

Representations Received During Public Consultation – November/December 2010

The draft Affordable Housing SPD was subject to a formal 4-week public consultation period between 5th November and 3rd December 2010. The table below gives a summary of the main issues raised in the representations received and the Council response to them.

Consultee	Summary of representation	Council Response
LCC Planning and Development Control Committee	The Core Strategy affordable housing policy and the SPD should be vigorously enforced and if there were any attempts to circumvent the policy the Committee should be kept fully informed rather than any application being dealt with under delegated powers.	Noted
The Coal Authority	No specific comments to make on this document at this stage	Noted
Natural England	No comments to make on this SPD	Noted
English Heritage	We shall not be submitting any comments on this occasion	Noted
Leics County Council	On this occasion the County Council has no response.	Noted
William Davis	<p>The document should recognise the influence of tenure splits on the viability of housing schemes and acknowledge the option for developers to negotiate the required tenure split.</p> <p>The requirement for all affordable housing to meet the latest design standards required by the Homes and Communities Agency should only be expected where HCA funding is available and can only be sought where HCA funding is not available</p>	<p>The Council's preferred option is for a tenure split in line with the latest needs evidence, in line with PPS3 and in the interests of not adversely affecting any particular group of households' access to affordable housing. If viability issues arise then, as stated under the Viability section of the SPD, the applicant will need to fully justify through clear evidence set out in a viability assessment, why the full affordable housing requirement is not viable and will need to demonstrate that grant funding sources have been fully explored. Should the Council accept any viability case, it will seek to secure the optimum affordable housing contribution that is possible within a viable scheme. This may be achieved by reducing the total number of affordable homes being sought, considering an alternative split, etc.</p> <p>Agree. Delete the first sentence of Para 3.26 and include the following in the SPD as a new Para 3.29:: "In addition, all affordable housing shall meet the latest design standards required by the HCA where HCA funding is available. Where such funding is not available, best endeavours shall be made to match the same standards."</p>

Leicestershire Police	References to Safer Places Planning guidance and ACPO Secured by Design Initiative should be added somewhere near Paragraph 3.25.	References to these initiatives are already included in the adopted Core Strategy.
	Web links provided by the Police on planning applications might usefully be added at Appendix 4.	The links provided by the Police relate to all developments and while they are a useful tool for applicants this is not the document to include them in.
	Ahead of proposed refinement of Council developer guidance, this document should include additional wording on viability or reference to an appendix stating the areas where contributions such as Policing are required, and that reference should be made to viability being discussed with infrastructure partners.	As stated, the issue of developer contributions was discussed at the Core Strategy examination and it was agreed that further work would be undertaken on this matter. It would therefore be inappropriate to pre-judge the outcome of this by including reference to it in this topic-based SPD. Developer contributions cover a much wider spectrum than just affordable housing. This SPD is therefore not an appropriate document to go into such detail.
	Add Police to list of contacts in Appendix 4	We have tried to keep the number of links in Appendix 4 down to those directly related to the development of affordable housing, rather than development of housing or indeed any development in general. It is for this reason that a whole range of stakeholders are not included in this list, both within the Council (e.g. transport, pollution, energy efficiency, noise) and external (e.g. Environment Agency, English Heritage, Police).
East Midlands Housing Association	The consultation should be extended until the details of recent Government announcements relating to affordable housing are clearer, e.g. HCA prospectus due in New Year, Localism Bill, Local Standards Framework.	We acknowledge that we are in a period of considerable change within the affordable housing and planning sectors. However if we were to wait for all the announcements mentioned by EMHA then we would not have an adopted SPD until 2013 at the very earliest. The SPD will provide an important role in supporting the recently adopted Core Strategy and should therefore not be delayed. If, following all the announcements, it becomes clear that changes need to be made to the SPD then it can be reviewed and appropriate amendments considered at that time.
	What definitions of affordable / social rented housing should be used given new proposals for affordable rent definition	The definition of affordable housing used in the LDF reflects that set out in the current (June 2010) PPS3. To reflect the anticipated addition of the “affordable rent” definition to PPS3 (as set out in the DCLG Feb 2011 consultation document) we have included it in Appendix 1 of the SPD.
	Will the Viability Assessment Model referred to in Para 2.2	The viability model referred to in Para 2.2 is the Three Dragons

	be able to assess the new rented model	model that was used in our Affordable Housing Viability Assessment – the evidence base that underpinned our Core Strategy affordable housing policy.
	How will LCC calculate the commuted sum requirement in light of the differences between social rented and the new 'affordable rent'	Any commuted sum will be calculated to reflect what the value of the on-site provision would have been. The tenure mix of the on-site provision should reflect our latest housing needs evidence.
	How will the introduction of the new 'affordable rent' impact upon mix and type requirements	This is something that will need to be considered once the full details of the 'affordable rent' model are known.
	The new proposed Local Standards Framework should be considered as part of this review.	The new Local Standards Framework is now referred to in the new Para 1.4 of the SPD (see below). However further detail is unnecessary at this stage due to the lack of information known about them at the moment, and the fact that they will come into effect in March 2012 at the earliest.
	Welcome the approach taken to clearly identify service charge/maintenance cost at an early stage. It would also be helpful to know if there is to be a management company appointed the terms by which service charge reviews and increases are to be secured to ensure the RP partner is able to influence this. Also we would need details of ground rents.	As stated we have included reference to service charge/maintenance costs to ensure that any affordable housing provided is truly affordable. However we consider that the wording suggested by EMHA is it too detailed to be included within the SPD.
	In Appendix 2 - Do we know the HCA position on s106 schemes in terms of SHG? This may be clarified once the prospectus is issued.	This comment relates to the Core Strategy affordable housing policy, included in Appendix 2 of the SPD for reference. That policy has been approved by a Government-appointed Inspector at an Examination in Public and cannot be amended in this document.

Changes Made Following Public Consultation – November/December 2010

The table below contains a full list of all the changes made to the draft SPD following the formal public consultation period and before adoption.

Paragraph	Change Made	Reasoning
After Paragraph 1.3 (New paragraph 1.4 in final version)	Insert a new paragraph 1.4 as follows: "Since coming to power in May 2010, the Coalition Government has made a number of new announcements relating to affordable housing policy. These include a proposal to introduce a new 'affordable rent' tenure, and a new 'Local Standards Framework' that will eventually replace the current HCA Quality Standards. The City Council will continue to monitor the impact these and other future proposals have as they are incorporated into national policy, and this will be reflected in the contents of any future reviews of this SPD."	To acknowledge recent Government announcements relating to affordable housing, and also the fact that there may well be associated future changes to national affordable housing policy as a result.
Paragraph 1.4 (Paragraph 1.5 in final version)	Delete from 1 st sentence "found sound by a Government appointed Inspector in September 2010 and is set to be"	To leave the sentence as "The Council's LDF Core Strategy was adopted on 25 th November 2010", to reflect the recent adoption of the Core Strategy.
Paragraph 3.26	Delete the first sentence of Para 3.26 and include the following in the SPD as a new Para 3.29: "In addition, all affordable housing shall meet the latest design standards required by the HCA where HCA funding is available. Where such funding is not available, best endeavours shall be made to match the same standards."	In response to comments from William Davis.
Paragraph 3.27	Add to end of sentence "(Please contact the Housing Development Team for more details)."	To clarify who the Council contact should be for wheelchair standards
Appendix 1	Add the following to the end of Appendix 1: "Affordable Rent is a form of affordable housing tenure introduced by the Coalition Government in 2010. A DCLG consultation document (February 2011) proposes that it is included as part of the PPS3 definition of affordable housing from April 2011, defined as follows: Affordable Rented Housing: "Rented housing provided by registered providers of social housing, that has the same characteristics as social rented housing except that it is outside the national rent regime, but is subject to other rent controls that require it to be offered to eligible households at a rent of up to 80 per cent of local market rents." "	In response to comments from EMHA and recent publication of DCLG PPS3 Definition consultation document (Feb 2011)

Appendix 2	Delete from 1 st sentence “found sound by a Government appointed Inspector in September 2010 and is to be”	To leave the sentence as “The Council’s LDF Core Strategy was adopted on 25 th November 2010”, to reflect the recent adoption of the Core Strategy.
Appendix 2	Delete “(including a change recommended by the Inspector)”	No longer required as Core Strategy has now been adopted.
Appendix 6, Part v	Add to end of sentence “...and both site and plot levels (for example, sectional drawings to show plot gradients across entire plot, including all external private amenity space)”	To clarify what will be required.
Appendix 7	Replace “Affordable Rent” with “Social Rent” as the title of the top table and “Affordable Intermediate Housing” with “Intermediate Affordable Housing” as the title of the second table	To correct an error and avoid confusion.