller pitches.

**Social Rented housing:** Housing which is let by a Registered Provider of Social Housing to a person allocated that dwelling in accordance with the Council's Allocation Scheme at a rent determined through the national rent regime (Rent Influencing Regime guidance).

**Specialised accommodation:** Extra-care housing, Retirement housing, Self-build housing, Traveller pitches, Market housing for Rent, and Care homes and Nursing homes.

**Specialised housing for older people:** Extra-care housing and Retirement housing.

**Strategic villages:** Barton under Needwood, Rocester, Rolleston on Dove and Tutbury

**Sustainable Urban Extensions:** Development sites defined in ESLP Strategic Policy 7.

**Traveller pitches:** Pitches for residential occupation of caravans by Gypsies and Travellers or Travelling Showpeople, together with ancillary development eg amenity blocks and, where applicable, business use.

**Travelling showpeople:** Members of a group organised for the purposes of holding fairs, circuses or shows. This includes such persons who on the grounds of their own or their family's or dependents' more localised pattern of trading, educational or health needs or old age have ceased to travel.

**Within and on the edge of Burton and Uttoxeter:** Within the Settlement boundary of either town defined in the East Staffordshire Local Plan 2012-2031.

## Appendix 1 – Calculation of £40,000 off site affordable housing contribution

SHMA Figures 8.25 and 82.6 identify the identified need for affordable housing which can be met offsite using Commuted Sums:

Figure 1

	1- bedroom	2- bedroom	3- bedroom	4- bedroom	Total
Extra-care Intermediate supply	16	9	0	0	25
Owner occupation in Inner Burton	24	6	0	0	30
<b>Total Intermediate need</b>	<b>40</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>55</b>
Extra-care rented affordable supply	12	3	0	0	15
Larger owner-occupier homes	0	0	0	6	6
<b>Total Rented need</b>	<b>12</b>	<b>3</b>	<b>0</b>	<b>6</b>	<b>21</b>
Total need which can be met offsite	52	18	0	6	76

The floorspace of the onsite affordable housing which would meet this need has then been calculated as follows, to determine the average size of affordable housing needed to meet this need.

Figure 2

	1- bedroom	2- bedroom	3- bedroom	4- bedroom	Total
<b>Total Intermediate need</b>	<b>40</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>55</b>
Size of dwellings (sq m)	50	70			
Total floorspace (sq m) (need x size)	2,000	1,050			3,050
<b>Total Rented need</b>	<b>12</b>	<b>3</b>	<b>0</b>	<b>6</b>	<b>21</b>
Size of dwellings (sq m)	45	70		110	
Total floorspace (sq m) (need x size)	540	210		660	1,410
<b>Total floorspace (sq m)</b>					<b>4,460</b>
Average floorspace (4460 / 76)					58.7

The opportunity cost to a developer of providing this affordable housing has then been calculated as follows, using values from Plan Viability Study Table 9.8:

Figure 3

	Market	Intermediate	Affordable Rent
Typical Value (£/sq m)	£2,000	£1,400	£1,000
Opportunity Cost (£/sq m)		£600	£1,000
Floorspace (from Table 2)		3,050	1,410
Total opportunity cost		£1,830,000	£1,410,000
		£3,240,000	
Average floorspace (sq m) (from Table 2)		58.7	
Average opportunity cost (Total / average floorspace)		£42,632	

£42,632 has been rounded down to £40,000.

Note on application:

The Council only proposes more than 13% onsite affordable housing on village sites (Strategic Policy 17 Option 3).

Plan Viability Study Table 10.5 shows that there is very large headroom on greenfield village sites, more than sufficient to absorb the difference between £40,000 and £42,632.

## Appendix 2: Worked Examples

**Example 1:** Demonstration of commuted sum off site instalments for 73 qualifying market dwellings

- 20% = 14.6
- First instalment payable before *more than 14 dwellings* are occupied = before occupation of the 15<sup>th</sup> dwelling
- 40% = 29.2
- Second instalment payable before *more than 29 dwellings* are occupied = before occupation of the 30<sup>th</sup> dwelling
- Etc

The following examples set out the application of policy in this respect.

In Burton and Uttoxeter (including urban extensions) 13% of qualifying dwellings - rounded up to the next whole number - will normally need to be provided as on-site Affordable housing. Applicants should anticipate this requirement when preparing an outline application, but are advised to check with the Council before preparing a full application.

**Example 2:** 180 qualifying dwellings on an urban extension to Uttoxeter

- 33% Expected Affordable housing requirement
- $180 \times 33\% = 59.4$  Total Affordable housing requirement
- $180 \times 13\% = 23.4$  rounded up to 24 dwellings on-site
- $59.4 - 24 = 35.4$  dwellings commuted off-site.
- $35.4 \times \text{£}40,000 = \text{£}1,416,000$  commuted sum
- $\text{£}1,416,000 / 4 = \text{£}354,000$  equal instalments
- $180 - 24 = 156$  market dwellings
- Instalments payable before occupation of more than 31, 62, 93 and 124 market dwellings

In the Strategic villages of Barton under Needwood, Rocester, Rolleston on Dove and Tutbury, the Council will advise on request what proportion of on-site Affordable housing needs to be provided to meet local need. An applicant who disagrees with the Council can carry out and provide the results of a housing needs survey to demonstrate that a different amount of on-site provision is needed. When preparing an application for up to 10 dwellings applicants can assume that the maximum number of on-site Affordable housing dwellings will be required.

### **Example 3:** 9 qualifying dwellings in a Strategic Village

- 40% Expected Affordable housing requirement
- $9 \times 40\% = 3.6$  total affordable housing requirement
- Maximum number required on-site
- 3 Affordable housing dwellings on-site
- $3.6 - 3 = 0.6$  dwelling commuted off-site
- $0.6 \times £40,000 = £24,000$  commuted sum
- $£24,000 / 4 = £6,000$  equal instalments
- $9 - 3 = 6$  market dwellings
- Instalments payable before occupation of more than 1, 2, 3 and 4 market dwellings

Elsewhere in the Borough, all applications for housing development at or above the Affordable housing threshold must be accompanied by the results of a housing needs survey which will demonstrate the amount and mix of Affordable housing required to meet local need. These sites shall then provide the maximum number of on-site Affordable housing dwellings towards that need.

### **Example 4:** 18 qualifying dwellings in a Tier 2 Village

- 40% Expected Affordable housing requirement
- $18 \times 40\% = 7.2$  dwellings total affordable housing requirement
- The housing needs survey shows a need for 5 Affordable housing dwellings to meet local need
- 5 Affordable housing dwellings on-site
- $7.2 - 5 = 2.2$  dwellings commuted off-site
- $2.2 \times £40,000 = £88,000$  commuted sum
- $£88,000 / 4 = £22,000$  equal instalments
- $18 - 5 = 13$  market dwellings
- Instalments payable before occupation of more than 3, 5, 8 and 10 market dwellings

**Example 5:** A development of 200 dwellings was approved in July 2012. The scheme will provide 30 affordable houses on site and an off site contribution of £1 million. An extension is proposed that will provide a further 100 dwellings.

### Stage 1

The relevant percentage is applied to the cumulative total number of dwellings on the approved development and the currently proposed development. This gives the target amount of affordable housing of 99 dwellings overall



### Stage 2

The amount of on-site affordable housing agreed before adoption of this document is multiplied by 1.27 to determine the equivalent value of on-site under new policy. This is to reflect the fact that the on-site affordable housing required previously was more expensive to provide.

*Example continued: The approved development is providing 30 on-site affordable dwellings.  $30 \times 1.27$  equates to 38.1 affordable dwellings under this document.*



### Stage 3

The total of commuted sums already agreed is divided by £40,000 to determine the equivalent value of off-site *Affordable housing* under this document.

*Example continued: The approved development is also providing a commuted sum of £1m. £1m divided by £40,000 equates to 25 affordable dwellings under this document.*



#### Stage 4

The sum of those two equivalent values is deducted from the target amount of *Affordable housing*. This is then the amount of *Affordable housing* required from the proposed development, subject to a cap of 40% *Affordable housing*.

*Example continued: 38.1 + 25 equals 63.1 equivalent affordable dwellings already secured. 99 minus 63.1 leaves 35.9 dwellings to be provided by the new development. This is 35.9% of the further 100 dwellings, and since this is less than 40%, this is the amount of Affordable housing required.*