

# **Affordable Housing Supplementary Planning Document**

## **STATEMENT OF CONSULTATION**

*August 2017*

### **1.0 Introduction**

- 1.1 This consultation statement has been prepared in accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012. It supports the Affordable Housing Supplementary Planning Document (SPD), which was published for public consultation between 26 May and 21 July 2017.
- 1.2 A Supplementary Planning Document (SPD) is a planning policy document that builds upon and provides more detailed advice or guidance on the policies in a Local Plan. SPDs are material planning considerations in the determination of planning applications.
- 1.3 In preparing a SPD, local authorities are required to publish a Statement of Consultation setting out:
- Who was consulted during the preparation of the SPD;
  - How they were consulted;
  - The main issues raised in response to the consultation;
  - How those issues were addressed in the SPD.
- 1.4 The Affordable Housing SPD provides detailed explanation in support of the implementation of Policy D5: Housing of the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). It contains advice relating to the standards required of the range of residential sites in order to deliver the affordable housing necessary to meet local needs.

### **2.0 Who was consulted?**

- 2.1 Eastbourne Borough Council maintains a mailing list of all bodies, organisations and individuals that have previously asked to be kept informed about the preparation of planning policy documents. All stakeholders on the mailing list are notified by email or letter of any planning policy consultation being undertaken.

- 2.2 The precursor of the Affordable Housing SPD was an Affordable Housing Implementation Technical Note. This was informed by a three week targeted consultation with key stakeholders including planning agents, developers, consultants and those with an interest in housing matters. In addition, local planning agents and architects were invited to a workshop/forum to work through the requirements of the housing policy, and discuss the implications for developers and applicants. This was a successful event and provided positive feedback on the approach the Council are taking.
- 2.3 The Affordable Housing SPD evolved from the Affordable Housing Implementation Technical Note, taking into account changes in national policy and guidance, and updated information on development viability, to update the position relating to affordable housing contributions sought from development.
- 2.4 A draft Affordable Housing SPD was published for consultation with the local community and other stakeholders for an 8 week period between 26 May and 21 July 2017. All consultees on the mailing list were informed of the consultation, and those who had signed up for 'Planning Policy' notifications via the EBC website were also informed. This amounted to approximately 2,700 people and organisations.

### **3.0 How were they consulted?**

- 3.1 The initial Affordable Housing Implementation Technical Note was produced in February 2013 and subject to targeted consultation with key stakeholders including planning agents, developers, consultants and those with an interest in development matters between 20 February and 13 March 2013.
- 3.2 In addition, a planning agent's workshop/forum took place on Thursday 21 February 2013 to work through the requirements of the housing policy, and discuss the implications for developers and applicants.
- 3.3 Throughout the preparation of the SPD, internal discussions and meetings have taken place. Frequent meetings also took place between key officers and councillors on the Local Plan Steering Group.
- 3.4 Eastbourne Borough Council's Cabinet approved the draft Affordable Housing SPD for the purposes of public consultation on 24 May 2017.
- 3.5 The document was published for a period of consultation prior to its adoption in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 3.6 The consultation took place over an 8-week consultation commencing on Friday 26 May until Friday 21 July 2017.
- 3.7 Consultation on the Draft Affordable Housing SPD was undertaken in accordance with the proposals within the SCI. The consultation was promoted to the local community and other stakeholders via:
- Letters or emails sent to the stakeholders on the mailing list (including statutory consultees).
  - Emails sent to all those who had signed up for 'Planning Policy' notifications through the EBC website
  - A Public Notice in the Eastbourne Herald on 26 May 2017
  - Posts on the EBC social media platforms.
- 3.8 Specific and general consultation bodies, other organisations, residents and businesses and stakeholders that were on the Local Plan Mailing List were informed of and invited to participate in the consultation. In addition, those who had signed up for 'Planning Policy' notifications via the EBC website were also informed. This amounted to approximately 2,700 people and organisations.
- 3.9 Consultees were given the option to respond to the consultation by:
- Commenting on the Draft Affordable Housing SPD directly on-line via the consultation portal;
  - Completing the on-line representation form, or by uploading an electronic version to the consultation portal;
  - Returning a paper copy of the representation form via email or post;
  - Providing comments directly to the Regeneration & Planning Policy team via email or letter.

#### **4.0 Summary of the Main Issues and how they were addressed**

##### Pre-production Engagement / Technical Note

- 4.1 A total of 16 responses were received on the Technical Note consultation from 5 individuals and organisations:
- Mrs Angela Forman
  - Mr Laurence Keeley
  - Wealden District Council
  - Rother District Council
  - Teal Planning on behalf of Sovereign Harbour Ltd
- 4.2 A table containing the response received is provided in Appendix 1, and the main issues are summarised below.

*Mrs Angela Forman*

- 4.3 Mrs Forman commented that there should be more ward assisted homes built in order to free up large homes, where people can move out and be looked after without having care assistants having to travel miles to assist vulnerable disabled or elderly people.
- 4.4 The Council supports and is committed to the delivery of sheltered accommodation, as part of future overall housing supply. However it is not in the scope of this work to provide a strategy for increase in sheltered accommodation.

*Mr Laurence Keeley*

- 4.5 Mr Keeley promoted the idea of a land community trust that would provide housing at an affordable price.
- 4.6 It was considered that this issue is more strategic in nature and is not in the scope of this work.

*Wealden District Council*

- 4.7 Wealden District Council raised a concern that the requirements may undermine the viability of development, and suggested amending a number of definitions in the document.
- 4.8 The viability evidence supporting the affordable housing work took into account the various requirements of development. In addition, it was considered that if the requirements are having a significant impact on the viability of development then we will consider flexibility as we would for the delivery of affordable housing to ensure that overall we are able to achieve sustainable development that benefits the town.

*Rother District Council*

- 4.9 Rother District Council suggested a number of minor amendments, including regarding clarification as to when affordable housing should be handed over or pay the commuted sum. These suggested changes were accepted.

*Teal Planning on behalf of Sovereign Harbour Ltd*

- 4.10 Teal Planning raised issues relating to the viability of development at Sovereign Harbour and that these constraints should be acknowledged in the SPD. They also reiterated that Sovereign Harbour should fall within the 'low value area' on the basis of the abnormal costs that must be covered to deliver

new development. Finally, Teal Planning suggested that the requirement for affordable housing at Sovereign Harbour should be abandoned.

4.11 In response, it is necessary to note that the issue of financial viability is relevant to development across the whole of Eastbourne, which is why a flexible approach has been taken that is open to negotiation if it can be proven that meeting the affordable housing requirement would make development unviable. It is clear that the decision to abandon the requirement for affordable housing will not be considered unless there is justifiable and independently verified evidence that none of the alternative options are viable. The issue of whether Sovereign Harbour should be in the 'low value' or 'high value' area was discussed at the Public Examination for the Core Strategy, and the Inspector agreed that it should be within the 'High Value' area. Notwithstanding this, it is not possible to amend policy with the production of a Technical Note or SPD.

#### Draft SCI

4.12 The Draft SPD was published for consultation for an 8 week period between 26 May and 21 July 2017. During the consultation on the Affordable Housing SPD, a total of 8 representations were received. Representations were received from:

- Bespoke
- Mr Gaurav Bijlani
- Natural England
- Southern Water
- East Dean & Friston Parish Council
- Tetlow King Planning (on behalf of RentPlus)
- Highways England
- Historic England.

4.13 A table summarising the representations received is provided as Appendix 2. The changes to the Affordable Housing SPD arising as a result of the consultation is provided in Appendix 3. The main issues are summarised below.

#### *Consistency with emerging national policy approach*

4.14 The representation from Tetlow King Planning on behalf of RentPlus raised a concern that the starting point for negotiating tenure mix does not yet reflect the emerging policy approach proposed by successive Government consultations, which seek to widen the definition to allow an even more flexible and responsive set of tenures. The representation considers that it is necessary to respond to the Government's agenda by widening the types of affordable housing that will be encouraged in the Borough.

- 4.15 The starting point for tenure mix of affordable housing is identified in Core Strategy Policy D5: Housing as being 70:30 Rented to 'shared ownership', and it is not possible to change adopted policy through a SPD. However, the SPD does state that there is flexibility to amend the balance between rented and shared ownership within a development to take account of up-to-date intelligence about local housing needs, and that the Council may also consider adjusting the tenure mix of a scheme if it is necessary to secure the viability of the development.
- 4.16 Therefore it is considered that the SPD has been developed to be sufficiently flexible enough to accommodate future changes to national and local policy. The document will be reviewed regularly and in reference to changes to national policy, local policy and local evidence. As such, no changes are proposed to the SPD as a result of this representation.

#### *Space and Accessibility Standards*

- 4.17 The representation from Tetlow King Planning on behalf of RentPlus raised a concern that the space and accessibility standards identified in the SPD are not contained in Local Plan policy, and the cumulative impacts of standards could create a burden on viability of development. It is therefore not consistent with the national Planning Policy Guidance.
- 4.18 It is accepted that the national space standards are not reflected in local policy due to the Core Strategy being adopted prior to the publication of the DCLG's Space Standards in March 2015. However, Core Strategy Policy B2: Creating Sustainable Neighbourhoods requires development to meet certain criteria that includes *protect(ing) the residential and environmental amenity of existing and future residents*. The national space standards are considered to be an acceptable guide as to what level of space provision would be required in order to ensure that residential amenity is not adversely impacted, and therefore how Core Strategy Policy B2 is applied.
- 4.19 It is considered that the Affordable Housing SPD has in-built flexibility and in this sense it is not overly prescriptive. For example, the SPD identifies that requirements will be applied in a flexible way on a site by site basis taking into consideration other planning considerations that may affect delivery. It is believed this approach will ensure that development remains viable.
- 4.20 However, in order to ensure that it is clear that the space standards are guidelines rather than policy, reference to space standards expectations will be amended to signify that they are guidelines that will be used to ensure that residential amenity of existing and future residents is not adversely impacted.

### *Infrastructure and design issues*

- 4.21 The representation from Bespoke raised a concern that there is no real vision for how housing can provide anything wider than just the buildings themselves, and that the SPD does not refer to design and sustainable travel options. In addition, the representation from Mr Bijlani requested that the SPD consider traffic flows in and out of town.
- 4.22 In response to these representations, it should be noted that the Affordable Housing SPD does not set out new Local Plan policy; it only provides guidance on the implementation of an existing policy (Core Strategy Policy D5). It is not within the scope of the Affordable Housing SPD to consider design or infrastructure. These issues will be considered through the preparation of the new Eastbourne Local Plan.

## **5.0 Conclusion**

- 5.1 This Statement of Consultation and Representations sets out who was consulted and how on the Affordable Housing SPD and what was said and how this influenced its production.
- 5.2 Consultation on the Affordable Housing SPD took place in two parts. A Pre-production Engagement/Technical Note was published for a targeted consultation with key stakeholders from 20 February to 13 March 2013 and from 26 May to 21 July 2017 a draft Affordable Housing SPD was published for an 8 week consultation.
- 5.3 Representations received at all stages were considered and this has resulted in some amendments to the Affordable Housing SPD

## Appendix 1 – Summary of Representations received on the Affordable Housing Implementation Technical Note

ID	Consultee	Section	Summary of Representation	Officer Response	Resulting Amendment
1	Mrs Angela Forman	Whole Report	<p>My only comment and observation in this town is that there needs to be more ward assisted homes built in order to free up large homes, whether private-owned houses and bungalows or Council homes, where people can move out and be looked after without having care assistants having to travel miles to assist vulnerable disabled or elderly people.</p> <p>If these homes are supervised by reasonably educated, compassionate and dedicated staff, it would attract more people to move into these homes and free up homes to families, rather than build new developments.</p>	<p>The Council supports and is committed to the delivery of sheltered accommodation, as part of future overall housing supply. A major sheltered housing scheme 'Cranbrook' has been recently completed at Pembury Road and there are further opportunities for developments on other available sites.</p> <p>It is not in the remit of the AHITN to provide a strategy for increase in sheltered accommodation. This will be addressed in the Council's emerging Housing Strategy.</p>	None
2	Mr Laurence Keeley	Whole Report	<p>I would like to bring your attention to the new localism Act (15th November 2011) and the community right to build order, Which talks of creating land community trust. May I refer you to my website <a href="http://www.campaign-for-change.co.uk">www.campaign-for-change.co.uk</a> which explains my vision for affordable housing.</p> <p>Every village and town should look at their housing need, select some sites to build houses, there is no need for development boundaries, offer the land owner an annual rental of £1000 per acre. Or possibly a £50,000 50 year lease paid up front.</p>	<p>Thank you for your comments. Your commentary on the Community Rights to Build is strategic and is not specifically related to the detail of the Technical Note. We encourage you to participate in the consultation on the emerging Housing Strategy.</p>	None

ID	Consultee	Section	Summary of Representation	Officer Response	Resulting Amendment
			<p>Create a land community trust that would build the houses with the opportunity for the people to purchase them at cost estimated to be between £80-£90,000 this would also include £100 per year ground rent, the restriction would be that the purchaser could only sell them back to the trust.</p> <p>Therefore there is no need to build any more houses for open market, anyone needing an opening market house can buy one anywhere in the area as there are loads for sale. Market housing is causing debt and despair, especially for the young people.</p> <p>The new right to build policy and The Localism Act should apply where the local people will decide on where and what should be built, the developers would then be invited to tender for the job. How long will it take before people realize that a house can only be worth what it cost to put together, if food cost had risen like house prices there would have been riots in the streets, if we paid more for your food and less on rents or mortgaged we would all be beneficiaries. Once the house is paid for one could begin to save for a family pension fund.</p> <p>These designs would be built with steel frames off ground with wood bolt on timber with sheep wool for insulation. This would also save dredging the sea beds for shingle, destroying the fish breeding beds. Benefits would be saving energy; child care would be easier, and more affordable, child poverty could be reduced, older peoples care would be improved and general</p>		

ID	Consultee	Section	Summary of Representation	Officer Response	Resulting Amendment
			well-bring could be established.		
3	Hayley Frankham, Housing Development Team Leader, Wealden DC	General Comment	I do not understand the requirement for Code 4 for affordable housing from April 2013. Although I appreciate it would be great to achieve this, I am concerned it could undermine the viability of your schemes, especially in the current financial climate.	The implications of the Code for Sustainable Homes Level 4 have been taken into account in the viability assessment analysis by the District Valuation Office. If this requirement is having a significant impact on the viability of development then we will consider flexibility as we would for the delivery of affordable housing to ensure that overall we are able to achieve sustainable development that benefits the town. These issues should be raised at pre-applications stage as identified in the Technical Note.	None
4	Hayley Frankham, Housing Development Team Leader, Wealden DC	Page 5	Definition for shared equity – I would add an additional line stating there will be no charge or rent on the unsold equity.	Agreed. An additional bullet point will be added to cover this issue.	Add third bullet to definition of 'Shared Equity' point to state: 'There will be no charge or rent on the unsold equity'
5	Hayley Frankham, Housing Development Team Leader, Wealden DC	Para 5.11	To cover the Government's push for private rented housing it may be worth adding in the case of rent occupied or some form of lease agreement with a managing agent.	See response to ID10 below	See response to ID10 below

ID	Consultee	Section	Summary of Representation	Officer Response	Resulting Amendment
6	Hayley Frankham, Housing Development Team Leader, Wealden DC	Para 8.1	You may wish to add free serviced land to this paragraph.	See response to ID9 below.	See response to ID9 below.
7	Hayley Frankham, Housing Development Team Leader, Wealden DC	Section 7	On payment of commuted sum had you thought about a trigger point for payment? I would recommend start on site.	Agreed. This is the approach that we currently take for commuted sum payments and text will be added to this affect.	Add paragraph 7.7 to the end of Section 7 with the title 'Payment of Commuted Sums'. Para 7.7 shall read: 'Committed sums shall be paid to the Council on commencement of the development and this will be reflected in the Section 106 Agreement.'
8	Kieran O'Leary, Housing Development Officer, Rother DC	6.4	I think perhaps that para 6.4 should say that RICS valuations need to be Red Book compliant with the express proviso that they can be relied upon by both the applicant and local authority.	Agreed. This would be a useful addition as a footnote to RICS within Para 6.4	Para 6.4 Change RCIS to Royal Institute of Chartered Surveyors (RICS) and add footnote that states: "RICS valuations need to be Red Book compliant so that they can be relied upon by both the applicant and the local authority."
9	Kieran O'Leary, Housing Development	6.5	This refers to supporting information/check list. Appendix A covers the basics but you may want to make reference to Appendix C of the 'RICS Financial Viability in Planning' document	Agreed. This would be a useful addition as a footnote to Appendix A.	Appendix A – Add footnote to the Appendix to state: "Reference should also be made to Appendix C of the

ID	Consultee	Section	Summary of Representation	Officer Response	Resulting Amendment
	Officer, Rother DC		attached.		RICS Viability in Planning document which can be accessed from: <a href="http://www.pas.gov.uk/pas/aio/2784163">http://www.pas.gov.uk/pas/aio/2784163</a>
10	Kieran O'Leary, Housing Development Officer, Rother DC	5.11	Timeline: last sentence '40% of the market units on the site have been sold'. Perhaps sold/occupied would cover this more appropriately.	Agreed. Additional text to state 'sold or occupied' will be provided to Para 5.11.	Add 'or occupied' to the end of Para. 5.11 so the sentence reads 'the market units on the site have been sold or occupied'.
11	Kieran O'Leary, Housing Development Officer, Rother DC	8.1	Perhaps the second from last sentence should cover 'applicant/developer delivers affordable housing on site, contributes financially through commuted sum payments or free serviced land.	Agreed. Add free service land as that may be an available option to the Council.	Amend end of Para 8.1. To state:  'applicant/developer delivers affordable housing on site, off-site or contributes financially through commuted sum payments or free serviced land'
12	Marie Nagy, Teal Planning (on behalf of Sovereign Harbour Ltd)	General comment	The following response is made on behalf of Sovereign Harbour Ltd in the context of its interest in nine remaining sites at the Harbour. The critical issue for meeting affordable housing policy requirements is development viability. Whilst this is acknowledged within the Technical Note, further acknowledgement of this constraint is required with regard to Sovereign Harbour in view of the viability matters that relate specifically to this area, and as addressed	The issue of financial viability is relevant to development across the whole of Eastbourne. The Technical Note discusses how the issue of financial viability will be considered on future development proposals and the flexible approach that will be taken to affordable housing provision to ensure development remains viable overall. Sovereign Harbour does not need to be singled out as a	None.

ID	Consultee	Section	Summary of Representation	Officer Response	Resulting Amendment
			within the now adopted Sovereign Harbour SPD.	special case as other sites across the borough may have similar constraints which impact viability. These constraints will be discussed in an open and transparent way when considering development proposals.	
13	Marie Nagy, Teal Planning (on behalf of Sovereign Harbour Ltd)	General Comment, Policy Context	<p>We note that reference is made to the Eastbourne Core Strategy Local Plan (CSLP) Policy D5 which addresses housing.</p> <p>That policy and its related text at paragraph 4.5.8 refer to the various neighbourhoods of Eastbourne being classified as either High or Low Value. Sovereign Harbour is classified as High Value. This was disputed through the Local Plan review process on the basis of the abnormal costs that must be covered to deliver new development at the Harbour and that fact that high price residential development does not mean high residual value (net profit) where such abnormal costs must be taken into account. Those costs have been acknowledged by EBC through its evidence base documents and other related appraisals undertaken on behalf of EBC in respect of Sites 6 and 7 at the Harbour and are in addition to other factors that must also be taken into account, namely the range of lower value uses and the community infrastructure package that are also sought through planning policy to be provided here.</p> <p>Whilst the reclassification of Sovereign Harbour as a Low Value neighbourhood for the purposes of setting a starting requirement for new</p>	<p>As highlighted the principle of the Housing Policy (D5 of the Eastbourne Core Strategy Local Plan) was considered sound by the Inspector, and the Core Strategy has now been formally adopted by the Council.</p> <p>The policy position provides a starting point for contributions towards affordable housing to be discussed and provided. The Council accept that development viability may affect the ability to deliver the requirements of the policy and will work through the options stated in para. 6.8 to ensure that development remains viable.</p> <p>The Sovereign Harbour SPD does identify the specific social and economic infrastructure priorities for the neighbourhood and this will be taken into account when development proposals (planning applications) are discussed in detail with planning and housing officers of the Council. As an SPD does exist specifically for Sovereign Harbour, and this will be a material planning consideration when</p>	None

ID	Consultee	Section	Summary of Representation	Officer Response	Resulting Amendment
			<p>affordable housing in the area was not accepted by the Local Plan Inspector, SHL's position on this remains unchanged and issues of development viability and the balance between development costs and end (residual) value have been accepted as relevant both within the Local Plan and within the linked adopted Sovereign Harbour SPD. Paragraph 3.2.5 of the SPD lists a priority order of social and economic infrastructure that is to be provided at the Harbour as part of related development contributions. That priority listing is:</p> <ul style="list-style-type: none"> <li>• Provision of community facilities</li> <li>• Creation of jobs</li> <li>• Provision of additional retail/food and drink uses</li> <li>• Off-site transport provision</li> <li>• Provision of affordable housing</li> </ul> <p>This additional policy context and specific objective setting that is particular to the Harbour should be acknowledged within the Technical Note.</p>	<p>determining a planning application, there is therefore no need to single out the Sovereign Harbour neighbourhood in the Technical Note.</p>	
14	Marie Nagy, Teal Planning (on behalf of Sovereign Harbour Ltd)	Para 6.8, Step 4 – Next Steps if the site is assessed as unviable	<p>We note that nine options are identified to be considered jointly by the Council and prospective developers in order to seek to agree a viable affordable housing response for a particular development. We note that these nine options provide 'further elaboration' to the five that are identified within the CSLP and that the listing of the options is not intended to be sequential. One of the additional options set out in the Technical Note is to abandon the requirement for</p>	<p>The Technical Note is clear that the decision to abandon the requirement for affordable housing will not be considered unless there is clear, justifiable and independently verified evidence that none of the alternative options are viable.</p> <p>The Sovereign Harbour SPD provides a clear policy basis for considering residential development proposals</p>	None.

ID	Consultee	Section	Summary of Representation	Officer Response	Resulting Amendment
			<p>affordable housing. The inclusion of this is welcomed and we consider accords with both:</p> <p>(1) the potential outcome of viability testing at Sovereign Harbour in view of the priority objectives that are to be met by new development here; and</p> <p>(2) objectives of the Growth and Infrastructure Bill which includes the removal of agreed affordable housing requirements in order to help guarantee the delivery of much needed new market housing which would otherwise be abandoned should an affordable requirement remain.</p> <p>In order to address and acknowledge the above matters, we consider that paragraph 6.8 of the Technical Note should be redrafted to read: 'If it is agreed that the Council's housing policy or any other policy related matters that place specific priorities and objectives on the development of a site will render that development unviable, the Council's Housing and Planning Specialists will work with the development through the following options...</p>	<p>within the neighbourhood. This helps address the variety of issues that affect development viability to ensure that development comes forward to support its growth as a sustainable centre.</p> <p>As the Technical Note is purely related to affordable housing in line with the requirements of Policy D5: Housing of the Core Strategy, it is important to refer only to Council's housing policy. This does not affect the Council's ability to consider the SPD, as with any other policy documents, in considering overall viability and the sustainability of development.</p>	
15	Marie Nagy, Teal Planning (on behalf of Sovereign Harbour Ltd)	Section 2, Definition of Affordable Housing	<p>We welcome the breadth of definitions that are proposed to be used for affordable housing tenures and types; namely: social and target rented housing; affordable rent; shared ownership; shared equity; discounted sale and intermediate rent.</p> <p>The definition of affordable tenures and delivery mechanisms however does develop and evolve</p>	<p>There will be opportunity to revise and amend the Technical Note on an annual basis, as with the commuted sum payment table. This ensures that terminology, evidence and financial contributions are kept as up-to-date as possible. This ensures a fit for purpose Technical Note that supports the Housing policy of the Core</p>	

ID	Consultee	Section	Summary of Representation	Officer Response	Resulting Amendment
			<p>over time in response to government and other market delivery mechanisms. We therefore request that the potential for additional alternative acceptable definitions and tenure types to take effect is also acknowledged within the document.</p> <p>This is consistent with the current debate on affordable housing delivery and related proposed amendments to the Growth and Infrastructure Bill. Following amendments introduced by the House of Commons during its initial reading of the Bill, it is now proposed to enable the Secretary of State by order to amend the definition of 'affordable housing requirement' to 'ensure that the definition can keep up with new forms of affordable housing.'</p>	Strategy.	
16	Marie Nagy, Teal Planning (on behalf of Sovereign Harbour Ltd)	Appendix D, Methodology for Commuted Sum Payments	<p>We have significant concern regarding the proposed use of benchmark data that may be applied on a generic basis across sites within the Borough (e.g. Appendix D of the Guidance). This is inappropriate. All sites must be considered independently and within the context of site specific costs and potential values. Any reference to the proposed application of benchmark data should therefore be removed. We will be happy to discuss this further.</p>	<p>Appendix D provides a summary of the methodology used to calculate the commuted sum payment table and will not necessarily be used to determine data and values used in individual viability appraisals.</p> <p>Individual viability assessments may use benchmark data, but they also can their own justified localised costing if applicable. Consideration of viability assessments will be an open and transparent process where details can be discussed, justified and agreed.</p>	None.

## Appendix 2 – Summary of Representations received on the Draft Affordable Housing SPD

Rep ID	Name	Representation	Officer Response
AH_SPD/1	Paul Humphreys (Bespoke)	<p>There is no real vision of how housing developments can provide anything wider than just the buildings themselves.</p> <p>Bespoke want the SPD to reflect a vision of a more sustainable town with active travel options. I would refer you to Wealden generally, but Hailsham specifically, as to good practice and what is required. They have the idea of a green corridor for active travel with each new development connecting to this solution. In Wealden this is an enhanced Cuckoo Trail.</p> <p>Design should ensure that there are direct routes for pedestrians and cyclists. Too often meandering streets are built to slow traffic but add to the distance for pedestrians. Designs should have permeability for non-vehicle traffic and given this as pre-design guidance</p> <p>Design should ensure that cars cannot, or need not park, on the pavements.</p> <p>Build community resources, open spaces and schools that people can get to without the need for driving</p>	<p>The Affordable Housing SPD does not set out new Local Plan policy; it only provides guidance on the implementation of an existing policy (Core Strategy Policy D5). It is not within the scope of the Affordable Housing SPD to consider how development can provide anything wider than just the buildings themselves, or to introduce active travel options.</p> <p>The Eastbourne Local Plan 2015-2035, which is currently under preparation, will review all planning policy and create new policies for the growth of the town over the plan period. Issues such as design and travel options could be considered through the new Local Plan.</p>
AH_SPD/2	Gaurav Bijlani	<p>I am glad you are thinking of affordable housing.</p> <p>I would like you to look at traffic flow in and out of town and near A27, DGH, Lottbridge roundabout etc.</p> <p>As we are growing as a community, we need traffic to flow and make this town inviting to habitants and visitors alike.</p> <p>If part of affordable housing funding is used for 21st</p>	<p>The Affordable Housing SPD provides guidance on the implementation of an existing policy (Core Strategy Policy D5), and therefore cannot address issues relating to highways infrastructure.</p> <p>The Eastbourne Local Plan 2015-2035, which is currently under preparation, will consider the level of growth required in Eastbourne over that period, and identify the infrastructure issues that need addressing to accommodate that growth, including addressing issues</p>

Rep ID	Name	Representation	Officer Response
		century would be appreciated.	associated with highways.
AH_SPD/3	Sharon Jenkins (Natural England)	Whilst we welcome this opportunity to give our views, the topic of the Affordable Housing Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.	Comments noted.
AH_SPD/4	Charlotte Mayall (Southern Water)	I confirm we have reviewed the document, and that Southern Water has no comments to make at this time.	Comments noted.
AH_SPD/5	Katrina Larkin (East Dean & Friston Parish Council)	East Dean and Friston parish council's planning committee took note of your draft Affordable Housing SPD at their meeting on 20th June 2017.  They generally welcome your proposals, and thank you for giving them the opportunity to comment, but do not wish to make any specific comments on the draft.	Comments noted.
AH_SPD/6	Meghan Rossiter (Tetlow King Planning) on behalf of Rentplus	The starting point for negotiating tenure mix, whilst in line with existing policy, does not yet reflect the emerging policy approach proposed by successive Government consultations. This includes the introduction of rent to buy within the National Planning Policy Framework, which sought to widen the definition to allow an even more flexible and responsive set of tenures that better reflects the reality of delivering affordable housing across the country. Whilst Eastbourne experiences a continued acute need for affordable housing, particularly for family sized housing, it is considered necessary to respond to the Government's agenda by widening the types of affordable housing that will be encouraged in the Borough.  Rent to buy is not an intermediate tenure, instead being defined more clearly as a hybrid, providing affordable	It is appreciated that national policy with regards to the definitions of affordable housing is likely to evolve over time. With this in mind, the Introduction of the Affordable Housing SPD explains that the document 'has been developed to be sufficiently flexible enough to accommodate changes to national and local policy. The document will be reviewed regularly and in reference to changes to national policy, local policy and local evidence'. In addition, para 2.2 of the SPD refers to future changes in the definitions of affordable housing superseding the definitions set out in the SPD.  In terms of tenure mix, the starting point is identified in Core Strategy Policy D5: Housing as being 70:30 rented to 'shared ownership', and it is not possible to change adopted policy through a SPD.

Rep ID	Name	Representation	Officer Response
		<p>rent for the period in which tenants save towards full purchase of their home. As tenants rent for between 5 to 20 years at an affordable rent the model does not fit within the current definition of intermediate housing; the specifics of the Rentplus model are discussed more fully in the enclosed Statement. As a hybrid model, the tenure enables households to access affordable rented housing that does not require them later to move house in order to purchase, or to staircase ownership; this gives rent to buy households the certainty of a secure tenancy and the ability to achieve their aspiration to own their own home. For the duration of the tenancy the homes are managed by the partner Registered Provider, enabling the family time to integrate with the surrounding community and contribute to their local area. This contributes to the creation of stable and balanced communities.</p> <p>The Rentplus model seeks to enhance the affordable housing already being delivered in the borough, either as a standalone product or as part of the overall affordable housing offer on mixed development sites. With house prices and rents continuing to rise beyond reach for many within Reading, Rentplus provides an opportunity for those trapped by not being able to save for a mortgage deposit, to use an affordable rent period to save towards purchasing their home. This can have a real impact on affordability, improving the ability to deliver even more affordable housing on residential schemes across the Borough, and enabling even more households to access housing they can afford.</p>	<p>However, Core Strategy Policy D5 states that proposals for housing must take appropriate account of the need identified in the most up-to-date strategic housing market assessment with particular regard to size, type and tenure of dwellings. The SPD explains that the affordable housing requirement will be applied in a flexible way on a site-by-site basis, and there is flexibility to amend the balance between rented and shared ownership within a development to take account of up-to-date intelligence about local housing needs. The Council may also consider adjusting the tenure mix of a scheme if it is necessary to secure the viability of the development.</p> <p>In addition, Section 8 of the SPD explains that 'Eastbourne Borough Council is willing to work with housing providers which are not registered with HCA as well as those housing providers which are registered with HCA, in order to maximise the opportunities to provide affordable housing in Eastbourne Borough.' The intention is to maximise affordable housing in the Borough. To this end, the Council will work with a number of developers and providers, which may use different models and deliver various affordable housing tenure types.</p> <p>Therefore it is considered that the SPD has been developed to be sufficiently flexible enough to accommodate future changes to national and local policy. The document will be reviewed regularly and in reference to changes to national policy, local policy and local evidence. As such, no changes are proposed to the SPD as a result of this representation.</p>
AH_SPD/7	Meghan Rossiter (Tetlow King Planning) on behalf	Whilst paragraph 3.10 (and Section 6) indicates that the Council will seek to deliver all affordable housing in accordance with the nationally prescribed space and	It is accepted that the national space and accessibility standards are not reflected in local policy. This is due to the Core Strategy being adopted prior to the publication

Rep ID	Name	Representation	Officer Response
	of Rentplus	<p>accessibility standards, the adopted Plan does not include these and the PPG specifically states:</p> <p><i>"Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard."</i> (Paragraph: 018 Reference ID: 56-018-20150327)</p> <p><i>"Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations ... They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements."</i> (Paragraph: 008 Reference ID: 56-008-20160519)</p> <p>It is also important to note that the NPPF emphasises that the site and scale of development in plans should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. In order to be appropriate, the cumulative impact of these standards and policies should not put the implementation of the plan at serious risk; the implementation of the optional technical standards has potentially major consequences for viability and should only be considered through a review of the Eastbourne Plan. Introducing the standard through the SPD does not comply with the PPG and therefore all reference to the national space and accessibility standards should be removed until such time as the Borough Council introduces such policies in the Local Plan.</p>	<p>of the DCLG's Space Standards in March 2015. However, it is considered that the amount of space provided by accommodation can have a significant effect on residential amenity, which may impact on the acceptability of a development proposal.</p> <p>Core Strategy Policy B2: Creating Sustainable Neighbourhoods requires development to meet certain criteria that includes protect(ing) the residential and environmental amenity of existing and future residents. The national space standards are considered to be an acceptable guideline as to what level of space provision should be required in order to ensure that residential amenity is not adversely impacted.</p> <p>Whilst not meeting the space standards may not on its own be an acceptable reason for refusing development, it is considered the accommodation provided at significantly below this standard will have a negative impact on residential amenity and could be refused in accordance with Core Strategy Policy B2.</p> <p>It is considered that the Affordable Housing SPD has in-built flexibility and in this sense it is not overly prescriptive. For example, the SPD identifies that requirements will be applied in a flexible way on a site by site basis taking into consideration other planning considerations that may affect delivery. It is believed this approach will ensure that development remains viable.</p> <p>However, in order to ensure that it is clear that the space standards are guidelines rather than policy, reference to space standards expectations will be amended to signify that they are guidelines that will be used to ensure that residential amenity of existing and future residents is not adversely impacted.</p>

Rep ID	Name	Representation	Officer Response
			In terms of accessibility standards, the SPD will be amended to make it clear that although it is the Council's desire to see affordable housing built to Level 2 of the Accessibility Standard and comply with require M4(2) in the Building Regulations, the Council is unable to insist upon this.
AH_SPD/8	David Bowie (Highways England)	Having reviewed the published documentation, we do not have any comments on the Eastbourne Borough Council Affordable Housing Supplementary Planning Document	Comments noted.
AH_SPD/9	Alan Byrne (Historic England)	Historic England has no comments to make, in our view the document deals with matters outside our remit and raises no issues that are likely to impact on the historic environment.	Comments noted.

### Appendix 3 – Schedule of Changes to the Draft Affordable Housing SPD

**Note:** Deleted text highlighted by ~~strikethrough~~. New text highlighted in red and underlined.

Ref	Section	Modification
C/1	Policy Guidance	<p>Amend para 3.4:</p> <p>The Community Infrastructure Levy (CIL) Charging Area covers all areas within the local authority boundary excluding the South Downs National Park (the South Downs National Park <u>Authority</u> adopted CIL in April 2017). However, the regulations regarding CIL give full relief from paying the levy on the portions of the chargeable development intended for affordable housing. Eastbourne has no affordable housing requirement on developments of 10 (net) or less dwelling units which have a maximum combined gross floorspace of no more than 1,000 square metres (sqm). This reflects the national policy position on this matter.</p>
C/2	Policy Guidance – Development Site Standards and Characteristics	<p>Amend para 3.9:</p> <p>A particular site’s characteristics and the development as a whole should be reflected in the affordable housing mix of dwelling tenure, type and size, taking into account the <del>expected</del> <u>space standards guidelines</u> for affordable housing. The Council’s planning team will advise on the exact tenure, type and size split on each site through pre-application discussions.</p>
C/3	Policy Guidance – Development Site Standards and Characteristics	<p>Amend para 3.10:</p> <p>It is expected that affordable housing provided on-site will be subject to the same standards and be indistinguishable from the open market housing. The provision of on-site affordable housing should be integrated into the layout of the development through ‘pepper-potting’ within market housing, in order to fully reflect the distribution of property types and sizes in the overall development. The Council understands that pepper-potting may not be possible on developments sites consisting of 25 dwellings or less. For developments consisting of more than 25 dwellings, discussions will be required between the Council and the applicant/developer on a site-by site basis. <del>It is expected that the nationally described space standards, as set out in Section 6 of this document, will also be adhered to.</del> <u>In order for development to comply with Core Strategy Policy B2: Creating Sustainable Neighbourhoods, and in particular, protect the residential and environmental amenity of existing and future residents, the nationally described space standards will be used as a guideline as to what size of accommodation is</u></p>

Ref	Section	Modification
		<u>desirable to ensure residential amenity is protected.</u>
C/4	Policy Guidance – Development Site Standards and Characteristics	Amend para 3.12:  The housing should <del>comply with</del> <u>consider</u> all relevant design and quality codes and standards as set out by the Homes and Communities Agency or other associated national bodies, as well as any corresponding local guidance and specifications.
C/5	Policy Guidance – Development Site Standards and Characteristics	Add new paragraph after para 3.12:  <u>Information gathered from the Council’s Housing Register provides an indication of the need for each dwelling type. With reference to this, the Council will expect the affordable housing units within each development to be provided in line with the following dwelling mix:</u>  <ul style="list-style-type: none"> <li>• <u>1 bedroom: 40 per cent;</u></li> <li>• <u>2 bedrooms: 30 per cent;</u></li> <li>• <u>3 bedrooms: 20 per cent; and</u></li> <li>• <u>4+ bedrooms: 10 per cent.</u></li> </ul>
C/6	Policy Guidance – Delivery of Affordable Housing Provision	Amend para 3.16:  The provision of affordable housing will be subject to a Nominations Agreement between the Council and the housing provider. <del>A copy of the template of a Nominations Agreement will be attached as part of the Section 106 Agreement template.</del> This will be made available at the moment the planning application is made.
C/7	Policy Obligations – Prioritisation of Affordable Housing	Amend bullet points in para 4.6:  <ul style="list-style-type: none"> <li>i. The Council’s on-site preferred mix;</li> <li>ii. An on-site alternative mix to be agreed upon by the Council and the relevant developer(s);</li> <li>iii. A level of affordable housing on-site which is less than the specified threshold;</li> <li>iv. Serviced plots <u>onsite</u>;</li> <li><u>v. Service plots offsite;</u></li> </ul>

Ref	Section	Modification
		<p><a href="#">vi. Transfer of land;</a></p> <p><a href="#">vii. A commuted sum</a></p>
C/8	Policy Obligations – Section 106 agreements and Unilateral Undertakings	<p>Add new paragraph after para 4.20:</p> <p><a href="#">Mortgagee in Possession Clauses</a></p> <p><a href="#">In consultation with the applicant/developer the Council will look to support Mortgagee in Possession Clauses which have a time period of three months or less.</a></p>
C/9	Expected Standards	<p>Amend Section Heading:</p> <p><del>Expected Standards</del> <a href="#">Guidelines on Standards of Development</a></p>
C/10	Expected Standards	<p>Amend para 6.1:</p> <p><del>The Council's expected space standards for affordable housing, taken from the DCLG document Technical housing standards – nationally described space standard are set out in Table 4.</del> <a href="#">The Council will use the nationally described space standards, taken from the DCLG Technical Housing Standards, as a guideline for space provision in housing development, including affordable housing, to ensure that development protects the residential amenity of existing and future residents in accordance with Core Strategy Policy B2: Creating Sustainable Neighbourhoods. The space standard guidelines are set out in Table 4.</a></p>
C/11	Expected Standards – Quality of Design, Materials and Construction	<p>Amend para 6.4:</p> <p>The Council <del>requires</del> <a href="#">would prefer that</a> all affordable homes <del>to</del> be built to Level 2 of the Accessibility Standard, and <del>in all cases to</del> comply with requirement M4(2) of Approved Document M: access to and use of buildings, volume 1: dwellings. There may also be a <del>requirement</del> <a href="#">desire</a> for M4(3) category homes to be supplied on the site, which will be advised at the point of the planning application being submitted. Further information regarding building regulations is set out in the Department for Communities and Local Government's Approved Documents.</p>
C/12	Appendix B – Commuted Sum	In Appendix B, amend text:

Ref	Section	Modification
	Methodology	<p>DVS have assessed the average development costs per unit type taking account of their own experience and similar studies carried out in the region as follows:</p> <p>Build Costs — BCIS median rates adjusted for location</p> <p>a. Flats — £1,481 per sqm  b. Houses — £1,216 per sqm  c. Bungalows — £1,440 per sqm  d. Site and Infrastructure Costs — Flats 10%, Houses and Bungalows 15%  e. External Works — 5%  f. Contingencies and Insurances — 4.5%  g. Planning Fees — £500 per unit  h. Survey Costs — £500 per unit</p> <p>Professional Fees — 8.00 %</p> <p>Marketing and Sales Costs — 2% of sales value plus £600 per unit for legals</p> <p>Finance Costs — 7% including arrangement fees</p> <p>Land Costs — 1.75% fees etc plus holding cost of land for the development programme at 7%</p> <p>Developers Profit — 17.5% on private</p> <p><u>The Development Costs used in the Affordable Housing Commuted Sum Payment Table are based on information provided by the District Valuation Service (DVS) in Autumn 2016 and is set out in the tables below. The Serviced Plot Value is derived from the difference between the Development Value and the Development Cost.</u></p>
C/13	Appendix B – Commuted Sum Methodology	In Appendix B, add Viability Appraisals for each type of unit.