

Housing Supplementary Planning Document Consultation Statement

Consultation Statement – Housing Supplementary Planning Document

	NAME	COMPANY	SECTION	SUBJECT	COMMENTS	EDC RESPONSE
1	K Hutchinson	EDC			Our 150 sqm currently used for agricultural workers dwellings is an external dimension. Is the 125sqm in the SPD an internal floor space and if so what is calculated (everything except for the walls)?	125sqm is intended as internal floorspace
					There appears to be a vacuum in policy when an agricultural dwelling is no longer necessary for agricultural use in the rural area out-with an LSC. I would have thought that it should then be directed to affordable housing use as a redundant holiday home in similar circumstances.	Agree with comment
2	Judith Nelson	English Heritage			The SPD includes appendices on the conversion and reuse of rural buildings. English Heritage has published <i>The Conversion of Traditional Farm Buildings: A guide to good practice</i> which is downloadable from www.helm.org.uk . This guide contains much useful information which would helpfully supplement that contained in the SPD, I therefore suggest that the final SPD includes a reference to this document and the following web links. http://www.helm.org.uk/upload/pdf/Traditional-Farm1.pdf?1283951985 http://www.helm.org.uk/upload/pdf/Traditional-Farm2.pdf?1283951985	Agree with comment
3	Richard Pearse	FOLD	4.1	*	FLD are supportive of this section, but would wish to see greater reference made to local landscape character. Rural exceptions sites will be, by their very nature, located in sensitive areas. It is therefore crucial that landscape character is highlighted. Paragraphs 4.1.3 and 4.1.4 should make reference to the site being appropriate to settlement form, and that of the wider landscape. Development should not detract from local landscape character (we are supportive of the reference to the North Pennines AONB, but would highlight the current European Landscape Convention doctrine that 'all landscapes matter'). Reference should be made to the Cumbria Landscape Character Assessment (currently in the process of being updated) and any extant local guidance such as Parish Plans and Village Design Statements.	Agree with specific comment that additional bullet points should be included at 4.1.4 to address settlement form and landscape setting. Also include cross reference to Cumbria Landscape Character Assessment.
			4.4	*	It should be clarified in this section that conversion of a building located in the open countryside will not be permitted, other than to provide an agricultural workers dwelling (provided this meets other policy requirements).	Disagree. Too inflexible and not always appropriate to circumstances.
4	Matthew Messenger	NPS			Within Appendix C (under the heading 'Developer's Gross Margin % of GDV') we note your reference to DTZ' 'Economic Viability Assessment which supported policy CS10 Affordable Housing for developments' and the specific profit margins of 16% and 18% on small and larger sites respectively. I would suggest you add some wording to make it clear that these figures are only indicative and in practice such margins can vary markedly for sites with differing demand and characteristics, between developers and between different economic climates. In the guidance we prepared for SLDC (prepared in 2007-08) we wrote that 'a typical margin in the region of 15% may be expected but Developers should not automatically assume any particular level will be available at	Considered we need to retain the original wording as this is based on the DTZ report, which was used to justify the affordable housing target in Core Strategy policy CS10.

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						the expense of affordability.'	
5	Martyn Nicholson	Russell Armer Ltd	3.1	*		Discounted sale – words missing to last sentence	Noted – text amended.
			3.2		*	<p>3.2.2 – this information is needed at bid stage by developers; say within 10 days of asking. This is to ensure clarity of requirements and level playing field for all developers.</p> <p>3.2.11 & 3.2.12 – for discounted for sale affordable housing, transferring to an RSL creates another layer of bureaucracy and unnecessary cost. Covenants placed on the property offer sufficient security of long term affordability and occupation.</p> <p>3.2.13 & 3.2.19 – the prices in the table are set at a level which will render the majority of sites unviable. This will therefore restrict the supply of affordable homes. 30% of nothing is nothing! If these are the required price levels then percentage of affordable homes has to reduce to in the region of 20%</p> <p>3.2.23 – stair casing shouldn't be encouraged. This is the loss of much needed affordables provided by developer/ land owner contributions. There is no guarantee of recycling for new provision in an area like Eden where land opportunities are scarce</p>	<p>The Affordable Housing Officer will be able to provide the latest housing need information if developers wish to enquire when they are looking at a site.</p> <p>To be considered on a site by site basis – para 3.2.18 allows for discounted sale on intermediate units & Housing Associations to deliver social rented.</p> <p>The discounts for rent and shared ownership are based on what Housing Associations can pay for properties without grant. The discounted sale discounts take into what people can afford linked to local incomes (the discounts are the same – or lower – than those used in the 1999 DTZ Economic Viability Assessment (EVA). It is accepted that not all sites will be able to deliver the 30% affordable housing target and the Core Strategy & SPD consultation allow for site based EVAs.</p> <p>“Staircasing” is not encouraged and should be preventable on S106 sites. The reference to staircasing in the SPD relates to ensuring funds from sales of Housing Association properties previously funded through the Homes and Communities Agency are recycled within Eden District</p>
			3.3	*	*	<p>Generally support principals</p> <p>3.3.12 – The contribution is too low compared to that of sites greater than 4. If supply of windfall sites are high then the ‘take’ should be more in line with larger sites.</p>	The level of contribution takes into account that this includes 1 unit self-build homes, and also it would not be desirable to set the contribution at such a level as to discourage development. It is considered that this level of contribution will be deliverable on all schemes, and there is no allowance for a viability assessment as there is with schemes of 4 or more units.
			3.4		*	<p>Since DTZ did their assessment, prices have fallen and the economic assumption needs re-assessing.</p> <p>DTZ study does not allow for incremental increase in zero carbon regulations. Size of affordables required is larger than DTZ study on viability study. Therefore the DTZ study needs updating which will show viability falling dramatically.</p> <p>The industry has not had sight of a fully detailed worked example of a</p>	<p>There will inevitably be changes in the market and the process will be reviewed taking into account the level of EVAs.</p> <p>The affordable housing target is already set in policy CS10 of the Core Strategy (adopted 31.3.10.) – the SPD can only add context to policy. However, we will obviously have to review the no. of EVAs to see how effectively the policy is working – but it is still too early to establish this.</p> <p>The DTZ viability calculator is covered by a confidentiality</p>

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						<p>site for consideration and comment.</p> <p>3.4.3 – this should only be required occasionally if policy is set at a level whereby the majority of sites are viable. Developers need a maximum of a 2 week turn round on submission of a viability where land is being sold in the open market. Eden District Council needs a system/ protocol in place to deal with this.</p>	<p>agreement.</p> <p>As paragraph 2 of this section.</p>
			3.5	*	*	<p>Generally support principles</p> <p>3.5.16 – we will not be able to fund schemes if affordables have to be built upfront of OMV homes. The OMV homes need to be built at the beginning to meet cash now requirements set by the banks. On a larger scheme this could be phased e.g. no more than 10 OMV to be occupied before 4 affordable homes are completed.</p> <p>3.5.22 – should read the same as 3.5.23 (no need to set the level as HCA set it)</p> <p>3.5.25/26 – should not apply to any homes not found by HCA/ SHG as not a mandatory requirement. Increases costs dramatically and will impact on number of affordable homes provided.</p> <p>3.5.26 – restriction for special needs will make it difficult for any purchaser to get a mortgage.</p> <p>3.5.27 – floor areas are too large and will impact in viability and provision</p> <p><u>Suggest guide areas:</u> 1B flat : 36m² 2B flat : 50 – 60m² 2B house : 65 – 70m² 3B house : 80 – 90m² 4B house : 90 – 100m²</p> <p>3.5.28 – this has to be at 'cost' otherwise there will be social conflict between residents. An affordable resident wears the carpets out just as equally as an OMV one! Insurance etc can be pro-rata to floor area. 3.5.29 – in say a town centre this could be zero and should be accepted as appropriate</p>	<p>Noted</p> <p>Noted, but there can be a danger on some schemes if the OMV units are built first that the “affordables” are not delivered. Needs to be negotiated on a scheme by scheme basis in line with 3.5.16.</p> <p>Agreed - delete sentence saying: “Reference should be made to the requirements of national and regional policy and also local policy”</p> <p>Additional text added at 3.5.19 and 3.2.25 stating these standards are provided for info and are not mandatory on all schemes/ units – except to meet an identified need or in the case of specialist accommodation.</p> <p>Guidance states “may” – need to consider options to meet need and could also relate to social rented housing.</p> <p>Agreed this could be onerous on developers in current climate. <u>Minimum</u> unit sizes modified as follows:</p> <p>1 bed flat: 40 m2 2 bed flat: 50 m2 2 bed house: 65 m2 3 bed house: 80 m2 4 bed house: 90 m2</p> <p>Agreed – remove final sentence.</p>
			5.2		*	<p>Lifetime homes' and 'building for life' add considerable additional costs and administration time. This impacts on viability and consequently should be deleted.</p> <p>Local developers are committed to good quality design and work with Eden District Council development control to achieve this. Quality</p>	<p>Core Strategy Policy CS7 already encourages a range of development standards including Lifetime Homes.</p>

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						audits are yet another unnecessary burden on the development industry.	
			Ap B	*			
			Ap C		*	<p>Cost of finance is grossly understated at 2.5% above base rate. Minimum rates are currently 3% over base up to 6% over base for some smaller developers. Additionally banks have increased arrangement and exit fees. They also require valuations to be done by expensive national valuers. It is also a standard requirement for independent legal due diligence and payment for the banks monitoring surveyor. Land loans are now being linked to LIBOR by some banks</p> <p><u>Margin:</u> Banks are requiring a minimum gross margin of 20% irrespective of size of scheme</p> <p><u>Building costs:</u> It is unreasonable to expect all developers to have access to BCIS figures as it is only available through subscriptions. If the council intends to employ, surveyors to assess viability, then they could provide this information to applicants.</p> <p><u>Remediation:</u> It is unlikely this information will be available at 'bid' stage and the council may have to take a view on this.</p> <p><u>Residual site value:</u> It is unrealistic to suggest developers do not 'commit' to a land purchase until after planning. The costs of achieving planning are substantial, even on a small site and developers need the security of a contract. Land owners will require some certainty of price in committing to a contract and will seek to avoid too much flexibility on any price adjustment and conditions.</p>	<p>Appendix C intended as a guide - appreciated that rate may be higher in current market but text allows for higher rates where demonstrated by applicant.</p> <p>Margins based on DTZ Economic Viability Assessment.</p> <p>Noted, but will still be required for purposes of EVA.</p> <p>Text advises applicants to wait until planning secured before purchasing sites "If possible".</p>
						<p>It is important that the affordable homes policy delivers Eden's housing needs to do so it must be:</p> <ul style="list-style-type: none"> a) Realistic and not inspirational b) Transparent c) Flexible d) How processes in place to back up the policies. The processes need to take account of developers need for speedy, consistent, reliable advice at land bid stage. <p>In order to achieve the above amendments need to be made to reflect the development concerns and comments.</p>	Comments noted and some amendments made as appropriate.
6	Gwyn Clark	EDC	3.3. 3			<p>We think this must be a Unilateral Undertaking or a completed S106 as otherwise it will destroy our performance figures. Are you aware that the DV will charge @£750 for a valuation? Can we impose a condition requiring the developer to enter into a S106?</p>	<p>It will be a S106 or unilateral undertaking.</p> <p>At 3.3.13 there is included a revised approach where developers can use their own surveys.</p>
			4.1			<p>The Core Strategy only says 'within' a settlement - SPD cannot change policy, and this raises the question of how can we define the word</p>	<p>Adjoining – join, unite, be contiguous with.</p> <p>Beyond narrow definition, there will remain the need for a</p>

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					'adjoining'	professional judgement in individual cases.
			4.4.8		We don't understand this paragraph but think we understand the direction it is trying to take us. We feel this should be removed and allow any such proposal to come forward as exceptions to policy, rather than trying to think up all permutations and cover them in policy.	This paragraph expanded for clarity.
			4.7.2		Where have we got the figure 125 from? Case Law has shown that unit is unreasonable to tie a farm dwelling into the unit in the way described.	Altered to 150sqm benchmark.
					The requirement for a change from holiday homes to dwellings being affordable dwellings if outside LSC's should also be extended to apply to agricultural workers dwellings.	Agreed.
					How can we avoid someone submitting applications in a piecemeal manner , 1 or 2 at a time, to avoid the threshold. (it's a point that Coun Isles made at the scrutiny meeting I attended). After much discussion we came to the conclusion that it would be very difficult if not impossible to achieve.....	By insisting on comprehensive development proposals & outline applications for the whole site where appropriate.
					We are not familiar with Natura 2000 and suggest more commonly used terms are used	This is a generic European term for a variety of nature site designations.
7	B Turnbull Brown	EDC	4.1		4.1.7 Suggest adding "density" to list in sentence 2. 4.1.8 Numbering bullet points would be helpful when referencing #1 "Eves" should be "eaves" #2 what is meant by "correspond to"? Alternative might be "sympathetic to" or do you mean them to be local materials as per CS18? # 4 re boundaries. Need to mention local stone boundaries as well as natural hedgerow species etc. #5 "be looking to" reads a little clumsily. "seeks to"?? or phrase it positively.	Agreed – text amended. Noted, but consistent with other paragraphs in section so not amended. Agreed - #1 to #5 amended.
			4.4		4.4.4 "modern" may need defining. Post 1919 or 1948? Is the issue here large purpose built agricultural buildings of non traditional materials? 4.4.7 Should we be asking for a business case to justify holiday homes in the open countryside? Unsustainable holiday home that may not be suitable (either in terms of physical layout or economically) for change of use to employment/affordable home ends up becoming open market by default.	The precise date may be less critical than the type of construction. Steel frame at cost buildings would not qualify. Agree. Request for business case to be included.
			ApG		Be useful to refer to: <ul style="list-style-type: none"> English Heritage's v useful document on barn conversions http://www.english-heritage.org.uk/publications/conversion-of-traditional-farm-buildings Conservation area character appraisals (where they exist) and our forthcoming Management of Conservation Areas SPD. 5 	Agree. (See also English Heritage response). Agree. Include references.

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						<p>conservation areas are not LSCs – Great Salkeld; Skirwith; Hunsonby; Edenhall & Settle-Carlisle railway.</p> <p>Suggest reference to rainwater goods and soil stacks. Where rwg need replacing or inserting advice would be to take opportunity of widening their diameters slightly to allow for increased runoff during episodes of intense rainfall (predicted climate change patterns in our area). Soil stacks etc should normally be internal.</p> <p>In AONB we will have 2 design guides operating side by side. Ref is made to AONB in text but does it need repeating in App G??</p>	<p>Agree. Include references.</p> <p>Agree. Include in Appendix G.</p>
			Ap H			<p>Conservation areas please refer to CA character appraisals where they exist forthcoming Management of Conservation Areas SPD. Need ref to AONB Building Design Guide SPD.</p>	Agreed. Text amended.
8	Mr A Day		4.1		*	<p>The demand for affordable housing in the Dufton area is very limited. The village has very little public transport. The access roads to Dufton cannot safely accommodate more traffic. Dufton should not be classed as an LSC has it has no shop, post office or school.</p>	LSCs to be reviewed every two years – housing need is determined by parish housing needs survey.
9	J Pickup	E. Agency	3.5		*	<p>Support Councils intention to seek high design & architectural standards on all developments. We support the aims to achieve appropriate levels of the Code for Sustainable Homes & Lifetime Homes Standard.</p>	Comments noted.
			4.1		*	<p>In particular we welcome and support the references to nature conservation (protected habitats and species) and to flood risk. We would suggest that the reference to the strategic Flood Risk Assessment is amended to '<i>Eden District Council's Strategic Flood Risk Assessment.</i>'</p> <p>We support the reference to the construction of driveways in permeable materials and suggest that an additional comment is added that encourages the management of surface water at source through the incorporation of Sustainable Drainage Systems (SUDS).</p>	Agree. Amend reference.
			4.4		*	<p>Suggest point 4 of Appendix F reference to drainage is expanded to include foul and surface water.</p>	Agree. Amend Appendix
			5.2		*		
10	R Metcalfe-Gibson		4.4. 1		*	<p>In line 3 the word 'four' should be substituted by 'one'. Owners of redundant traditional stone buildings on individual farms (where there may be a single dwelling) should be encouraged to develop them for residential use. Otherwise such buildings will eventually be lost to the Cumbrian countryside.</p>	Disagree. A group of one would be contradictory.
			4.4. 2		*		
			4.4. 3		*		
			4.4.		*	For the reason given in 4.4.1 – word four should be substituted by one.	The Council is supportive of open market housing in appropriate

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			6			<p>In addition 'affordable housing ' and 'employment provision', the Council should also be supportive of 'open market housing'. Traditional agricultural farm buildings in general are extremely expensive to convert for residential use because;</p> <ul style="list-style-type: none"> - Such buildings in Cumbria are usually constructed of natural stone and natural slate. These materials are expensive to buy, need special building skills & construction costs are high. - Major repairs are often needed such as underpinning walls and reproofing - Mains services (electricity, water, drainage) are often either absent or need upgrading. - Vehicular access may need providing or upgrading. - Accommodation may have to be provided for bats or owls (if present) - The requirement to maintain the traditional character of the building inevitably adds to building costs. - Insulation, damp proofing, plastering,etc. are more costly to install with natural stone walls than with brick or concrete block walls. - Strict compliance with Appendices F & G of the SPD will add to the building costs. <p>The high cost of converting agricultural buildings mean that sale on the open market is generally the only viable option. An adequate financial return for the high building costs would not normally be obtained by selling the converted buildings for 'affordable housing' or employment provision'.</p>	<p>circumstances and where it supports affordable housing. These eight points are acknowledged, however, conversions may sometimes support affordable housing, especially in the sense of self build.</p> <p>The limit of four units in a cohesive group is to be reduced to three units. This will still reflect the proportions of affordable housing to be secured in larger schemes .</p>
			4.4.8		*	For reasons given above in 4.4.6 the whole of clauses 4.4.7 to 4.4.8 should be deleted. The high cost of conversion means open market sale is generally the only viable option.	Disagree for reasons given above.
			4.6.2		*	The words 'and financial contribution in lieu for schemes of 1 – 3 units' should be deleted. Developments of 1 – 3 units are likely to be undertaken by individuals or small builders for a relatively modest financial return. The imposition of 'financial contributions' would discourage them from undertaking much needed small residential developments.	Disagree, the contributions on smaller schemes are an important part of the overall approach. It is not considered that this level of contribution would discourage development of small sites.
			4.6.4		*	For the reason given in 4.4.1 , in line 2 the word 'four' should be substituted by 'one'. The third type of development supported by the Council (i.e. conversion of suitable redundant buildings) should be amended to include 'open market housing' for the reasons given in points in 4.4.6 above.	
			4.6.6		*	For the reason given in 4.4.1 above, in line three the word 'four' should be substituted by 'one'.	
			ApF		*	The words 'and former dwellings' should be added to the heading of appendix F. There is a traditional pattern of hill farms, with old stone and slated houses & buildings, in the Cumbrian countryside. Sadly, many of these houses & buildings are in a dilapidated state. Where the	Disagree. The use of the words 'and former' dwellings would give rise to a great number of cases where only building footprints remain and an unacceptable development would arise.

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						<p>derelict or dilapidated remains of a former farmhouse or cottage still exist, there should normally be a presumption in favour of the restoration of such dwelling. In view of the high cost of restoration, open market housing is likely to be the only financially viable option if such dwellings are to be preserved for posterity.</p> <p>For the reason given above, the existing wording of item 1 should be deleted & substituted by the words 'where the derelict or dilapidated remains of a former farmhouse or cottage still exist, there will normally be a presumption in favour of the restoration of such a dwelling.'</p>	
			Ap G		*	<p>Under 'Important Characteristics' the words 'typically' straightforward buildings' should be deleted or amended. Many traditional buildings, whether singly or in groups, have been added to & altered over the years, creating a by no means straightforward conglomeration of different styles & Structures.</p> <p>The clause headed 'structural condition' should be deleted. Conversion to a new use should not be prohibited merely because substantial rebuilding is required.</p> <p>Under 'conclusion' on lines 2 & 3 the words in brackets should be deleted, as they are far too restrictive. Open market housing should be allowed for the reasons stated above. In sub-item 1 above the words 'without major rebuilding or extension and' should be deleted.</p>	Disagree. Here the intention is to set out the important characteristics of traditional farm buildings and to distinguish these from other forms of development. Also the section seeks to identify the features that should be safeguarded.
11	Alan Hubbard	National Trust	3.1		*		
			3.2		*	<p>It is unclear in the SPD if references to new housing development are intended to include conversions to residential use. The normal presumption is that conversions would be included as in planning terms they are 'development' but this is not explicitly stated.</p> <p>If conversions are included then consideration needs to be given to how the overall approach advanced in the SPD ties in with the Core Strategy policies that seek to:</p> <p>a) "Maintain and enhance the District's environmental, cultural and heritage resources, improving their understanding, appreciation and sustainable use" – Policy CS1; and in particular</p> <p>b) "Encourage the sympathetic and appropriate re-use of existing buildings, especially those which make a contribution to the special character of their locality" – Policy CS17.</p> <p>If a Listed Building (potentially including locally listed ones) is in a poor state of repair, or even formally 'at risk', then conversion to an alternative use such as residential may often be the most appropriate, or indeed only, way of securing its future. But at the same time the formulaic adoption of affordable housing requirements (whether as part of the development or by financial</p>	<p>There are many designated heritage assets that by their very nature are not suitable for conversion to residential use of whatever sort. Including them in para. 3.2.7 would not therefore be appropriate unless there was a caveat.</p> <p>In situations where the cost of converting a heritage asset exceeds its final value (i.e. there is a conservation deficit) then para.4.4.8 allows for the possibility of open market housing (see revised policy in response to section4.4).</p>

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						contribution) could well be an impediment to a suitable, detailed, development scheme that respected the character of the building coming forward. It is therefore suggested that the exemptions set out at para 3.2.7 should be extended to include “the conversion of vacant heritage assets (as defined in PPS5)”.	
			3.3	*			
			3.4	*		Section 3.2 it is noted that the text here refers to: “...when acquiring <u>land</u> for residential development...” (para 3.4.2); and “..will render a <u>site</u> unviable...” (para 3.4.3). This indicates that the detailed advice on viability has not had particular regard to the conversion of buildings, and in particular to secure the safeguarding, restoration and long term future use of heritage assets. The Trust considers that this confirms the need for a specific, detailed, exception to be made at para 3.2.7 for the conversion of heritage assets to residential use. It is also noted that in some circumstances such conversions will be for rent rather than for sale	See response to 3.2.
			3.5	*		(Having regard to the issue raised at 3.2 and 3.4 above it is also noted that the management arrangements set out here do not include provision for heritage bodies/trusts to manage affordable housing. In the specific case of the National Trust it is noted that statutory requirements would prevent it from disposing of any property it held ‘inalienably’. Again this supports the need for a ‘heritage exemption’ as identified above.)	As above.
			4.1		*	At para 4.1.1 it is considered that the wording of the second bullet point is a poorer and weaker alternative to the actual wording in the adopted Policy CS9. It is requested that the following wording, from Policy CS9, is used: “The design of the proposed development would respect the character and quality of the natural and historic environment.” Generally the criteria set out at para 4.1.1 are essential in order to ensure that the wider objectives of the Core Strategy are met. However, it is considered that the fifth bullet point should be strengthened to ensure that local heritage is properly taken into account. Specifically it is requested that locally important assets are not ignored but rather are safeguarded; accordingly it is considered that the bullet point should be amended by deleting the word “designated” so that all heritage assets are taken into account. The advice at paras 4.1.5 to 4.1.11 is particularly appropriate and is strongly endorsed.	Agree that proposed wording is better. The word ‘designated’ is helpful in that it gives clarity for development management purposes. Support welcomed.

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						(Para 4.1.15 – in the first line the word “the” is superfluous.)	
			4.2	*		Para 4.2.2, sixth bullet point – it might also be worth stressing in respect of plot size that it will be necessary to also ensure that an appropriately sized curtilage is retained for the existing house.)	Agree – text to be added to make reference to existing curtilage.
			4.3	*			
			4.4	*		<p>Having regard to the comments above, especially in response to Section 3.2, there is concern that the specific approach set out here will deter investment in the District’s heritage assets rather than encouraging and promoting the improvement of these resources.</p> <p>There is particular concern about the advice at para 4.4.8 which appears to be driven by economic considerations rather than the quality and significance of the District’s heritage assets. Specifically, employment use may be a viable option but is almost certain to lead to the loss of significance of the asset as a result of the nature of the conversion work needed to provide a suitable business unit (including in terms of changes to the curtilage of the building). In such cases the character and appearance of the wider locality, and the intrinsic heritage significance of the specific building, will often be best served by allowing a conversion to market housing. (It is also noted that the approach does not follow that set out in PPS4, specifically in Policy EC12 relating to the appropriateness of residential conversions in some circumstances.)</p> <p>It is therefore requested that the advice in this Section is modified to take a more pro-active approach to the District’s heritage assets by firstly acknowledging the fundamental requirement to ensure that such buildings are in a viable use, and secondly recognising that in some circumstances this will best be secured by permitting market housing. The determining factor here should be the significance of the asset, not economic viability.</p> <p>The approach at 4.4.10 appears to acknowledge that there will be an inevitable loss of significance as a result of the stance proposed in the rest of this Section. It is considered that this is unacceptable and should be addressed by a positive approach to proposals that will both safeguard and enhance heritage assets, including their wider settings.</p>	<p>Suggested revised 4.4.8, sentence 2: ‘In exceptional circumstances it may be economically unviable to convert a designated heritage asset, such as a listed building, for employment and affordable housing purposes without materially harming that assets significance. In such cases where it can be demonstrated to the Council’s satisfaction that the conversion costs required to safeguard the heritage assets significance are not economically viable, consideration will be given to open market housing schemes that retain and enhance the designated heritage asset’s significance (any such conversion will be subject to a local occupancy clause).</p> <p>Agree. References to be included.</p> <p>This particular paragraph cites ‘worst case scenario’ which will only arise in very few circumstances. It is however necessary to include for completeness.</p>
			4.5	*		The approach set out here again raises issues in respect of the historic environment and the approach to be taken to ensure that heritage assets are maintained and enhanced. It is requested that text is added to make it clear that wider heritage considerations will need to be assessed in the determination of any individual proposal and potentially would result in an exception being made.	This is self evident and it is considered that sufficient references exist in the SPD and elsewhere in policies of advice. If we allow conversion from holiday letting it will be assumed that PD rights are removed.
			4.6	*		This section is also lacking an historic environment dimension. The approach to be taken to, for example, vernacular barns needs to reflect	Disagree. The theme of retaining traditional buildings is stated strongly. It should be borne in mind however that this is a housing

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						<p>their individual intrinsic significance and the most practical manner of ensuring that this is both retained and enhanced.</p> <p>These considerations apply both within/adjoining settlements and in the open countryside.</p> <p>The criteria at Appendices F and G relating to conversions do not specifically include heritage assets. It is especially noted that Criterion 5 in Appendix F accepts some loss of character/ features where these would not <i>significantly</i> detract from the property – it is considered that in the case of heritage assets that a stricter baseline should be set.</p> <p>If Appendices F and G are to apply to heritage assets then they need considerable amendment in order to accord with PPS5, in particular Policies 7, 9 and 10. As argued elsewhere in this response it is more appropriate to provide a specific exemption for conversions of heritage assets at para 3.2.7 and to ally this to a strict approach to the quality of conversion work that fully accords with PPS5 and the heritage policies in the Adopted Core Strategy for Eden.</p>	<p>SPD. Other SPD's will specifically address conservation issues.</p> <p>Proposals affecting a heritage asset would be subject to PPS5.</p> <p>SPD's should not reiterate national planning policy. Any proposal to convert a heritage asset will be assessed against SPD's and PPS5.</p>
			4.7	*			
			5.1	*		See comments above under Section 4.6, particularly with reference to Appendix G.	As above.
			5.2	*		(Para 5.2.13 – it is noted that the latest DCLG advice on the content of Design and Access Statements is now set out in “Guidance on information requirements and validation”, March 2010 in Section 6.)	Agreed – additional comment added to para 5.2.13 .
			2.10 PPS1			It appears that text is missing at the foot of page 7 from the end of the fourth bullet point – presumably it was intended to read: “create an environment where everyone can access and benefit from the full range of opportunities available to members of society”.	Agreed – text amended
			2.10/2.11	*		The references to PPS1 are helpful but do not set out the national advice in relation to character, i.e.: “Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.” It is considered that this is a key aspect of the overall approach to design that should be incorporated into the SPD so that context is respected and distinctive character is reinforced.	Disagree. Whilst the theme of good design is stated throughout the document to re-state PPS text would make it overlong.
12	Dani Leslie	EDC	All			Supports all.	Welcomed.
13	Bob Taylor	Taylor & Hardy	3.1	*		Discounted sale p12 is incomplete.	Text added to complete sentence
			3.2	*		<p>Para 3.22 bullets 4 & 5 are matters for the applicant not the LPA.</p> <p>Para 3.2.4 affordable housing statement could form part of the Design & access Statement.</p>	<p>Still relevant to initial negotiations around meeting CS 10 affordable housing target – therefore no amendment.</p> <p>Checked with DC and they would prefer a separate Affordable Housing Statement.</p>

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
						<p>Para 3.2.12 price matter for applicant/RSL</p> <p>Para 3.2.17 not necessary for LPA to monitor purchases (last sentence)</p> <p>Para 3.2.19 last sentence should refer to Open Market Value of Property.</p>	<p>Percentages Included as a guide to help inform applicants.</p> <p>The Council would be managing the scheme and needs to ensure properties are prioritised for eligible qualifying persons meeting the local connection criteria, and in need of affordable housing.</p> <p>Relates to latest statistics for property sales (as stated) not OMV.</p>
			3.3		*	Para 3.3.9 the discretion in the policy CS10 by the use of the word 'may' requires a clear protocol as to how that discretion will be applied.	The SPD provides the protocol.
			3.4		*	<p>Appendix C is very specific. Has this been derived from another 'template'?</p> <p>Developer's gross margin is too low.</p> <p>Residual Site value – the approach is impractical.</p> <p>Other costs should recognise infrastructure & S106 requirements & significant materials & design costs.</p>	<p>Specific to provide clarity. Not derived from another template.</p> <p>Margin based on DTZ Economic Viability Appraisal</p> <p>Text says "encourage" and "may" – will be evaluated on a site by site basis.</p> <p>Infrastructure can be picked up through 'abnormals' in EVA?</p> <p>Materials & design are considered standard costs.</p>
			3.5		*	<p>Para 3.5.4 add 'or any other RSL as may be agreed' as a separate bullet point.</p> <p>Para 3.5.13 replace 'requires' with 'expects', delete 'a named housing provider, usually'</p> <p>Remove 2nd bullet point.</p> <p>Remove 6th bullet point</p> <p>Remove 7th bullet point</p> <p>Delete second sentence para 3.5.16</p>	<p>Covered by para 3.5.6 & 3.5.7</p> <p>Text amended</p> <p>Replace second 'applicant' with 'Housing Association'</p> <p>Replace 'price' with 'level of discount on low cost home ownership properties'</p> <p>Leave but remove the word 'timing'</p> <p>Sentence amended.</p>
			4.1		*	<p>Is para 4.1.11 justified?</p> <p>Para 4.1.4 should include the phrase 'other than barn conversions' at the second bullet point to reflect the flexibility set out in the conclusions to Appendix G</p>	<p>Yes and very necessary in development management terms.</p> <p>Partially agree. Suggest;in appropriate circumstances.</p>
			4.4			Para 4.4.8 is unclear.	Agree. See amended text.
			4.7		*	<p>The assumption that new agricultural dwellings will be ancillary is not necessarily correct.</p> <p>The 125m2 limit is arbitrary and inconsistent with the Councils stated practice of regarding 150m2 as a starting point.</p>	<p>In terms of scale, they generally should be.</p> <p>Agree , change to 150sqm.</p>
			5.1		*	This appears to be very prescriptive. If it is to be pursued it should be as a separate SPD.	These appendices have been used informally and were included at the request of Planning Services.
14	J C Martin		All		*	<p>3.3 – Providing the needs of locals were maintained as the primary consideration.</p> <p>4.1 – Strongly support the concept of affordable housing in the Eden valley but require assurance that section 4.1.4 takes into account policy BE15 regarding Amenity open Space. Brampton would be badly affected if AOS's were not retained.</p>	
15	John Pallister	Cumbrian Homes	3.1		*	We accept the need but the fundamental issue which no-one seems keen to address is trying to mix social rented housing with open market	The affordable housing tenure on S106 sites needs to be linked to the identified need from housing need surveys. ' Council house' (or

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						<p>housing. Whatever anyone says the presence of social rented has a direct impact on potential open market buyers. On current developments invariably one of the first questions asked by potential buyers is "Does this site have any social rented housing on it?" If the answer is yes their reaction is usually negative.</p> <p>As a locally based developer we are keener than anyone to do our bit to sustain the viability of the community by providing affordable housing via discounted sale to key workers & young people with a desire to stay & work in the district. It may be beyond the remit of the partnership to look at but what was wrong with traditional "council house" system. This comment is our overarching view but we will comment on the sections as constructively as possible. Putting aside our overall stance we do see the SPD as a good framework to provide a level playing field – at least we know where we stand.</p>	Housing Association) system dependent on grant – currently in short supply – and even then the Homes and Communities Agency's preferred approach is a mixture of rent and affordable home ownership supporting mixed sustainable communities.
			3.2		*	<p>3.2.5 Due to the high monetary aspirations of landowners in the district an EVA will be the norm rather than the exception which will add to our costs in a time when our revenues are under pressure. The EVA will not deal with the fundamental issue of the impact on open market selling prices of the presence of social rented housing. There needs to be a mechanism in the EVA to recognise this.</p> <p>3.2.6 Clearly the existing backlog of S106's will need to be addressed. This is an issue for the council not the developer but if this is implemented as is it is the developer who is penalised not the council. Either a standard S106 needs to be introduced without further delay or this policy needs to be changed to allow permission to be granted with S106 to follow but prior to start on site</p> <p>3.2.11 Increasing the order of preference of option 2 would help to alleviate any economic viability issues</p>	<p>Landowners will need to take a realistic view re site valuations. EVA should be supported by valuations from RICS qualified surveyor then factor in the discounts for the affordable tenure(s). Beyond remit of SPD.</p> <p>Key issue is housing need evidence. Many households unable to purchase even at discounted values.</p>
			3.3		*		
			3.4		*	<p>Not objecting to the EVA itself as it provides a sensible framework & level playing field but as in 3.2.5 current policy will mean that an EVA is needed for the majority of sites. The 10% of GDV for land value used by DTZ is very low in our experience (relates back to comments in 3.2.5). Even outwith Penrith the figure is much closer to 20% for deliverable sites in Local Service Centres. Recognition of this would alleviate the number of sites subject to EVA quite considerably</p>	As 3.2.5 re land values.
			3.5		*		
			4.1		*	<p>There should be some provision in the policy to make it possible to provide open market housing on rural exception sites in certain circumstances & obviously strictly controlled as in 4.1.4. Currently this policy could almost be described as "discriminatory" towards OM housing. There could well be sites where provision of a mix facilitates development whereas 100% affordable may not be viable</p>	Beyond remit of SPD as already covered by Core Strategy CS9
			4.2		*		
			4.3		*		
			4.4		*		

	NAME	COMPANY	SECTION	SUP	OBJ	COMMENTS	EDC RESPONSE
			4.5	*			
			4.6	*			
			4.7	*			
			5.1	*			
			5.2	*			
16	R Lightfoot	Story Homes	3.1	*		Generally support however , we would seek to remove reference to minimum unit sizes in 3.2.2, remove the requirement for information on prices which can be paid for by an RSL or the preferred RSL partner at a pre-app discussion stage is not always practical for RSL partners to be identified at this stage. However, we support the practice of rounding down to the nearest whole number for the calculation of affordable housing provision (para 3.2.1).	Unit sizes amended taking into account recommendations from Russell Armer. Prices in 3.2.2 included as a guide to inform applicants.
			3.2		*	Para 3.2.8 It should be recognised that the affordable housing required as part of policy CS10 must be applied with flexibility. Only 82% of sites test in the DTZ EVA were viable at 30% affordable housing provision on the basis of a hypothetical clean, flat site with no other s106 contributions or renewable energy. When these extra costs are taken into account, there should be recognition that it is likely that a high proportion of sites are unlikely to be able to meet this requirement.	Appreciated site specific EVAs may be required as not all sites can deliver 30% affordable housing.
			3.4		*	<p>3.4.2 This is contrary to the evidence which supported policy CS10 as the DTZ economic viability assessment did not take into account abnormal costs, other s106 costs or contamination. This para states developers should take these costs into account and provide 30% affordable housing. This is likely to produce a land value which is unviable based on the land value assumptions made by DTZ. This directly conflicts with the evidence base supporting Policy CS10 and the Inspectors report into the Core Strategy which considered that the policy must be flexible where there are additional costs, also that the land value assumptions made in the DTZ report may be too low to encourage a land owner to sell.</p> <p>3.4.6 It is important that the Council and or chartered surveyor considering viability takes into consideration the assumptions made by the DTZ EVA report, particularly in relation to a viable land value. The DTZ report concluded that viable land values in Eden are equal to 10% of gross development value of the scheme (without any affordable housing), for Greenfield land and 20% for brownfield land. We would reiterate the comments of the Inspector at the Core Strategy who suggested that these figures are not reflective of the requirements of landowners and may not result in owners agreeing to dispose of their land.</p>	<p>Additional text added saying developers are expected to take all reasonable steps in respect of abnormal costs when purchasing sites.</p> <p>DTZ guidance to remain – can submit EVA if necessary.</p>
			3.5		*	<p>3.5.14 – we query the requirement for the price to be paid by the Housing Provider to be included into any s106, this price may vary at the time of construction</p> <p>3.5.25/6 It should be recognised that the use of Lifetime Homes criteria</p>	<p>Agreed – text amended.</p> <p>These standards are not mandatory on all schemes – additional text</p>

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
						has impacts on both potential costs and layouts of developments and these would be factored into any viability exercise 3.5.27 – question why minimum standards should be used in respect of affordable housing. In Story Homes case, our affordable housing is also sold on the open market. Smaller units result in lesser build costs and may result ultimately in a more viable scheme	added to para 3.5.19 and 3.5.25 to clarify the position The idea is to ensure properties are developed to a comfortable size – the minimum sizes have been reduced.
			5.2		*	5.2.12 Building for Life Awards are not granted until the completion of a development, this should be recognised.	Noted – text amended.
			Ap C		*	Query the reasonableness of the cost of borrowing at 2% above Bank of England Base Rate	Intended as a guide.
			Ap G		*	A barn conversion guide is not appropriate to an Affordable Housing SPD	This is a Housing SPD – not just Affordable Housing.
			Ap H			A residential extension guide is not appropriate within an Affordable Housing SPD	This is a Housing SPD – not just Affordable Housing.
17	David Booth					See 22	
18	Maurice Hall					See 22	
19	Sarah Booth					See 22	
20	Clare Booth					See 22	
21	Nicholas Booth					See 22	
22	Rita Booth		3.2		*	Priority given to help people who meet the affordable housing rules, own a building that has planning permission, but has the wrong sort of planning permission eg. Holiday let rather than residential. Change the planning permission to allow them to live in it. Where the property is listed and the cost of the conversion is therefore higher, allow them to pay the developer contribution of 3% so an affordable house can be built in the county for the someone else.	Agree.
			3.3		*	Listed buildings create different problems. There is a desire to reuse item otherwise they may fall into disrepair. Due to higher conversion costs they may become uneconomic to convert therefore priority should be given to converting residential units, but a developer contribution of 3% of the new value charged to allow affordable housing to be built anywhere in the county.	Partially agree, but flexibility to address different circumstances is contained within the SPD. Also benefits in terms of affordable housing should only be in Eden.
			4.1		*	A coherent group of four dwellings is too large. Two dwellings would be better if one is listed. The re-use of rural listed buildings should be a priority.	Amend to three as this is consistent with proportion of affordable housing sought elsewhere.
			4.2		*	Restriction to 125m2 may work against buildings already standing. Any listed buildings should be exempt from this rule.	A buildings listed status will be only one of several considerations.
			4.4		*	Definition changed to 2 dwellings when a listed building is involved (4.4.1)	Appears arbitrary, would be more appropriate to leave to individual case judgements.
			4.5		*	Listed buildings should be allowed to convert to residential. With a	Tend to agree, although again best left to case specific

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						developer contribution paid, often the cost of conversion make it uneconomical to convert for affordable housing or a holiday let.	professional/member judgment.
			4.6		*	Council should support the conversion of redundant buildings that are listed if there are two or more coherent dwellings (4.6.4)	Agree but again listed status will only be one of several considerations.
23	Robin Beveridge	One North East				ONE welcomes Council's prioritisation & proactive approach to delivering affordable housing in Eden. No specific comments to make.	
24	John Pilgrim	Yorkshire Forward				Welcome opportunity to participate in development of policy but have no specific comments.	
25	Mark Harrison	Coal Authority				No specific comments.	
26	Meg Hancock	Morland Parish Council	3.1		*	Housing needs survey currently being undertaken will give a clearer indication of what is needed in the parish. North/south divide means wealthy families from the south can buy properties which are occupied for a few weeks a year.	Affordable properties have local occupation clause through S106 Agreement but unable to restrict open market housing in light of Core Strategy Inspector's comments.
			3.2		*	30% of proposed dwellings as affordable housing can be too high in some situations. Mixed types of dwellings on one site is not always appropriate.	Type of affordable housing Informed by housing need survey.
			3.3		*		
			3.4		*		
			3.5		*		
			4.1		*		
			4.2		*		
			4.3		*		
			4.4		*		
			4.5		*		
			4.6		*		
			4.7		*		
			5.1		*		
			5.2		*		
27	Diane Kisiel	Highways Agency				Agency would wish to see affordable housing provided in sustainable & accessible locations. In the main these tend to be within existing urban areas, on previously developed land and with safe & convenient access to a variety of sustainable modes of transport, services and facilities. As Eden moves towards the site allocation stage we would wish to be consulted on any sites which may impact on the safe and efficient operation of the strategic road network.	Site allocation will be covered by Housing DPD.
28	Carol Black					Our village is being taken over by second homes (and a large expanding caravan site) – there is no possibility that local people in need of housing can afford to buy here & it is impossible to gain permission to build. There is a huge need for affordable housing – but I never hear of another need being discussed. That is the need for older people resident in the village to downsize and build. I have experienced this recently first hand when my husband and I wanted to build a smaller house on our own 'infill' land in the village & to stay in our community.	Agree with much of what is said. The SPD aims to address the issues raised in large part – although it cannot address the second homes issue as primary legislation would be required.

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						<p>The house was architect designed using local materials & with all the latest 'green' technology – the type of house that would have been an asset to the village. We spent much time & money & effort on bringing up plans to the highest standard & were prepared to put a local occupancy clause on it & makes any changes to plans considered necessary. It was turned down because it was against planning policy. I am now living alone in a large house with a large garden, which could have been a wonderful family home for someone else.</p> <p>I read of a new govt.policy, which may allow villages to decide planning matters – with an 80-90% agreement of the village. My opinion is that this will make matters even more difficult because a number of villages (and Parish Councils) are now full of newcomers who will veto any development whatsoever. The owners of houses that lie empty here will have the right to that veto.</p> <p>What needs to happen:</p> <ul style="list-style-type: none"> • 2nd home numbers need to be capped – perhaps at no more than 10% in a parish. Ideally less. Villages are reaching a tipping point now, as they are becoming emptier places with less community. • More planning permissions need to be given where needed (not for speculative building) • Self builds should be encouraged – you would get a better standard of building & design & a good number of local people (i.e. farmers families) do have land • Don't leave decisions solely to parish councils – some will veto too much. <p>We have had years of talk, while the system has ground to a halt. There is alot of resentment as people have to move away to live in Carlisle, not just to buy or build but to rent as Eden is unaffordable.</p>	
29	Adrian Waite	AWICS				<p>While EDC has stated that facilitating the development of sufficient affordable housing in the district is it top priority & while it has dedicated significant resources to this issue, progress is generally recognised as being disappointing. Levels of construction of affordable housing have consistently fallen significantly below the targets that have been set. I understand that 23 new affordable homes were built in 2008/2009 and three in 2009/2010. This compares with a target of 92 a year & the assessment of need of 227 a year. In the absence of a significant change in policy how can we be confident that targets will be achieved in future?</p> <p>The SPD makes some references to the effects of the recession on the delivery of affordable housing & I note that R Atkinson has also commented on this in the local media. The main factors appear to be:</p> <ul style="list-style-type: none"> • A squeeze on public expenditure including resources available for the National Affordable Housing programme • A squeeze on availability of private loans with housing associations unable to access them on such favourable terms 	The SPD seeks to take a more flexible approach to affordable housing delivery, allowing for a range of delivery mechanisms. The 30% target is based on the outcomes of the 2009 Economic Viability Appraisal carried out by DTZ, which identified this level of affordable housing was deliverable on 82% of sites.

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
						<p>as in the past.</p> <ul style="list-style-type: none"> • Fewer opportunities to fund affordable housing by developing it alongside market housing that can be used to provide a cross subsidy • The likelihood that there will be an increased reliance on planning gain as a way of securing new affordable housing. <p>However, the SPD does not appear to recognise that the Council & its partners are operating in a much changed economic environment & that the Council's policies may have to be adapted to reflect this. The SPD refers to the Council's policy of requiring a. Housing to comprise at least 30% on housing developments of four or more units. I am not sure why 30% was chosen. Would it be advantageous to increase this proportion?</p> <p>It is sometimes assumed that residents of rural areas can be a bit 'nimby' in their attitude to a. Housing. However, evidence from the Eden district suggests that this is not necessarily the case. For eg. The recent survey carried out in Hilton & Murton, showed that most residents supported the development of more a.housing in the parish. The 'Big Society' project at Crosby Ravensworth has shown local support for new a.housing.</p> <p>In view of the above points should the Council be undertaking a more radical review of how it facilitates the provision of a.housing. I suspect that a continuation of present policies is likely to lead to a continued failure to meet identified housing need – despite this having being recognised as a top priority of the Council.</p>	
30	PFK/BA Payne	PFK/BA Payne	3.1		*	<p>3.1.4 – Given the rapid increase in the elderly population that is predicted within this para., should there not be more emphasis on the provision of housing designed for the elderly which would free up existing housing for people further down the chain. I recognise the housing for the elderly could come within any of the definitions of a.housing set out in 3.1.11 but there may also be many residents who do not qualify under the financial criteria in that they have sufficient money available but cannot find an appropriate form of housing to suit their circumstances. I consider there should be more emphasis on housing for the elderly in the SPD.</p>	<p>Appreciate this is an important issue but this type of information is covered in other documents referenced in the SPD (e.g. SHMAs/ 'planning4care' report) and it isn't considered necessary to duplicate this level of detail in the SPD. Para 3.2.7 makes it clear Extra Care housing will not be exempt from an affordable housing contribution and paras 3.5.25 to 3.5.26 cover Lifetime Homes Standards.</p>
			3.2		*	<p>3.2.4 – I consider it to be another piece of unnecessary bureaucracy to have to submit an affordable housing statement as part of the planning application.</p> <p>3.2.7 – This suggests that Policy CS10 will not apply to Extra Care Schemes. I do not understand why that should be the case, given that they have previously been accepted as special provision for the elderly, both by the County Council & by the District Council. They perform a useful function in terms of providing affordable specialist housing for the elderly, thereby releasing other houses for the open market. I would</p>	<p>Establishes standardised process making it quicker and easier for the Council's Affordable Housing Officer to appraise the affordable housing element of an application on a consistent basis. On a small site this needn't be a lengthy statement.</p> <p>Extra care isn't exempt from affordable housing – the list of exceptions in 3.2.7 says (not including Extra Care) If it was considered that the listed building was not suitable for affordable housing, a contribution in lieu may be the most appropriate option, as set out in section 3.3</p>

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						<p>also like to see the sub division of Listed Buildings included in the list of exceptions to which CS10 will not apply. The costs associated with such schemes are high, often because of the poor condition of the original building & because of the need to preserve the character of the building – room sizes larger etc...</p> <p>3.2.11 This suggests that the Council may require “free fully serviced land”. I consider that the word require is inappropriate as any legal agreement is entered into after negotiation and mutual agreement and should not be a requirement of any consent.</p> <p>In paragraph 3.2.21 the word “require” is used in relation to the supply of free service land and again, it is considered to be inappropriate.</p>	Also says “may” and “in exceptional circumstances” – would not usually be the Council’s preferred option, so no amendment to text.
			3.3		*	<p>Paragraph 3.3.13 discusses the method of calculating open market value and suggests that this will be determined by the District Valuer, the cost of the valuation being deducted from the required contribution. I see no need to involve the District Valuer unless there is a dispute between the Council and the developer and I would therefore suggest that this section be amended to take account of these circumstances. Using the District Valuer would simply add a further cost to the proceedings and potentially a serious delay in a process that is already bureaucratic and unwieldy.</p> <p>Paragraph 3.3.14 looks at the use of affordable housing contributions but does not include the possibility of assisting self build developments either through the purchase of sites for onward transmission to potential builders or by direct subsidy or assistance.</p>	<p>Agreed – new less prescriptive approach to be set out whereby applicants have a choice over using a RICS qualified surveyor and the Council has the expense verified by a second firm of chartered surveyors</p> <p>Supports CLT development – this could include self-build.</p>
			4.1		*	<p>Paragraph 4.1. – Housing on Rural Exception Sites discusses the circumstances where normal policies controlling new housing development in rural areas may be set aside to allow exception consent normally for affordable dwellings. It previously suggested that there may be circumstances where genuine local need comes forward within the village, which members may wish to approve as an exception. This could be dealt with by way of a local occupancy condition and considered as a payment to the general housing pot. No consideration seems to have been given to this possible circumstance within the policy document at the present time</p>	Disagree – would undermine a fundamental principle of the Housing SPD.
			4.2		*	<p>The circumstances ascribed in Section 4.2 could cover local need but there is still a requirement that the development be affordable. In some cases local people may have a strong local need but may not qualify to appear on the Council’s Housing Register. In this circumstance it would seem unfair not to allow them to occupy a house locally.</p>	Core Strategy policy CS9 states exception sites must be for 100% affordable housing.
			4.4		*	<p>Conversion and re-use of Rural Buildings suggests that within Key and Local Service Centres conversion will be supported presumably with the normal level of affordable provision.</p> <p>Outside Key Local Service Centres conversion would appear to be only supported where it provides affordable housing or employment</p>	This is not always the case, however consideration of individual cases will be the prerogative of members where a case comes to

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
						<p>provision. In effect, this requirement will prevent the conversion of rural buildings because the costs involved in their conversion would not allow them to fall within the financial constraints applied to affordable development.</p> <p>Para 4.4.8 is incomplete . Presumably it will go on to state that the conversion of heritage assets to open market housing will be allowed.</p>	<p>Committee. A site based EVA should be provided in such circumstances.</p> <p>Text amended.</p>
			4.7		*	<p>Agricultural Workers Dwellings, suggests that in addition to an agricultural worker's condition that a Section 106 Legal Agreement will be required, tying any original property to the farm holding. This is contrary to established policy which is being upheld through Case Law, and Para 103 of Circular 11/95 (The use of Conditions in Planning Permissions) where agricultural worker ties are attached only to the building so that in the event a change in circumstance occurs it can be occupied by any other agricultural worker in the locality and not a particular holding. This situation has been current for many years and it is difficult to understand why it is now suggested it should be changed within this policy document. It also needs to be recognised that putting a restriction on an existing farmhouse will adversely affect the value of a farm which in turn affects its gearing and ability to lend money for expansion etc. from the banks</p> <p>Para 8 of Annex A to PPS7 states that "agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are usually large in relation to the agricultural needs of the unitshould not be permitted". It does not however set out a max. floorspace as your para 4.7.2 does. For some time now your Council has been using a figure of 160sq m for a farmworkers dwelling and larger again for a new main farmhouse. This reflects the differing needs of farmers and their workers for internal space from general housing needs. Consideration also need to be given to the general building characteristics of a particular area – a small property in a area characterised by larger properties could adversely affect the character of an area, particularly in the AONB.</p>	<p>It is agreed that an agricultural workers dwelling should be restricted to occupation by agricultural workers and not to the farm holding. However, it is also considered appropriate to require the applicant to tie the farmhouse to agricultural occupancy in the same manner with a S106 agreement, as the premise of the application would be that there was a need for two (or more) houses on the farm holding and that these should be retained as such. This reduces the possibility of subsequent abuse.</p>
			5.1		*	<p>Residential Design Standards, seems to be concerned with matters entirely unrelated to the Housing SPD and I fail to see why it has been published in the same document. I would suggest that it is removed and dealt with at a separate time</p>	<p>Included at the request of Planning Services to give required status and effectiveness in development management terms.</p>
31	Steve Atkinson	Atkinson Building Contractors	3.1		*	<p>The need for such tight control of affordable housing is unnecessary – if more permissions were allowed the 'market' would determine the value of property. Unachievable targets have been set before and now tighter restrictions are being imposed. It doesn't appear the right way forward to get housing delivered/ nothing in here helps. The lack of available 'mortgage money' is restricting any first time buyer movement. A more open minded approach on permission would help. Why restrict development when very little is happening now.</p>	<p>Designed to meet central Government policy (PPS3) and provide a consistent approach to delivering affordable housing across the District.</p>

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
			3.2		*	Similar remarks and housing association funding appears to be drying up, lending is being restricted and grants are being restricted by government cuts. How will the affordable elements happen if this continues?	Continue to work with Housing Association partners to deliver affordable element on S106 schemes and support grant funding bids as and when funding available.
			3.3		*	Why is off-site provision only acceptable in exceptional circumstances? Some land may be much more viable/ acceptable to low cost housing than other sites. Need to be more accommodating to get things happening. 'Swapping' situation needs clarification – there is no reason not to encourage it if it brings about more housing overall. What will be considered, what won't be considered and who will consider?	Proposals for offsite delivery will be considered on a site by site basis but onsite usually preferred option (finding suitable sites in the locality/ phasing the affordable housing etc. can make off site problematic). Consideration would be made by Planning and Housing officers.
			4.1		*	No reason to restrict the types of property. In some cases the design may need to be different – costs may not allow same designs and schemes will just not happen. Too restrictive to only allow 100% affordable schemes and needs more flexible thinking to see such schemes happen.	100% affordable housing requirement set in Core Strategy policy CS9
32	Pip Kirkham	Natural England	4.1			Paragraph 4.1.4, p. 26 states schemes won't be permitted if they: "Are detrimental to habitats and species, particularly in relation to Natura 2000 sites" Natural England questions whether this statement gives enough weight to Eden District Council's biodiversity responsibilities. Under section 40(1) of the <i>Natural Environment & Rural Communities Act 2006</i> a duty is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species. Planning Policy Statement 9 (Biodiversity and Geological Conservation) also expects local authorities to prevent harm to biodiversity and geological interests. Part (vi) of the Key Principles makes it clear how the government expects the council to consider planning decisions that could lead to harm to biodiversity and geological interests. Section 10 on ancient woodland and section 12 on networks of natural habitats describe how these particular biodiversity features should be protected from development. So there is a clear duty on Local Authorities to protect a whole range of habitats and species, including (but not limited to) European Natura 2000 sites, European Protected Species, sites and species protected under the Wildlife and Countryside Act 1981 and also BAP / local BAP priority habitats and species.	The points made are accepted as important but references in a Housing SPD are considered sufficient. These duties are set out in other planning documentation.
			4.4			Conversion and Re-use of Rural buildings and 4.6: Farms and Residential Development, provide a good opportunity for early notification that biodiversity is likely to be an issue in such cases (as well as the mention it gets in the appendices). It should be ensured that when applicants seek advice from the planning department as advised here, the advice they receive includes information about when ecological surveys are required and what is expected of survey reports (links for information about this are provided below).	Support welcomed.

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
			ApF			Suitability Criteria for the Conversion and Re-Use of Rural Buildings, no. 10, p. 46 talks about not jeopardising ecology. This is an ideal place to disseminate information about seeking opportunities for enhancements (in addition to protecting what already exists). In accordance with the duty on the council described above (in point 1) and in paragraph 14 of PPS9, Eden District Council should seek to maximise opportunities in and around developments for building in beneficial features as part of good design, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.	The points made are accepted as important, but are more fully addressed in other planning documents.
			Ap G			Appendix G Barn Conversion Design Guide – p. 48 says: “Advice Buildings proposed for conversion may provide a habitat for species such as bats or barn owls, which are protected by the Wildlife and Countryside Act 1981. Natural England can provide specialist advice about protection of such habitats and can be contacted on 0300 060 2122 or email northwest@naturalengland.org.uk ” The line highlighted in red above should be removed as NE is moving to standing advice via our web-site. Instead, we recommend this section should give two contacts for further information about protected species and habitat considerations in building developments, including when a survey may be needed: Cumbria Biodiversity Evidence Base - http://www.lakelandwildlife.co.uk NE’s standing advice pages - http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/protectedspp.aspx (NB the standing advice website is currently in draft/consultation format but is expected to be operational by November 2010). See comment made for Appendix F re. seeking enhancements. It is critical that the value of these rural buildings to wildlife is not lost. As each one is developed the potential for significant cumulative impacts on certain species increases. Farm buildings were often built with wildlife in mind e.g. barn owl access, and with today’s very tight design specifications, plans to retain and incorporate further wildlife benefits must be flagged up early on in the whole process.	Agree. See text changes.
						General comment: it should be made clear protected species and habitats are a material consideration and as such ecological survey reports, when required, should be submitted with planning applications as it is government (PPS9) policy, that they should not be left to conditions. It should also be noted that is not only rural buildings or farm buildings that may have ecological value. The Natural England standing advice website indicates when a building may require a survey for protected species.	Comment duly noted.
						SEA Screening Report for the Eden Housing SPD, July 2010 The 2004 Regulations require the “responsible authority” to consider a	Support welcomed. Very useful references which will be disseminated.

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						<p>number of questions in relation to the screening process. In its role as a consultation body, Natural England is unable to provide an opinion on many aspects of this process, such as whether the plan or programme sets the framework for future development consent of projects, or whether an environmental assessment is required, because these are matters for the responsible authority to determine and we have insufficient knowledge to give a view on these issues.</p> <p>On the basis of the information available, Natural England considers that the Draft Consultation Housing SPD is not likely to have a significant effect on the environment. Furthermore, we note that some of our comments made above are reflected in the recommendations made on page 9 of the Screening Report and urge that these are put into practice.</p> <p>On this occasion we have no further detailed comments to make on the Housing SPD or the SEA Screening Report but we have below provided brief comments concerning the Biodiversity Duty introduced by the Natural Environment and Rural Communities Act 2006.</p> <p>Biodiversity Duty</p> <p>Biodiversity is a core component of sustainable development, underpinning economic development and prosperity, and has an important role to play in developing locally distinctive and sustainable communities. All local authorities and other public authorities in England and Wales now have a Duty to have regard to the conservation of biodiversity in exercising their functions. The Duty aims to raise the profile and visibility of biodiversity, to clarify existing commitments with regard to biodiversity and to make it a natural and integral part of policy and decision making.</p> <p>The Duty is set out in Section 40 of the Natural Environment and Communities Act (NERC) 2006 and states that: “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.</p> <p>Guidance is available in the Defra publication, Guidance for Local Authorities in Implementing the Biodiversity Duty, http://www.defra.gov.uk/wildlife-countryside/pdfs/biodiversity/la-guid-english.pdf</p>	
33	Keane Rogers	Manning Elliott	3.1		*	<p>Reference is made to the “Strategic Market Housing Assessments” being valid until 2011. What provision is being made after this time?</p> <p>Reference is made to the “Gross Household Income” but no clarification is made as to how this is to be calculated (i.e. Is it from central local authority figures or done on an individual basis).</p> <p>Item 3.17 and table 1 are very general in terms of their valuation of the properties / income around Eden. They do not respond to the vast number of variants and the table is in fact of little use. Is there going to</p>	<p>Rolling programme of parish surveys being carried out by Cumbria Rural Housing Trust.</p> <p>Data provided by CACI Paycheck – updated annually.</p> <p>More appropriate for a SHMA/ housing need survey to provide this type of in-depth housing market analysis detail than the SPD which adds detail to Core Strategy.</p>

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						<p>be a more specific localised tabled or can we look at omitting it?</p> <p>Item 3.10.1 the definition for 'affordable housing' is unclear and in reality is not a definition. As this is the key item in Section 3.1 it needs rewording so it actually says what affordable housing is. If the definition is unclear then how are we meant to address the affordable issue?</p> <p>Item 3.1.11 the discounted sale description makes reference to the open market value being determined by the District Valuer. The open market value will need to be determined before submission of a planning application (if submitting a viability assessment as part of the application). What procedures will be adopted for getting such valuations? Is the district valuer a position which already exists or will we be waiting for one to be appointed (potentially delaying any new planning application)? Why can't estate agent valuations be used as an alternative measure for determining the property values?</p> <p>Item 3.1.11 the sentence "The council is proposing to set up....." ends abruptly. What was it meant to say?</p> <p>There is an overall lack of clarity within the definitions, which will undoubtedly lead to confusion when the applicant and local authority interpret them differently. The section needs to be re-wrote so that it is considerably simpler. Single line definitions should be made at the start of the document, wrote in a way so there is no ambiguity.</p>	<p>PPS3 sets out that affordable housing is a tenure as opposed to 'affordability' which relates to individuals or specific groups.</p> <p>Valuations can be provided by RICS qualified surveyor prior to the submission of an application – also new approach upon completion of units (see 3.3.13) where applicants can use their own RICS qualified surveyor.</p> <p>Noted – text amended.</p> <p>We intend to produce a summary once the SPD has been adopted – it is considered the current level of detail helps provide clarity to developers.</p>
			3.2		*	<p>Item 3.25 makes reference to the economic viability assessment and refers you to two other sections of the document. Neither of these areas clarify how the viability assessment is to be presented, though appendix C does list a few items to be included. A standard template for the viability assessment needs to be provided as an appendix for this policy.</p> <p>Item 3.25 does not clarify how the viability assessment will be assessed by the EDC. From our discussions at the moment there is no one within EDC who can assess the submitted viability assessment and this will have to be out sourced. As this will be undertaken whilst the application is being determined I have concerns as to whether it can be completed within the 8 / 13 week determination period (we don't want a situation where we have to withdraw / have a refused application when the viability assessment has not be reviewed by EDC / their appointed body. If a pre-application submission system (to agree the viability assessment before submission) was adopted this would alleviate some concern, however it would need to be done on a pre-specified timescale (maximum 3 weeks). There would also need to be some written correspondence confirming the agreement of the viability</p>	<p>We are looking into producing a standardised template which developers may find useful but it may not be ready in time to include in the SPD.</p> <p>Initially the Council's Affordable Housing Officer will assess the EVAs and discuss with the applicant. Where a second opinion is required, the Council has an agreement with a firm of Chartered Surveyors, who can usually can provide a report within 15 working days (as long as the appropriate level of detail and background information has been supplied by the applicant – see Appendix C)</p>

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						<p>assessment that could be submitted with the planning application.</p> <p>Item 3.26 makes reference to securing the affordable though a 106. When reviewing this section in conjunction with the rest of the document, almost all housing developments will need to be secured by a 106 (with the exception of viability assessed sites where it is proven no affordables will be required). This is going to be a significant amount of work for EDC and I am concerned about the delays in which it will have in granting the Planning Approval (I have seen simple 106 agreements take up to a year). A system of securing the 106's needs to be implemented and added to an appendix in this document. Proposed timescales for securing the 106 after the application is determined need adopted by EDC.</p> <p>Item 3.27 makes reference to educational establishments including an element of residential accommodation. Clarification is required of how student accommodation which isn't university owned (i.e. Riverside, Unite etc) or is off site, fits in with this criteria. It looks like this needs to be re-worded or a separate sub category (after all, you wouldn't want affordable criteria to apply to rented university / affiliated university accommodation).</p> <p>Item 3.2.14 says that the prices should be clarified prior to purchasing the site. Whilst this sounds a good idea in reality it's not going to happen. You wouldn't expect a client to commit the resources to get a development to this stage without owning the land. There is also the issue that the Planning approval relates to the site, not the applicant. If the application is proceeded without the client owning the land, is subsequently approved, there is a considerable risk to your client that the site owner could benefit more so from an approval for which they have had no fiscal input. The simple solution here is to omit this sentence / item.</p> <p>3.2.16 asks for the council to be "fully satisfied that the scheme is unviable on a social rented basis with a Housing Association partner", but does not mention how. Is a simple letter signed by the Housing Association partner and client sufficient or will something more be required? The aim is fine but method by which you would achieve this needs added to the document.</p> <p>3.2.19 asks for a discount of 33.33 to 40%, but does not say how the percentage within this range is identified. There needs to be some prescribed method for identifying the specific percentage figure rather than it being to the local authorities discretion.</p>	<p>S106 review currently underway but beyond the direct remit of the SPD.</p> <p>3.2.7 says educational establishments are exempt from making an affordable housing contribution.</p> <p>3.2.14 also states the discounts are included as a guide only.</p> <p>The prices provided by the Housing Association setting out what they could pay for the affordable units would be factored into the Economic Viability Assessment.</p> <p>Set out in detail in Appendix D (as referenced in 3.2.20)</p>

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						<p>This section has the appearance of a section started but not finished / fully thought through. There are clear items missing in this that are fundamental to the negotiating of the affordable contribution.</p>	<p>Would not consider this is to be the case for the reasons set out above.</p>
			3.3		*	<p>3.32 identifies “exceptional circumstances” when the affordable contribution is to be met off site. Whilst 3.3.3 identifies 3 items, the list of said affordable circumstances needs expanded. After all what the client and EDC determine as exceptional circumstances will inevitably be different.</p> <p>3.3.3, the third bullet point identifies the integrity or viability of the development as one “exceptional circumstance”. This is a very subjective statement and needs a lot of clarification as both the client and EDC may view the reasons for offsite contribution differently.</p> <p>3.3.6, the method of commuted payments instead of affordable contribution (on four or more unit developments) is very unclear and it will be very difficult to generate and agree the figures (see my points earlier on about the validation of the viability assessment by EDC). A flat percentage figure is identified for under 3 unit developments, can this not be adopted for the four or more unit developments (the percentage figure needn’t be the same)?</p> <p>3.3.6 has the values of said properties valued by the district valuer. Again, can other means be used to determine said values (estate agents etc)? If the district valuer is to assess them, what timescales and order of process will be adopted.</p> <p>3.3.9 to 3.3.13 is a prime example of the over complicated of this document. The requirement for the 3% contribution is the only item that needs to be identified here (we don’t need to know how you got to the 3% figure).</p> <p>3.3.10 Is the DTZ District wide assessment available to view?</p> <p>3.3.10 I have concerns as to when the District Valuer make his valuation of the property and its implications on the timescale of determining the application. The document reads as though this valuation is determined during the Planning application. I would hope this is done in the three week consultation process and would appreciate confirmation of this.</p> <p>3.3.10 Indicates the contribution will be made by way of legal agreement (106 etc) after the Planning application is determined. I have mentioned previously in this document about my concerns about the time in which this will take. Would it not be possible to put a</p>	<p>To be considered on a site by site basis – in most cases preference for on-site provision.</p> <p>Continues “... for reasons that can be clearly set out and justified” Onus on the developer to justify why off-site provision would be more appropriate.</p> <p>The commuted payment would be commensurate to the cost of delivering the affordable housing on-site.</p> <p>See new para 3.3.13</p> <p>Applicants may be interested to know this information if they are being required to provide an Affordable Housing Contribution.</p> <p>Available on EDC website.</p> <p>See revised para 3.3.13</p> <p>S106/ Unilateral Obligations currently under review to speed up process</p>

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						<p>condition on the Planning Approval to this effect rather than securing it with a legal?</p> <p>3.3.14 to 3.3.17 Is there any method by which you can view how your affordable housing contribution has been spent. Is there not some legal requirement where you have right to see how the money is spent?</p> <p>Again there needs to be some clarification in key areas of this section. The potential delays in the application process due to the district valuer's input and requirement for legal agreement after determination for the 3 unit contribution are a concern.</p>	<p>The plan is to provide these details via the website – although some contributions may need to be pooled.</p> <p>No unreasonable delay anticipated for the reasons set out above – obligation to use District Valuer now removed..</p>
			3.4		*	<p>3.4.2 This will never happen in reality and this statement needs to be removed from this document. In almost all instances you cannot ascertain and 'abnormal costs' until you have purchased the land and carried out the necessary tests (i.e. land remediation, sited in the document, cannot be ascertained without intrusive surveys, which inevitably cannot be done until you have had ownership of the site). If for some reason you are able to do said surveys without the land being in your ownership, any costs which you outlay will be for the benefit of the land owner and not the client. Also, the statement does not take into account which is in the clients ownership already.</p> <p>3.4.3 A template for the Viability Assessment needs to be adopted by EDC and included in the appendix to this document.</p> <p>3.4.6 The procedure for the councils assessment of the submitted viability assessment needs clarified and included in the document. It is my understanding that it is being assessed by external consultant. Confirmation is also required as to when this assessment is to be undertaken (I would hope it would be during the initial 3 week consultation period as you wouldn't want the planning process drawn out)</p> <p>3.4.7 Mentions the use of a 'Social Housing Grant' to aid the affordable housing contribution. Does the use of said grant not invalidate the affordable contribution?</p> <p>3.4.7 Mentions the reduction in the number of affordable units but does not mention the possibility of no affordables on site. This is a very real possibility on certain sites and should be acknowledged in the document.</p> <p>The need for a template for the viability assessment is paramount</p>	<p>Text amended to say the Council expects developers to take all reasonable steps in respect of abnormal costs and site remediation..</p> <p>EDC is currently looking into this - may not be available in time for SPD adoption.</p> <p>See previous response re 3.2.5</p> <p>May occasionally be able to access grant (subject to availability) where it can be demonstrated this provides "additionality" but not usually available on S106 sites.</p> <p>The reduction in numbers is dependent on what the site can realistically deliver. Could be nil if that is the outcome of the EVA.</p> <p>Covered above.</p>

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						<p>and indicative rated figures / costs should be provided in the appendix. The clarification as to the timescales for the review of the submitted assessment needs also clarifying. If a development successfully demonstrates no affordables can be provided, clarification is required in the document that at 106 will not be required.</p>	
			3.5		*	<p>3.5.3 Confirmation is required as to when the council would recommend a suitable housing association. I would hope it is in the pre-application discussions, but if its intended to be in the application process, confirmation would be required that it would not infringe on the 8/13 week planning time.</p> <p>3.5.16 The time provision of the affordable housing should be left wholly to agreement between the client, agent, housing authority and EDC. There may be site specific issues (i.e. layout) which demote when the agreed affordable units are able to be provided.</p> <p>3.5.19 &20 Whilst it seems like a good idea in principle, there are more issues continuation of the same standards of design throughout the development. The design of any development must respond to the site, surrounding area etc. Asking for the affordable housing to be indistinguishable from the remaining housing, whilst discounting all other factors, is far too general a statement and needs removing from the document.</p> <p>3.5.26 The end on this paragraph is very dangerous for client as it effectively gives the council free reign to ask for special needs housing. This statement needs to be removed or it gives the council the ability to penalise any developer by another means (i.e. when it has been demonstrated that no affordables can be provided).</p> <p>3.5.27 The minimum dwelling size table needs to be updated, the way it reads at the moment is that you cannot have 3 story 2 bed houses (can be done). The procedures for updating this table need clarified as well</p> <p>For the most part this section is a marked improvement in the overall document. The key item that needs addressed though are items 3.5.26 and 3.5.19/20 as they are heavily biased against the client.</p>	<p>Would always recommend that the Housing Association partner is involved as early as possible – ideally pre-application.</p> <p>Amend to say ‘phasing’ rather than ‘timescale’</p> <p>The idea is that the schemes should be ‘tenure blind’ – i.e. the affordable units don’t stand out from their external appearance.</p> <p>Additional text added at 3.5.19 and 3.2.25 stating these standards are provided for info. and will not be required on all schemes/ units – except to meet an identified need or in the case of specialist accommodation.</p> <p>Amended based on recommendations from Russell Armer, as agreed at Housing Market Partnership meeting Aug 2010.</p> <p>Noted – additional clarification provided at 3.5.19.</p>
			4.1		*	<p>4.1.1 the third bullet point needs clarification. They way its worded suggests that it would be a private / domestic applicant for housing on the rural exception site, but I don’t think you can legally exclude another element (i.e. developers). This point either needs clarified or removed. There are three individual elements in this statement which need clarifying (i.e. how is it proven the household is in housing need?</p>	<p>Wording to bullet point amended to add clarity.</p>

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						<p>Strong local connections definition & how do they prove they are unable to afford a local home.</p> <p>4.1.2 the statement contradicts what is said in 4.1.1 above!</p> <p>4.1.8 the sixth bullet point is fine in principle but if roads are to be adopted there are occasional scenarios where they will require a solid (tarmac) driveway. This should be confirmed and the relevant bullet point updated.</p> <p>4.1.9 makes reference to photos of surrounding properties to accompany the design an access statement. Whilst fine in principle this throws up a whole load of copyright and ownership of digital media issues. You would have to get consent from the owner of each property you photographed to use the photo as you have directed (a very long winded task). There could be instances where there are no immediate surrounding properties to photograph or where the owner cannot be found. I would prefer this to be omitted, but if it's to be included then add an "if possible, get photos....." line.</p> <p>4.1.12 makes no reference to the possibility of the housing on the exception site being for a 'private' individual, almost to the point of excluding them. Most development in said rural exception sites will be individual dwellings for family members (usually children who have grown up and do not wish to move away). This paragraph should be updated so no to exclude any party who would build on said exception site.</p> <p>Whilst this section in principle is fine, it does not really need to be included in the document to such an extent. You still have the same rules / principle to apply to developments on rural exception sites as you do to other developments, so why do you need to re-state the same information here. This area can be summarised in 1-2 small paragraphs and made simpler.</p>	<p>No contradiction now following amendment above.</p>
			4.2		*	<p>4.2 There needs to be a clear definition for "Self Build Affordable Housing" at the start of this document.</p> <p>4.2.2 Third bullet point, I don't think you can legally restrict the size of a proposed dwelling. What it it's to be a dwelling for a large family, 125m sq will not be sufficient. I suggest this area is omitted or at least reference made to the property size guidelines provided earlier. The fifth bullet point should also be omitted as well for the same reason as above.</p> <p>4.2.5 Is the standard form referred to available yet?</p>	<p>Not considered necessary.</p> <p>If a property is to be affordable to successive occupiers, maintenance costs and utility bills etc. need to be taken into consideration – the maximum size is well above HCA standards for a 4-bed house (which are generous and have to meet CSH standards)</p> <p>Yes – contact the Affordable Housing Officer.</p>

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						<p>4.2.9 The cap limit as it is set allows for a new build property costing £1090 per m sq. Self build costs are inevitably higher than those of commercial developers or even small build developers. With the square meterage prices indicated thus there is a good chance you will be making a self build house at a loss, which anyone with common sense will not do! This will clearly not help with the affordable housing requirement!</p> <p>4.2.11 Makes reference to construction costs at £1300 per m sq. As noted above, 4.2.9 establishes the rate at best of £1090 per m sq. There needs to be some consistency within the figures!</p> <p>4.2.12 Need to clarify in the document how you would justify the larger housing costs.</p> <p>4.2.13 The traditional housing resale pattern in EDC has been to buy a house, do some work on it whilst living there (i.e. and extension), and use the increased revenue from the re-sale to move up the property ladder. Basing the housing valuation on the 'starting' building footprint will not allow this to occur and again incur a loss to the home owner. There will be no incentive thus to do any improvements / extensions to a property, thus having an effect on the entire local construction industry (from designers through to builders). If it is to be included, then the re-sale value needs to be based on the re-sale footprint.</p> <p>The notion of the self build is admirable, yet the document as proposed does not afford you any benefit for self building. The lack of a clear definition of a self build property is a poor start to this section of the document. If self build is to be wholly built by the applicant then this restricts the applicants who can self build down to a miniscule percentage of the EDC population. There are certain trades / professions (i.e. gas, electricity) that have to be done by approved installers and other trades that have to be done by specialists. Are we really saying that the applicant has to have all these skills at their disposal? If this is the case, I can guarantee the number of people eligible for self build will be negligible and the affordable housing will not be addressed through self build. This section needs heavily refined or omitted from the document.</p>	<p>But the properties need to be affordable to successive occupiers on local incomes – the policy discourages people from building properties disproportionately large for their household's needs.</p> <p>4.2.11 relates to a possible alternative not favoured by the Council – as mentioned above the intention is not to encourage applicants to build disproportionately large properties.</p> <p>Would be looked at on a case by case basis.</p> <p>Upon resale these would be affordable homes – subject to a cap on the upper sale price.</p> <p>It allows people the benefit of being able to build a home in a community where they want to live and have a strong local connection, but would not otherwise have been granted planning permission. The applicant can of course use contractors.</p>
			4.3	*		<p>Whilst the intention may have been admirable here, the notion of a community land trust is little more than that, a notion. Being part of a land trust does not afford you any benefits as you still have the same criteria for which any planning application is to be judged. By all means leave this section in the document as in reality it will have little / no impact.</p>	Section left – as per comment.
			4.4		*	4.4.4 Definition of modern purpose built agricultural buildings needed.	Agree. Distinguish traditional stone and slate buildings from steel 'at

	NAME	COMPANY	SECTION	SUP	OBJ	COMMENTS	EDC RESPONSE
						<p>4.4.7 Asks for said conversions to be unviable. I assume this would be done through commercial viability assessment as noted previously but clarification is required.</p> <p>4.4.8 I can guarantee from experience that you would be unable to convert 'suitable rural building' (which for EDC will be for the most part old barns / parts of farm outbuildings) to affordable properties without a loss to the client. A client will clearly not build any development / conversion where it will incur a loss (what would be the point to them?). The exclusion of market sale properties should from rural buildings should be omitted from the document. Otherwise these buildings will remain unused and will fall into disrepair. The conversion of said rural buildings has been an integral part of the development approach in EDC over the past years. Introduction of this section of the policy would rule this out and be disastrous.</p> <p>This section needs re-written from scratch! The conversion of rural buildings has been a core element within local development for many years. Introducing this policy would effectively rule out re-development of rural buildings, as per my earlier point, any client will not undertake a development if they will incur a loss!</p>	<p>cost' type.</p> <p>There is the opportunity for flexibility & member discretion here and the general point is taken, although cases of conversion of traditional buildings for affordable housing are not unknown, locally or nationally.</p> <p>Appears a little overstated in view of the above.</p>
			4.5	*		<p>Perfect! This policy section is short and to the point, opening up the 'conversion' of holiday let properties to affordable homes! This is by far the best element of the proposed policy.</p>	Support welcomed.
			4.6	*		<p>4.6.5 Definition of 'open countryside' needed for avoidance of doubt.</p> <p>Otherwise this element does what it says on the tin (i.e. clarifies the relevant area of planning policy).</p>	Open countryside is a term used in PPS and has a general clarity of meaning and understanding.
			4.7	*		<p>4.7.2 It would be worth checking as to whether you can legally restrict the size of a dwelling (I recall some case from a few years back where this was an issue but cannot recall the outcome). Common sense would dictate that 125m sq would be too small for any agricultural workers dwelling anyway (by the time you take into account kids etc).</p> <p>4.7.2 Earlier in the document it mentioned how the use of garages would impact on the space usage, clarification is required as to whether the same restrictions apply here.</p> <p>Otherwise this element does what it says on the tin (i.e. clarifies the relevant area of planning policy).</p>	<p>Raised to 150sqm.</p> <p>Garage included if integral to house.</p> <p>Support welcomed.</p>
			5.1	*		No comment	
			5.2		*	5.2.7 Has the Building for Life Assessor been appointed yet by EDC and can they confirm who it is / will be?	Building for Life Assessors have been appointed for Planning Services.

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						<p>5.2.11 (BFL Item 17). Can we have assurances the Building for Life Assessor has suitable architectural training in order to judge architectural quality. I would expect the BFL assessor to at least have at Part II Architectural qualification (preferable be a qualified Architect). The last thing we want is someone who has been appointed who's entire experience is assessing architectural quality is from a three day training course.</p> <p>5.2.11 (BFL Item 20). Are we really envisioning that drawn information would be to a Building Regulation standard at Planning Stage? I cannot see how this criteria is to be assessed otherwise.</p> <p>I have been heavily critical of CABE's 'ideas' in the past as they have been conceived by 'city architects' and the criteria established accordingly. Though the BFL life scheme is aspired to be a national standard, I would like to see EDC being innovative and established their own equivalent of the BFL scheme. The criteria could then be established based on Local precedent and design / development patterns.</p>	<p>No.</p> <p>This is a consideration for the future.</p>
34	Michael Barry	Cumbria County Council	Gen			<p>The consultation SPD, which provides further guidance with respect to a series of Eden's Development Plan policies, is broadly welcomed. As a general point of principle it is considered that more regard should be had to matters relating to all forms of housing and the need for there to be more flexibility with respect to how certain aspects of policy guidance operate. This is especially relevant in terms of the re-use of rural buildings, house size maximums and how financial contributions are sought. It is considered that an inflexible application of policy could inhibit the delivery of opportunity sites in locations where they are sought to the potential detriment of the District's housing strategy. Within the consultation document there is much useful information concerning affordable housing and the residential re-use of rural buildings (discussed below).</p> <p>However, it is considered the document could be enhanced through clearer information with respect to the provision of open market housing. National Policy contained in PPS3 is clear that the planning system should look to deliver a full mix of housing types, both affordable and market to address the needs of communities (paragraph 9).</p> <p>Paragraphs 20-25 of PPS3 state that development should bring forward proposals for market housing that reflect the demands and the profile of all households. In line with this it is considered that the SPD should also address the delivery of market housing, in particular the requirement for housing proposals to deliver an appropriate mix of good quality housing that meets the needs of the market and communities. The Eden Strategic Housing Market Assessments (SHMAs) already</p>	<p>Comments noted – we will actively engage with any intelligence provided by the Research and Information Group in future but this can not be referenced in the SPD as it is not yet available.</p>

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						<p>provide some information on the types of housing which are appropriate and Cumbria Housing Group's Research and Information Group are presently investigating a means through which the Cumbria SHMAs could provide more detailed information on the mix of housing types needed in locations throughout the County. When completed it is considered that this work can assist this process, but in advance of this it is considered that existing SHMA and other local assessments of needs would suffice.</p> <p>Consideration should be given to the needs of older people, including the provision of extra care housing. Paragraph 21 of PPS3 acknowledges the importance of meeting the needs of all in the community including the elderly. Consistent with this it is considered that greater regard should be had to the housing needs of the elderly within the SPD.</p> <p>Within the document it is noted that much attention is given to residential development in rural locations. In this context it is considered that the document would benefit from giving attention to live-work development. It is considered that live work schemes can contribute to the creation of a sustainable countryside allowing those who work in a locality to live there; possibly bringing investment and jobs to rural locations. Indeed the benefits of such development are clearly acknowledged within the Taylor Review into the creation of a Living Working Countryside and Policy EC2 of PPS4.</p> <p>Consistent with Policy EC6 of PPS4, the Council should detail how proposals for the replacement of existing dwellings would be considered. Such a policy should address the circumstances where this would be acceptable for example, fire damage to an otherwise habitable home, and the expectations for any replacement home in terms of its scale and design.</p> <p>It is considered that along with affordable housing contributions, the Housing SPD presents an opportunity for the District to detail the forms of financial contributions that may be sought from residential developments. In this context it should be noted that Cumbria County Council, as the education Authority, reserves the right to seek contributions where development puts pressure on the availability of pupil places in schools in the area of any proposed housing development. For example the Authority may seek contributions in Penrith where there is pressure on the number of available primary school places.</p> <p>Likewise, the SPD should acknowledge that there is the potential for off site highways and transport developer contributions. These could be through S106 agreements with the planning authority or S278 agreements with the highway authority. These would be based on the offsite highways and transport implications of a development and not the type of the development proposed. In this context will be important for potential developers to consider the cost implications of various</p>	<p>This level of detail considered more appropriate for documents such as SHMA/planning4care, both of which are referenced in the SPD.</p> <p>Comment duly noted.</p>

	NAME	COMPANY	SECTION	SUP	OBJ	COMMENTS	EDC RESPONSE
						<p>contributions when considering the economic viability of a residential development site.</p> <p>Relevant to all forms of housing it is considered that the SPD should highlight the importance of all housing proposals having regard to important site specific issues such as highway safety and accessibility, landscape impact, the protection of heritage interests and good design. It is considered that this could be expressed within Section 5 of the SPD in advance of the useful detail relating to building for life.</p> <p>It is also considered that throughout the SPD (including Section 5) greater reference to the importance of biodiversity issues, including species protection and habitat enhancement. PPS 9 Biodiversity and Geological Conservation, the Government Circular 6/2005 Biodiversity and Geological Conservation, Statutory Obligations and their Impact within the Planning System and the Biodiversity Duty in Section 40 of the Natural Environment and Rural Communities Act 2006, all require proposals to give consideration to the impact of development on the natural environment. In line with this guidance the SPD should require that planning applications consider the impact of the proposed development on features of bio-diversity interest.</p> <p>To this end it is recommended that a separate Appendix covering likely biodiversity issues and the provision of necessary mitigation or enhancement where appropriate (and possibly green infrastructure for larger developments) should be provided. In line with national policy the additional appendix could place emphasis on promoting biodiversity enhancement with specific reference made to the provision specific measures such as bat bricks, the incorporation of barn owl and swift features, inclusion of wildlife-friendly locally native landscaping and the value of Green Corridors, especially in larger developments. Cross-reference to the Cumbria Biodiversity Evidence Base Cumbria Guidance could also be made; this evidence base provides a Cumbria-focussed species guidance and can be found at www.lakelandwildlife.co.uk/biodiversity/index.html.</p>	<p>It is considered that there is sufficient detail given to these aspects in the Housing SPD given the existence of other policies specifically addressed to these factors.</p> <p>See response in relation to Natural England</p> <p>See response in relation to Natural England.</p> <p>Agree. Include reference.</p>
			S1			<p>The content of this section and the acknowledgement it grants to the importance of affordable housing corporately is broadly welcomed. However, reflective of its importance, it is considered that there would be benefit in highlighting that the provision of affordable housing is a weighty material consideration in the determination of planning applications in the District.</p> <p>Within this section acknowledgement should also be given to the Council's role as housing and planning authority and the role of the SPD in this context.</p>	<p>Support welcomed.</p> <p>Include reference to affordable housing as material consideration in determination of planning applications.</p>
			S2			<p>Although planning policy considerations are introduced, it is considered that the document should contain an appendix detailing all relevant development plan policies.</p>	<p>Suggest the use of web links.</p>
			3.1			<p>The consideration this section gives to Cumbria's housing needs and how it introduces key issues as affordability, demographics and</p>	<p>Support welcomed.</p>

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						<p>definitions of affordable housing which are rightly based on those set out in PPS3 is welcomed.</p> <p>With respect to paragraph 3.1.1, by way of a clarification, it should be pointed out that the SHMA will be valid beyond 2011. Only that part of the document which addresses affordable housing needs will expire at 2011, however this information can be updated as appropriate. It is understood that Eden DC are currently undertaking work to update the 2006 Housing Needs Survey using a series of Parish based surveys, when completed the SHMA's housing needs information can be updated and extended beyond 2011.</p>	<p>Include reference in text.</p>
			3.2			<p>The content of this part of the document, including the emphasis it places on frontloading through the undertaking of pre-application discussions and the requirement for an affordable housing statement to accompany planning applications is supported.</p> <p>Information on how affordable housing would be provided and transferred and the expectation that the developer would meet the cost of delivering affordable housing on development sites set out in paragraphs 3.2.8 to 3.2.13 is also supported.</p> <p>Details relating to the forms of development that would be exempt from affordable housing contributions, detailed in paragraph 3.2.7 are supported and it is agreed that Hostels, Educational Establishments and Residential Care / Nursing Homes (but not including Extra Care schemes) should be exempt from contributions to affordable housing provision.</p> <p>The use of a Homeseekers' Register described in the draft SPD, through which intermediate tenure housing would be sold to people in housing need on the Register, is supported (paragraphs 3.2.15 - 3.2.20).</p> <p>The requirement for a viability assessment to be used to satisfy reduced contributions is also supported (paragraph 3.2.5).</p>	<p>Support welcomed.</p>
			3.3			<p>The content of this section is broadly supported; however we have some specific comments/suggestions set out below.</p> <p>Relevant to this section it should be noted that the Cumbria Housing Group is presently working on the creation of a standardised Affordable Housing S106 document for use across the County. It is suggested that reference to this could be made within this document.</p> <p>The detail provided on how affordable housing contributions in lieu of on-site provision would be managed is supported (paragraph 3.3.1-3.3.8).</p> <p>It is agreed that the seeking of additional funding at a time of contracting HCA funding is appropriate and it is noted that on smaller sites containing 1-3 units a financial contribution would be sought. It is agreed that establishing a balance between the delivery of affordable housing without prejudicing the delivery of open market housing is important. Therefore we question whether elements of the approach proposed within paragraphs 3.3.9 – 3.3.13 could serve to limit the</p>	<p>Support welcomed.</p> <p>RE: S106 – not included as won't be ready in time for SPD.</p> <p>Support welcomed.</p> <p>This would be divisive, difficult, if not actually impossible to administer and would require a more intensive resource than is available to the council. No change proposed.</p> <p>Intention is to have a consistent approach across the District – level of contribution on small sites is significantly less than that required on sites of 4 or more units.</p>

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						<p>delivery of open market housing on suitable infill/windfall sites, especially at a time when housing delivery has been limited due to the effects of recession. It is therefore suggested that a more flexible approach may be more appropriate with contributions sought from proposals in those locations where affordable housing needs are greatest and values higher; with areas containing weaker markets or where housing delivery is a particular priority being exempted. Information on where contributions would be sought could be regularly updated in response to changing circumstances. It is considered that such an approach would accord with Eden Core Strategy Policy CS10.</p> <p>When using the approach to contributions proposed it is considered important that clarity is provided with respect to when the financial contributions would be sought, for example at the commencement of development.</p> <p>In paragraph 3.3.14 a series of uses that contributions may be used for is provided. Most of these, which will directly result in new affordable homes, are considered appropriate. However we have concerns with respect to proposals to use contributions for purposes that will not result in the delivery of new affordable homes, such as the seeking of expert professional advice. Reflecting the role of such financial contributions as payment's in lieu of on site affordable housing provision, it is considered important that such payments are used to directly deliver affordable housing elsewhere.</p> <p>With respect to paragraph 3.3.15 it is noted that amongst the aspirations listed as important, it is stated that the monies raised for affordable housing would be used to support the delivery of schemes in the locality where the funds were gathered, this is supported. However it is also accepted that this may not always be feasible and in such cases, as a last resort, the reuse of funds elsewhere may be most appropriate.</p> <p>It is agreed that contributions should be ring fenced (paragraph 3.3.16); and further to this it should be made clear that should funds fail to be used within the 10 year period specified, they would be returned to the developer.</p>	<p>For clarity contributions will be required prior to occupation as stated in para.3.3.14.</p> <p>Disagree. This mechanism is necessary in financial terms and has been used elsewhere. The professional advice would be in respect of directly seeking to deliver more affordable homes – i.e. through second opinions on viability assessments.</p> <p>Agree.</p> <p>Agree. Amend text.</p>
			3.4	*			
			3.5			<p>Guidance provided with respect to Economic Viability Assessments is broadly supported as is guidance with respect to the design and quality of new development.</p> <p>In addition, it is considered that guidance on how affordable housing is to be 'peppercotted' through housing sites should be provided.</p>	<p>Support welcomed.</p> <p>Comment not fully understood.</p>
			4.1			<p>This section is broadly supported; however we have specific comments with respect to the use of thresholds where the exception policy would operate.</p> <p>We note that in paragraph 4.1.1 it is said that for the purposes of this policy a settlement is defined as a coherent group of 4 or more</p>	<p>Comments noted, but this would lack precision in development management terms.</p> <p>These needs could be met, but this issue was resolved in the Core Strategy Examination.</p>

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						<p>dwellings which do not constitute isolated or sporadic dwellings. We are cautious regarding the definition of rural settlements in this way as it would suggest that any group of 4 dwellings is a considered a settlement for the purposes of this policy. Rather than numerically defining what constitutes a settlement this section could be reworded to allow for coherent groups of dwellings which are physically clustered and act as a community grouping. This could be assessed on a case by case basis having regard to the needs of those the housing is to meet.</p> <p>It is noted that Policy CS9 restricts the delivery of exceptions sites to smaller settlements and not Local and Key Service Centres. However, considering the weight attached to Affordable Housing, both in corporate terms and more generally, it is queried whether there is scope for such schemes to be delivered in larger, more sustainable, settlements in response to demonstrated and otherwise unmet housing needs.</p> <p>All of Eden is classified as a 'Rural Area' and on this basis and in line with PPS3, it is considered that affordable housing exception site's can be justified in larger Local Service and Key Service Centre provided they meets needs arising at these settlements. As demonstrated in the SHMAs, Eden's affordable housing needs outstrip that which can be delivered as a proportion of Open Market Housing. On this basis it is considered that the delivery of exception sites can be promoted more widely across the district.</p> <p>Concerning affordable housing rural exception sites, PPS3 paragraph 30 states that; <i>'where viable and practical, Local Planning Authorities should consider releasing sites solely for affordable housing, in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint'</i>.</p> <p>Within footnote 20 to paragraph 30, relating to the interpretation of the term <i>'of small rural communities'</i> (and reiterated in Paragraph 74 of Delivering Affordable Housing), it is stated that; <i>'Small rural settlements have been designated for enfranchisement and right to acquire purposes (under Section 17 of the Housing Act 1996) by SI 1997/620-25 inclusive and SI 1999/1305'</i>. The parishes where the Local Service Centres and Alston, Appleby-In-Westmorland and Kirkby Stephen are located in have been classified as designated rural areas in their entirety by SI 1997/622 and have a population of below 3,000, meaning right to buy legislation does not apply.</p> <p>Accordingly, it is considered that the Local Service Centres and Alston, Appleby-In- Westmorland and Kirkby Stephen fulfil the definition of <i>'small rural communities'</i> and in line with PPS3 may be suitable locations for exception site style affordable housing schemes. Indeed Policy EC6 of PPS4 supports the delivery of affordable housing within Local Service Centres where services can be readily accessed and</p>	<p>Quotations of PPS3 noted.</p> <p>Points were addressed in the Core Strategy Examination. There is nothing to prevent 100% affordable housing schemes in these settlements in policy terms.</p>

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						<p>where considerable housing needs may arise. On this basis it is considered that there may be scope to support the delivery of 'exception' style sites in more sustainable larger settlements, provided they are in response to demonstrated local needs and the site satisfies standard site specific considerations.</p> <p>It is considered that this approach would allow affordable housing to be delivered on land without development plan status and would therefore enable the delivery of more affordable homes with the same HCA or 'payment in lieu' monies due to the reduced land purchase costs of 'non-development' land.</p> <p>The identification of key site specific issues relevant in the delivery of exception sites is supported however there is some concern about design expectations. It is considered that there should be some flexibility in terms of how design standards are applied and in particular those relating to favouritism for natural finishes over plain tarred or paved entrances. There is concern that the use of unbound materials at the point of access with the public highway could prove detrimental to the condition of the highway and highway safety due to the impact of loose materials. Consequently it is suggested that the use of permeable bound materials that would not conflict the use of the highway or contribute to flooding should be promoted at the point of access to the highway.</p> <p>In addition to the criteria listed in paragraph 4.1.8 it should be highlighted that, it would be desirable for exception sites to also have access to key services through sustainable forms such as walking, cycling and public transport.</p> <p>In addition to guidance provided there should be a stated requirement that where possible improvements to green infrastructure should be made.</p>	Points accepted, but would be addressed through normal development management processes.
			4.2	*		<p>We are supportive of the general principles contained within this section which represents an innovative way of delivering homes for local people in rural locations.</p> <p>While we acknowledge the desire for self build homes to be of an appropriate scale it is considered that the setting of a 125 sq m size limit on self build homes maybe inappropriate. It is considered that the size of dwellings should be based on the housing requirements of the builder, the specific location of the house, its design and the ability of the applicant to afford construction. Although not directly related it is considered that regard in this respect can be had to paragraph 9 of Annex A to PPS7.</p>	<p>Support welcomed.</p> <p>Text added with reference to HCA size standards.</p>
			4.3	*			
			4.4	*		<p>The Council's policy approach is broadly supported; the re-use of rural buildings can contribute to the well-being of rural communities as well as being an important form of diversification in rural locations.</p> <p>It is agreed that when considering the reuse of rural buildings a 'sequential type' assessment should be undertaken. In line with Policy</p>	<p>Support welcomed.</p> <p>This would appear to reflect the general flexible approach put forward and is a useful suggestion and detailed support.</p>

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						<p>EC6 of PPS4, in the first instance when considering the reuse of rural buildings, priority should be given for commercial/business activities but also community uses that can contribute to sustainability locally. Alternatively, bearing in mind the Council's corporate priorities, it is agreed that the provision of affordable housing that meets local needs should also be prioritised. Where such uses are unviable (perhaps demonstrated through a comprehensive marketing regime and robust and tested viability assessment), the view is shared that holiday let uses should then be considered. It is also agreed that where all of the above uses are demonstrated to be unviable and provided the proposed scheme brings clear benefits, the open market residential re-use of rural buildings may be appropriate. Such benefits could include the restoration of a building(s) of historic or architectural value as suggested in paragraph 4.4.8.</p> <p>This provision is important as in many cases it is questionable whether affordable housing or economic development uses are capable of offsetting the costs associated with the sensitive conversion of rural buildings of interest. Such an outcome would be considered undesirable as the re-use of attractive rural buildings can contribute to the enhancement of the rural landscape and aid the diversification of farm enterprises.</p> <p>In this context there may be scope to support the delivery of live-work development which utilise existing rural buildings. Provided they are suitably located, such schemes could contribute to the creation of a living and working countryside consistent with the aspirations of the Taylor Review into the creation of Living Working Countryside and Policy EC2 of PPS4 which encourages their promotion in LDFs.</p> <p>In open countryside locations it is considered that there may be an opportunity to support the economic re-use of redundant rural buildings as a form of agricultural diversification. Many types of buildings, such as dutch barns, can be readily used for low intensity use class B8 activities such as storage and such an approach could be considered to align with Policy EC6 of PPS4.</p>	Support for general flexible and common sense approach
			4.5	*			
			4.6			<p>It is considered that alongside Local Plan Policy HS7, regard should be had to Annex A to PPS7. In terms of rural workers housing that guidance contained in Annex A to PPS7 is more current than Policy carried within Local Plan Policy HS7. PPS7 provides important guidance with respect to the handling of proposals relating to new and existing enterprises which the local planning authority's own guidance and approach should be consistent with.</p> <p>Within Annex A to PPS7 guidance is provided with respect the testing of new proposals for housing linked to the operation of rural enterprises. Guidance is also provided with respect to how proposals for housing in association with new and pre-existing rural enterprises should be handled. These details are important in the consideration of</p>	Benchmark of 150sqm (external dimension) proposed and general flexibility is contained within the SPD.

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						<p>proposals for rural workers accommodation and it is considered that this section of the SPD should highlight this point.</p> <p>There is concern about the proposed requirement for the size and form of housing to be limited to 125 sq m by a S106 agreement (paragraph 4.7.2). Local Plan Policy HS7 and Annex A to PPS7 are not so prescriptive, requiring that dwellings accompanying proposals be commensurate to the rural enterprise it is to accompany, in this case it is suggested that the Council should utilise this more flexible approach.</p>	
			5	*		<p>The guidance proposed in this section is broadly supported however it is considered that there would be benefit in providing a summary of all the issues new housing schemes (open market and affordable) should have regard to. This additional guidance could be situated in advance of that relating to the CABE building for life.</p> <p>Additional paragraphs should make clear that highway safety must not be prejudiced by new development. They should also highlight that safe and accessible pedestrian and cycle links should be provided to facilities. It is considered that in terms of access to Public Transport, the closest bus stop should be within 400m in an urban area or 800m in a rural area. In applying these accessibility principles to exceptions or self build affordable housing to meet existing local need, requirements should be seen as 'desirable'.</p> <p>With respect to the building for life criteria 12, 13, and 14, it should be pointed out that while there would be benefit in promoting enhancements to street scene over standard highway layouts as part of developments, it also needs to be recognised that non-standard layouts are likely to have increased maintenance costs. These would be passed on to the developer via commuted sums.</p> <p>Similar to highways and accessibility, it is considered that at the beginning of this section it should be stated that development must respect landscape character, highlighting that proposals should be accompanied by a landscape character assessment where appropriate. Further paragraphs should reiterate the value of good design and highlight the importance of incorporating appropriate materials and landscaping into proposals. Within a separate paragraph it is also considered that reference to the need for development to protect assets of historical and archaeological significance, and the need for assessments to accompany proposals where appropriate, should be provided.</p> <p>Likewise it is considered that reference should be made to need to ensure that proposals avoid harm to bio-diversity interests and are accompanied by appropriate assessments. Indeed it is noted the CABE Building for Life standard fails to consider biodiversity under the Environment and Community section. It is also considered that within guidance concerning Design and Access Statements it should be said that Design and Access statements should consider the impact of proposals on biodiversity interests.</p>	<p>Support welcomed, however to re-state large volumes of associated guidance would make the document very unwieldy. References and web links are preferred.</p>

	NAME	COMPANY	SECTION	SUP	OBJ	COMMENTS	EDC RESPONSE
			Ap A			For clarity, alongside Core Strategy Policy CS10 it is considered that all relevant development plan policy should be set out in this appendix.	Web links are more appropriate.
			Ap B	*			
			Ap C	*			
			Ap D	*			
			Ap E	*			
			ApF			<p>Appendix F (and G) correctly highlight the need to preserve both architectural and functional character of conversions, as well as the contribution of a building to wider landscape character. These considerations are only clearly articulated in relation to barns. Other traditional rural buildings such as non-barn agricultural buildings, industrial buildings, churches and chapels etc also need to be treated sensitively when being converted in order to retain architectural and functional characteristics and to continue to make the same contribution to landscape character. Consequently, within this appendix a statement that proposals should not jeopardise the integrity or character of a historic building would be beneficial.</p> <p>It is also considered important that proposals do not adversely denude the historic fabric or significance of the building without adequate record. As such it should be stated that a programme of historic building recording should be undertaken prior to development.</p> <p>The appendix rightly highlights that existing buildings may form bat or barn owl habitats. With respect to this it is suggested that the following wording be added to paragraph 10; <i>as such the Council will require specific ecological surveys to be undertaken where necessary, with appropriate mitigation</i>. Where bats are involved this mitigation will need to be adequate to satisfy the requirements of a European Protected Species Licence. This same wording is also appropriate for the other appendices</p>	Include references to other types of building in the text.
			Ap G			<p>While it is appreciated that existing accesses to barns may be discreet and follow the lines of hedges and walls it remains important that these accesses are of a satisfactory standard to accommodate the increase in usage that would result from a barn conversion development. Barns are also extremely likely to have protected species issues, and also nesting birds, from blue tits to swallows and swifts. Consideration of such issues should be required. This is recognised in the section under advice but it is also important to highlight that bats are protected under the Habitats Regulations 2010 and that all birds nests are protected and that species such as swallows, house martins and swifts are declining and should be taken into account. The SPD could cross-refer to www.lakelandwildlife.co.uk/biodiversity/index.html for species statements; the RSPB also has guidance on birds and buildings. In</p>	See comment in relation to Natural England.

	NAME	COMPANY	SECTION	SUBJECT	COMMENTS	EDC RESPONSE
					addition it would be useful to highlight the value of incorporating beneficial biodiversity features.	
			ApH		A frequent concern with respect to residential extensions is the potential impact of parking on the highway. Where an extension would reduce existing off street parking areas and/or significantly increase the number of bedrooms there may be unacceptable increase on parking on the highways, which could in turn raise highway safety issues. Consequently it should be stated within this appendix that extensions should not be detrimental to highway safety or capacity. It is considered that there should be recognition that extensions and loft conversions can also impact upon biodiversity features. Within this guidance there should be a statement making clear that where there is concern that proposals could impact on features appropriate mitigation steps should be undertaken.	In development management terms, the advice of county highways is taken and each scheme treated on its merits. This has been addressed in the appendix.
35	J Potts & J Derbyshire	Cumbria Rural Housing Trust	Gen		<p>The title of the document may have been better as 'CS10 Affordable Housing SPD (including the Residential Design Standards)' as affordable housing is stated in the Introduction and the purpose of the document.</p> <p>With strong reductions in HCA funding likely in the next few years, more emphasis should be given to other ways to fund affordable and local housing rather than the strong references made in the document of solutions through the traditional route of Housing Associations. More could be emphasised about possible solutions through more flexible approach such as CLTs, for individuals to self build to provide their own affordable housing, or through looking at other ways for funding affordable housing schemes.</p> <p>Mention of CLTs is made in part of the document (3.5.1 & 4.3), but then excluded from some sections where they could be seen as an additional solution.</p>	<p>Housing SPD title retained.</p> <p>Housing Associations are also key affordable housing partners in non-grant S106 schemes. Support for CLTs given in section 4.3.</p> <p>The Council is keen to support CLTs (as set out in the SPD) but most parts of the District don't have a CLT at present so this is often not a viable option.</p>
			3.1		<p>3.1.4 - Parish surveys reveal the growing increase in the elderly population across Eden. Many within this increasing social group are expressing concerns over future housing and the lack of suitable existing properties. Many need/wish to downsize as properties are too large; difficult to maintain; too expensive to run; or accommodation on one level is required. It is evident that the growing ageing population is and will become an issue in Eden, however, the document does not seem to offer any policy solution.</p> <p>3.1.5-9 – Would it not be good to highlight the issue that the income to house price ratios are higher in the rural areas, and that due to the high house prices and lack of affordable housing, a lot of the younger generation are having to leave the rural areas? Thus exacerbating the ageing population issues, highlighting the problems of rural services such as pubs, schools and shops closing, and the impact that all this</p>	<p>The SPD acknowledges the problem and sets out at para 3.2.7 that Extra Care housing will not be exempt from a requirement to provide affordable housing, as well as detailing the Lifetime Homes standard in paras 3.5.25 to 3.5.26.</p> <p>Already highlighted in Core Strategy policy CS10 and also CS22 Protection of Village Services and Facilities, and acknowledged in para 2.12 of the SPD.</p>

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
						<p>will have on rural communities in 10-20 years.</p> <p>3.1.11 - Shared ownership - Is Penrith designated as rural at 15,000 population? Discounted Sale – How will these be kept as affordable in perpetuity (as stated in 3.1.12) if only linked to Open Market value? As 80% of a high price may not be affordable to local people. And “Homeseekers’ Register to ensure all” ?</p>	<p>Penrith classed as rural by SI 1997 No 622 See Appendix C – upper price capped.</p>
			3.2			<p>3.2.3 – some reference perhaps should be made to the information that may be available through CBL in the future, as especially in larger settlements such as Penrith, CBL could provide useful information.</p> <p>3.2.12 - Mentions the councils preferred policy, but does not make reference to other available options such as CLTs & Housing Trusts.</p> <p>3.2.15 - Is the Homeseeker’s register separate to Choice Based Lettings? And how will the two be linked? When will the Register come into effect? Does it need to be an option in the HNS?</p> <p>3.2.17 - Grammatical error in 1st paragraph.</p>	<p>Reference to CBL made in paras 3.5.10 to 3.5.11 – where CBL applied units would be transferred to Housing Associations, so not considered further detail required.</p> <p>Detailed in section 4.3.</p> <p>Separate schemes – will not be linked initially. Housing Services In process of setting up Homeseekers’ Register, hopefully by end of 2010 – will be classed as intermediate tenure in HNS.</p> <p>Noted and amended.</p>
			3.3			<p>3.3 - Will the off-site affordable housing provision be provided/used in the same parish or group of parishes? If it is not possible to use the funding/provision in the same parish, will it be reserved for use in rural areas if incurred in rural areas? The inclination may be that it is cheaper and easier to provide more affordable housing units in Penrith, whilst a lot of the need is in the rural areas.</p> <p>3.3.16 - In the interim period where do any commuted sums go to and will any interest accrued become part of the contribution? How is/who will account and audit any commuted sums?</p> <p>3.3.17 - Is there public access to the member list of the Council’s Corporate Affordable Housing Group?</p>	<p>Will be used in locality wherever possible but some contribution will need to be pooled as practically too small to use in isolation.</p> <p>Details of how funding is spent will be made available on the website.</p> <p>Made up of senior Housing and Planning Officers, and elected Members, including the Housing Portfolio Holder..</p>
			3.5			<p>3.5 - Affordable housing can be provided in a variety of ways, other than through Housing Associations, in light of future governmental changes, lack of HCA funding, and the special circumstances within Eden, would it not be prudent to acknowledge the variety of avenues in which affordable housing could/can be delivered?</p> <p>3.5.9-11 - If any non Housing Association affordable housing was provided, would the council still have 100% rights?</p> <p>3.5.11 - Will the implementation of CBL address Eden’s specific local rural needs? Is there evidence to suggest it will?</p>	<p>Noted in para 3.1.13 – also reference to CLTs; self-build etc. included in document.</p> <p>The Council would retain the right to nominations, and/ or require that changes of occupancy are agreed with the Council to ensure residents met the necessary criteria in terms of affordable housing need and any local occupancy conditions.</p> <p>Beyond remit of SPD.</p>

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
						<p>3.5.23-24 - Reference is given only to HA – What is CLT/Trust or non HCA funded?</p> <p>3.5.27 - Minimum space standards – 125m² is just greater than the HCA dwelling size for a 4 bedroom house, the DTZ report for a 4 bed house was 180m² and EDC's agricultural workers dwelling of 150m². Would it make sense to have some continuity</p>	<p>Para 3.1.13 explains that (to avoid constant repetition) “ ... for the purposes of this document the term ‘Housing Association’ applies to Housing Association or other registered affordable housing provider’</p> <p>Text added re HCA space standards.</p>
			4.2			4.2.1 - The council states they wish to increase the supply of rural housing through self build. Given the rural nature of Eden, most self build exception sites, particularly those on farms, will not belong to a settlement or coherent group of 4 or more dwellings. So would it be useful to reduce this settlement size to 3 or more dwellings?	Reduced to three.
			4.4			4.4.8 – As some community buildings such as churches and chapels may be coming available in the next few years, it would be good if the preferred option for their future use was to help the sustainability of rural communities by providing building and sites for affordable housing. So a strong preference for use by the community should be given in the document, rather than an option for open market, so as to reduce the ‘hope’ value on these sites.	Beyond remit of SPD.
			4.5/ 4.6			<p>4.5 & 4.6 & 4.6 – We welcome the option to convert some holiday lets to affordable housing, rather than open market. And that any suitable units for conversion on farms should be looked at primarily as options for affordable housing, and only for holiday letting purposes when there is shown to be a strong need for an additional income on the farm to keep it viable.</p> <p>We would also like that any Agricultural Workers Dwelling that becomes surplus to need, should be converted to affordable housing to assist rural communities, rather than allowed to escape into the open market.</p>	Support welcomed.
			Ap E			<p>Is this for rented accommodation, shared ownership properties or what? Some further definitions of wording would be useful – ‘relevant locality’? For section 5 – does the work have to be a permanent post or full-time/part-time?</p> <p>And there is a strong concern with the final sentence saying that the ‘local’ definition could widen out and possibly the property sold on the open market, as this would undermine local communities’ support for future affordable housing, if properties are allowed to become ‘open market’. Often the properties are put on the market at too high a price for local people, so are not sold quickly. Therefore the price should be reduced to an affordable level for local people, rather than the property lost to the open market.</p>	The definition quoted here is the local connection criteria from Core Strategy policy CS7 Principles for Housing.
			Ap G			We liked the phrase used in the YDNP Housing DPD to describe the aim for barn conversions – “The objective is to try to end up with a barn that happens to be a house rather than a house that may once have been a barn.”	Noted.

	NAME	COMPANY	SECTION	SUBJECT	COMMENTS	EDC RESPONSE
36	Andy Lloyd	Cumbria Rural Housing trust	1.1		<p>Intro 1.1 'as a result of high house prices and a low wage economy' – and the effects of a traditionally restrictive planning system?</p> <p>'Providing detailed guidance to developers, communities? and applicants regarding how policy....'</p> <p>'Encourage Housing Associations, Community Land Trusts and others to provide affordable housing for sale or rent on rural exception sites further to policy CS9 'Housing on Rural Exception Sites' and facilitate private individuals and families to build their own affordable housing on land that would not normally obtain planning permission or convert suitable rural buildings for affordable housing and / or employment uses. Section 4 addresses these issues.' Pleased that CLTs recognised here and at 3.1.5 Does this need more expression throughout doc?</p>	<p>SPD designed to be a flexible document – no amendment.</p> <p>No change considered necessary.</p> <p>Commitment to CLTs set out in section 4.3</p>
			2.4		If affordable housing is No. 1 priority there needs to be a new willingness to introduce cross subsidy on rural sites as housing grant is expected to remain at negligible levels. See below.	This section relates to national & local policy context - SPD can not override adopted Core Strategy (taking into account national policy)
			2.5		<p>2.5 Section 5 design standards, code for sustainable homes, sizes</p> <p>CSH - Good that EDC is aware of cost implications, but needs to be explicit support for support for new appearances associated with sustainable design – see below.</p> <p>Space standards – Adequate house sizes need to be encouraged see below</p>	Minimum unit sizes set in table 2 (para 3.5.27)
			3.1		<p>3.1.5 Defining affordable housing cost - Affordable home ownership units – 2.5 x total household income is a safer measure building in resilience against future interest rate fluctuation / loss of income. Also maybe need to state that whilst an income multiple may be considered potentially affordable this may equate in practice to loan repayments which are not affordable as a % of income i.e.</p> <p>30k x 2.9 joint income = max share of ownership of £87,000 less 10% deposit of share bought = £78,300 mort = £560pm over 25yrs @7% = 33% of £1,666 net pm.</p> <p>30k x 3.5 single income = max share of ownership £105,000 less 10% deposit of share bought = £94,500 mort = £675pm = 40% of net income.</p> <p>3.1.5 Defining affordable housing cost - Approximately 6yrs ago David Coutie Associates district housing needs surveys changed without notice (inadvertently?) the measure from 25%</p>	<p>Recognised Government multipliers used in SPD</p> <p>As above.</p>

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						<p>of net household income to 25% of gross household income. 25% to 30% of net household income is a safer indicator of affordability for both rents and mortgages.</p> <p>3.1.9 Particular issues impacting on housing affordability in Eden include: Local Housing Associations using public subsidy have been struggling to make small rural schemes viable as the Associations have been required to meet the Code for Sustainable Homes standards, which has inflated build costs. Agree – also it is required without increased grant</p> <p>3.1.10 Affordable housing is.....:</p> <p>Might read better if broken down i.e.</p> <p>Affordable housing comprises -</p> <ul style="list-style-type: none"> • Social rented housing - definition – biggest priority • Intermediate rented housing - definition • Intermediate part ownership housing – definition <p>3.1.11 Shared Equity –</p> <p>Might read better if overall heading was ‘intermediate housing to buy’ - where a household purchases part of the value of a home then deal with variations?</p> <p>Description of shared equity versus shared ownership at http://investors.assetz.co.uk/blog/?postid=92 indicates shared equity as done by developers involves a commitment to staircase up to full ownership – i.e. short term affordable housing - with a commitment to buy the remainder say within 10 yrs which could be useful where income increases or could force sale where income remains static.</p> <p>‘investors.asset’ explains shared ownership is a lease where part of the value is owned but where a rent on ‘unsold equity’ may be charged - “The rent charged by an RSL can be anything from 0% to 5% (HAs do not always realise the rent is not compulsory) but there has been a definite trend towards it being lower. Unfortunately this is still an extra outgoing above and beyond the mortgage cost and it does make the ownership of the property more expensive”.</p> <p>LAs could insist that rent is kept to a nominal amount sufficient to cover admin costs - and that shared ownership – especially in rural locations - should be locally affordable and affordable in a self contained manner i.e. not structured to be affordable across a general district and</p>	<p>Noted – but a national problem in rural areas. Rural exception policy & self-build aim to increase housing supply in rural areas.</p> <p>Based on PPS3 definition.</p> <p>Considered para 3.1.11 includes adequate detail of different types of intermediate housing for purposes of Housing SPD.</p>

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
						<p>used to cross subsidise schemes or provider overheads. In some cases significant rent is charged even though the whole build cost is covered by the share purchased. This represents very bad value for the purchaser who – if they could afford the combined rent and mortgage – should instead be given an opportunity to own a bigger share of the value.</p> <p>3.1.13 The definition of affordable housing does not exclude homes provided by private sector bodies, or community organisations such as Community Land Trusts some of whom are registered with the Homes and Communities Agency, or provided without grant funding. Where such homes meet the definition above, they may be considered, for planning purposes, as affordable housing (for the purposes of this document the term Housing Association applies to Housing Association or other registered affordable housing provider such as Community Land Trust). IMPORTANT – Due to the expected absence of HCA grant it is very likely that affordable homes will also be provided by CLTs using cross subsidy or only mortgages – it is extremely unlikely in these situations that a trust will wish to voluntarily register with the HCA or TSA, but they will still provide affordable housing meeting the District Councils definition. This needs to be acknowledged.</p> <p>3.1.14 Low cost market housing and housing provided at discount by a developer at first occupation with no further provision to ensure that the property remains affordable to subsequent occupiers or for any subsidy to be recycled will not be classed as affordable housing. V good</p>	<p>Support for CLTs detailed in section 4.3</p> <p>Noted</p>
			3.2			<p>3.2.5 Where an applicant considers the Council's affordable housing requirement to be unviable, in accordance with policy CS10, the Council will require a site based economic viability assessment to be provided by the applicant to fully justify why the applicant cannot provide the required affordable housing provision. For further information on how to undertake an economic viability assessment please refer to Section 3.4 and Appendix C of this document. V good</p> <p>Delivering Affordable Housing 3.2.11 The Council's policy in order of preference for the delivery of affordable housing is as follows: 1. The applicant to build the affordable units and sell or transfer them to a Housing Association partner at a discounted rate to be agreed with the Council and Housing Association; Not so clear what is meant by nil grant? Does CS10 mean handed over free and nil grant? (3.2.8) if so does it need to be made clear that in most cases 'transfer' for free would be expected? Is there a need to guard against grant being provided at point of sale to the developer? I.e. make clear any grant used by housing association / CLT would have to be deducted from sale price?</p>	<p>Noted</p> <p>'Nil grant' means where there is no grant funding (e.g. HCA) attached to the scheme – this is usually the case with S106 sites.</p>

	NAME	COMPANY	SECTION	SUB	OBJ	COMMENTS	EDC RESPONSE
						<p>Transfer of Completed Units 3.2.12 The Council's preferred policy is for the applicant to transfer completed affordable units at a price agreed by the Council to an agreed Housing Association partner. Again - is there a need to make clear any grant used by housing association / CLT would have to be deducted from sale price?</p> <p>3.2.13 Transfer prices will be negotiated on a site by site basis with the Council's Affordable Housing Officer and the Housing Association partner. The price that can be paid by a Housing Association will be affected by a number of factors such as the size and location of the properties within the scheme. The following percentage open market prices are therefore provided as a guide only and are subject to change based upon the economic circumstances of Housing Associations: Social rented units – 35% to 40% of open market value. Shared ownership – 50% to 70% of open market value. Basing on suggested % of OMV seems harder to ensure transparency? Would it be better to base on build cost (open book) allowing a builders profit (not developers profit) and deducting any grant used by the housing association?</p> <p>3.2.15 The Council's preferred policy is to transfer completed units to a Housing Association partner, ideally acknowledge possibility of transfer to a CLT as well</p> <p>3.2.19 Where the Council requires properties to be sold via the <i>Homesekers' Register</i> they will be discounted by 33.33-40% of open market value Again is the link to open market value better than linking to the cost of provision? In a rising market the open market value is likely to rise much faster than the cost of provision meaning that social housing providers would pay much more than cost price.</p> <p>Recycling Subsidy 3.2.23 very good – even better if expected to recycle provision close to original location</p>	<p>S106 sites would usually be nil grant.</p> <p>These percentages are included as a guide. The price the Housing Association is linked to open market value in the case of intermediate units and the level of affordable rents in the case of social rented homes. Linking to build cost would not make this easier to administer.</p> <p>The Council's support for CLTs is set out in section 4.3 (see also para 3.1.13 with reference to Housing Associations) however,</p> <p>There wouldn't be a social housing provider, the Council would refer qualifying purchasers to the developer and manage the register in respect of re-sales. The upper price would be capped to stop prices becoming unaffordable.</p>
			3.3			<p>3.3.9 Core Strategy Policy CS10 states that small developments which consist of less than four units, will not be required to provide affordable housing on-site, Other authorities with large rural areas have required provision on small rural sites i.e. three or more, to capture opportunities as this is the scale of development likely to come forwards. I understand this has to be balanced with issues around viability but would imagine the way to maximise provision whilst taking into account viability would be via open books?</p> <p>Management of Off-Site Affordable Housing Contributions</p>	<p>Noted</p>

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
						<p>3.3.14 Purchasing an equity stake in open market properties, with the outstanding balance paid by a local qualifying person; V good</p> <p>Supporting Community Land Trust affordable housing schemes; V good</p>	Noted.
			3.5			<p>3.5.1 alternative providers and partnerships with HAs V good</p> <p>3.5.16 It is important for the affordable housing to come forward at an appropriate time. The Council will therefore seek to secure, through a Section 106 agreement, the completion of the affordable housing within a specified timescale. This will usually mean the completion of the affordable housing (or an agreed number of affordable units – e.g. where the site is being delivered in phases), ready for occupation, prior to the occupation of a specified number of the completed market units. V good</p> <p>3.5.22 Code for Sustainable Homes Whilst sustainable construction is highly desirable, however the CSH has removed discretion in concentrating on affordable design & technology and mixing design aspects with infrastructure aspects – it is very good that EDC is aware of these cost implications</p> <p>Is there any movement on HCA rural proofing? I.e. rural infrastructure i.e. takes away points for lack of mains gas and proximity to bus routes – compensated by introduction of un-necessary costly technology – heat pumps not needed with high insulation. Housing associations quote that just meeting level 3 involves a 20% increase in costs without extra grant meaning that many rural schemes are not viable. Falcon HA have found that Code 3 can be built with no extra cost if using timber frame timber clad systems. Preferable to focus on the Building Regs and NHBC.</p> <p>Minimum Space Standards 3.5.27 Adequate house sizes have a major effect on the quality of life for occupants. British homes are the tiniest in Europe with show homes using miniature furniture and removing doors. How does EDC table compare with intended improved HCA space standards? HA sizes may be better than private developers but are not adequate taking into account storage etc.</p> <p>Bob Kerslake article indicates new standards with some mention of extra cost of £10,000 per unit – hotly disputed by some respondents www.insidehousing.co.uk/6509224.article?PageNo=2&SortOrder=date&added&PageSize=10#comments The view that affordable housing values should be suppressed by</p>	<p>Noted</p> <p>Noted</p> <p>Noted.</p> <p>Relates to national HCA standards – beyond the remit of SPD.</p> <p>Design standards now agreed with reference to local developers, following Housing Market Partnership.</p>

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						reducing size should be resisted. In the context of tiny terraced houses and garages being sold for very high values this will have minimum effect.	
			4.1			<p>Rural provision 4.1.1 The design and layout of the proposal are appropriate to the character and appearance of the surrounding area. This is too narrow – need to be open to new appearances to enable savings through more efficient build methods - especially if grant is going to be scarce.</p> <p>In contrast to the above support for the Code for Sustainable Homes the general tone of this document in relation to design seems to be very ‘old style’ – not seeming in any way to encourage new appearances flowing from sustainable construction methods and energy efficiency – which so many communities want - and which can complement and contrast with existing development. By contrast the Lake District National Park is actively inviting this approach.</p> <p>4.1.4 The Council will therefore not permit the development for affordable housing on exception sites which:</p> <p>Detract from the visual amenities of the North Pennines Area of Outstanding Natural Beauty (AONB) Sets very negative tone in the context of the no.1 strategic priority? AH is permitted in AONB – why not create positive tone to enhance support? Need to talk up the authorities planning role as an enabling service – Lake District National Park Planning Enabler Officers</p> <p>Are situated within a settlement, but in an elevated, exposed or other prominent position which adversely affects the appearance of the countryside and/or the visual amenity and rural character of the settlement; Sets very negative tone in the context of the no.1 strategic priority? Infers that AH cannot complement a settlement or landscape and needs to be hidden away. Most settlements ‘can be seen’ but do not look ‘bad’. This will rule out some sites with willing land owners. Can EDC afford to do this?</p> <p>4.1.7 Development of the site will need to successfully blend in with the pattern of surrounding development. materials of construction. Again prejudiced against more cost efficient - but non the less attractive - methods and materials without regard to high costs and their impact on delivery. If LDNP can actively embrace new sustainable methods and appearances why not EDC?</p> <p>4.1.8 Materials of construction should correspond to those in use</p>	<p>The policy wording has general support and is necessary in development management terms, however, in individual cases innovative design would be very welcome.</p> <p>There is an intention to address this point in a promotional leaflet.</p> <p>This inference should not be drawn and is not intended, but the statement is necessary in development management terms and is supported (or even said to be insufficiently stated) by other consultation responses. Accept. Amend text.</p>

	NAME	COMPANY	SECTION	SUBJECT	COMMENTS	EDC RESPONSE
					<p>locally...consider adding - or involve use of modern sustainable materials which contrast with and compliment the existing architecture - ?</p> <p>Delivery of Rural Exception Sites 4.1.12 tenures etc Exception site shared ownership – should only be permitted where agreed to be truly locally affordable. In the past shared ownership has been offered knowing that it will only be affordable to people outside the intended community which undermines the credibility of everyone associated with delivering rural schemes.</p> <p>Cross subsidy - If affordable housing really is No. 1 priority there needs to be a new willingness to introduce cross subsidy on rural sites where Housing Grant is reducing dramatically. Shropshire are considering approaching this via departure policy justified by meeting a strategic need.</p> <p>Allocated sites have a role but:</p> <ul style="list-style-type: none"> • They do not prioritise local need – the key to achieving local support • They are slow to adopt • They only bring development forwards where a landowner enters into a commitment prior allocation to sell the land at a value compatible with the intended tenure mix. <p>On the other hand – they enable cross subsidy to be used by affordable housing providers and therefore contribute towards affordable housing targets.</p> <p>Such a policy should be directed to affordable housing providers so that a minimum of open market housing funds a maximum of affordable.</p> <p>Can exceptions policy be developed to accommodate specified inward migration? Some parishes feel this is logical where many of the young and local population may have been forced out</p> <p>Be realistic towards rural car use – when housing local people car use is pre-existing, household numbers are small, impact negligible, inter urban commuting far bigger environmental issue. Need to avoid creation of 'reverse commuting' i.e. farmer forced to live in town and drive out to work.</p>	<p>Affordable housing tenure predicated on parish housing needs survey.</p> <p>Cannot override adopted Core Strategy Policy CS9 Rural Exception Sites in SPD</p> <p>Agree.</p> <p>Can not override Policy CS9 – but someone still has a local connection: “Who has moved away but has strong established and continuous links with the relevant locality by reason of birth or long term immediate family connections”</p> <p>Agree. The Core Strategy identifies 46 local service centres where development is permissible, plus rural exception and self-build policies in more rural areas to meet identified need.</p>
			4.2		<p>4.2 Self-Build Affordable Housing – Build your Own Home Excellent policy – before becoming unitary South Shropshire LDF self build policy had delivered 20 units of affordable housing built and occupied, 30 units under construction or awaiting a start, and many</p>	<p>Support welcomed.</p>

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						<p>others in the pipeline.</p> <p>4.2.2 The dwelling size should reflect the level of housing need but not exceed 125sq.m. gross internal floor space. Bearing in mind UK homes are generally too small take care not to be too proscriptive. Self build helps create higher quality housing stock – see report www.nasba.org.uk/Content/Reports.aspx - want to encourage not discourage.</p> <p>The overall plot size must be appropriate in terms of the general pattern of development in the surrounding area, but not normally exceeding 0.1 Ha. Needs to actively embrace rural life styles – some people need space for small holdings – how to accommodate?</p> <p>4.2.8 Upon the initial and all subsequent re-sales, the property will be the valued in accordance with paragraph 3.2.? relating to Low Cost Home Ownership and Discounted Sale Mechanism in Section 3 of this document, at typically 60% of open market value to be determined by the District Valuer at the cost of the applicant. However, to ensure ongoing affordability in accordance with PPS3 in relation to local incomes the maximum sale price will be capped at 60% of the Districts mean property price (£227,127 in 2009-106) which currently equates to an upper limit of £136,276. Not sure this is fair, safe or logical? HA build costs are already around £136,276 per unit!</p> <p>4.2.10 Good to consider other valuation methods. It is more common and more easily understood by self builders to base values on the actual build cost. When the project is complete the build cost is expressed as a % of the suppressed market value at that time. Subsequent resales are then based on this %. Simple & accessible and more likely to provide a bridge to the open market.</p> <p>4.2.11 Similarly, as above incomes will be capped at 60% of the District's mean property price (£227,127 in 2009-107) which currently equates to an upper limit of £136,276. Do not understand?</p> <p>4.2.13 In order to ensure that the Council retains control over the future affordability of the property permitted development rights relating to the property will be removed by planning condition. Future values will in any event be based on original floor space and exclude later additions. Counter productive? Some Housing Associations facilitate house extensions. Works against the desire for self improvement and retaining families over time – priority of parish councils? Needs to be seen as the upper end of an intermediate market – still affordable to this sector of need via the build cost as % of OMV. Self build can offer</p>	<p>See previous comment, however, exercise of flexibility fully accepted. Size limited to keep maintenance; running costs; utility bills etc. to an affordable level for subsequent owners.</p> <p>This point is best addressed in relation to individual cases and exercise of flexibility. As above – planning permission granted subject to property being affordable for successive users.</p> <p>Homes need to be affordable to successive occupiers. Policy not designed to encourage people to build properties disproportionately large for their needs.</p> <p>Consistent with discounted sale policy if linked to OMV, and establishing accurate build could be problematic and intensive in terms of staff resources.</p> <p>£227,127 x 60% = £136,276 (to be reviewed annually)</p> <p>The purpose of this is to keep homes affordable to successive occupiers – it should also be borne in mind that affordable prices are subject to a cap..</p>

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
						a dynamic intermediate housing type which should encourage improvement.	
			4.3			<p>4.3.1 and co-ops?</p> <p>4.3.2 Whilst the Council will support, and where possible assist, the development of CLTs any CLT proposal outside of a Key or Local Service Centre will need to comply with the guidance in the above section "Housing on Rural Exception Sites". To repeat - as there is likely to be very little housing grant there has to openness to allowing cross subsidy for either CLTs or HAs – if this is only made available to trusts / CLTs / co-ops with asset locks it cannot be abused. The alternative will be close to zero delivery of the No.1 Strategic Priority. Alternatively consider 'departure policy' to allow this.</p> <p>4.3.5 For further information on how the Council can support local communities to develop Community Land Trusts please contact the Housing Service Team. Do you want to signpost CRHT and the CLT Fund?</p>	<p>Agree. Amend text.</p> <p>The SPD cannot override Policy CS9 which is part of the adopted Core Strategy.</p> <p>Yes. To include web link in document.</p>
			4.6			Exmoor, Derbyshire Dales 'home on the farm' policies	Noted.
37	UECP & KS Town Council		1			<p>1.3 It is felt that the period of consultation is poorly judged to allow comments from the public and consultees to be made because of the timing which is predominately within the Summer Holiday period. Also, Parish Councils do not tend to meet in this period therefore it is difficult to get considered views from these important consultees.</p> <p>1.4 Reference is made to regional policy yet this is expected to be abandoned by the current government. It would seem that no account has been taken of recent changes in National Planning Policy, including the changes to PPS3. The SPD is an ideal opportunity to clarify how Core Strategy Policy will apply given the removal of housing and recycled land targets from National Policy and the removal of garden land from previously developed land and density targets from PPS3.</p>	<p>Period of consultation was extended.</p> <p>Noted. Include references .</p>
			3.1			<p>3.1.4 Refers to the aging population and refers to the Planning4Care report, but does not explain, how this translates to specific housing need. There is no policy or implementation method to address this problem within the SPD. This section is wholly inadequate. Policy initiatives such as barn conversions for multi-generational living at farmsteads, care home provision, extra care provision, retirement villages, should be developed in this document.</p> <p>3.1.5 Refers to the affordability multiplier in relation to out of date (2005) bank lending requirements, yet no account is taken of deposit requirements or current lending practice. SPDs are intended to be flexible interpretations of policy to aid implementation. The reliance on 2005 data for such crucial affordability criteria is unreasonable.</p>	<p>References are provided to SHMAs & 'planning4care' which provide a more appropriate level of background detail. Para 3.2.7 makes it clear Extra Care housing is not exempt from an affordable contribution, and Lifetime Home Standards are detailed in paras 3.5.25 to 3.5.26.</p> <p>These multipliers were still acknowledged as an example of good practice in the August 2007 SHMA guidance, and our SHMAs have been through inspection. In terms of current lending practice, higher multipliers are only available to higher earners, so not relevant to affordable housing. No amendment.</p>

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
						3.1.11 Discounted Sale - incomplete sentence.	Text amended.
			3.2			3.2.2 and 3.2.11 and 3.2.12 Affordable Housing need not be provided by RSL's only. Developers may provide affordable housing, this is current custom and practice within Eden. The SPD should reflect this. 3.2.7 Further definition of Care Homes, Residential Care Homes and Extra Care Homes should be provided.	Agree. SPD does reflect this.
			3.3			3.3.14 Affordable Housing Contributions should not be used for any revenue costs associated with EDC, RSLs, Housing Enablers, or CLTS. It should also not be used to pay for expert advice for viability assessments. Such costs are not reasonable, directly related to the particular development, and would run contrary to paras B5 c 05/05 which states: A planning obligation must be: (i) relevant to planning; (ii) necessary to make the proposed development acceptable in planning terms; (iii) directly related to the proposed development; (iv) fairly and reasonably related in scale and kind to the proposed development; and (v) reasonable in all other respects.	Legal advice taken. Text to remain.
			3.5			3.5 Affordable Housing provided by small scale developers in small settlements is not suitable for occupation only by those nominated by the Council. In these circumstances it is more appropriate that the Developer nominate the occupiers and provides evidence that they are in housing need to the Council. 3.5.9 There is no justification for the Council to 'insist' that the Council is the arbiter of housing need. A s106 agreement is a voluntary agreement between the applicant and the Council to secure those arrangements that mitigate against reasons for refusing the application. The Council does not have a monopoly on assessing housing need and it is unreasonable to suggest that it does. 3.5.10 Choice Based Lettings based on County or Regional arrangements are unlikely to be suitable for small scale affordable housing in small settlements. Further information is required about these arrangements before their suitability can be assessed. 3.5.11 Nominations Agreements are not appropriate for dispersed rural areas where local people should take precedence over district wide housing need. In any event, a sample Nominations Agreement should be appended to the SPD.	The Council needs to adopt an open, consistent and transparent policy. The developer should refer potential customers to the Council as early as possible – S106 will apply. The S106 will prioritise people with a local connection, but the Council needs to adopt a consistent approach, so that allocations are carried out on a transparent basis. CBL will only apply to larger housing associations signed up to the scheme. Nominations would not override S106 criteria or any local lettings policy, if one existed (additional appendix not considered necessary as CBL)
			4.1			4.1.1 The definition of a settlement suitable for affordable housing of 4 dwellings within a coherent group is far too restrictive. The 1996 Local Plan uses a definition of 3 dwellings in such a group, and that has not led to an over provision of affordable housing in rural areas - indeed quite the reverse. This definition should be relaxed to 2 dwellings within a coherent group and, in certain circumstances, subject to landscape assessments, more isolated locations may be suitable for	Reduced to three. This is in line with previous planning policy and is also consistent with the proportion of affordable housing in larger new build schemes.

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
						<p>affordable housing development if the predominant settlement pattern supports development, particularly if an existing building can be sensitively converted. The necessary restraint on development can be provided by limiting the rate at which such self build affordable housing comes forward, and the 1% figure can be used to achieve that.</p> <p>4.1.2 Encouragement should be given to Self Build affordable housing by acknowledging here that the Council does explicitly encourage it.</p>	
			4.2			<p>4.2.2 The location of development criteria referred to in this section effectively excludes such housing from many parishes and areas in Eden, such as Stainmore, Wharton, large parts of Mallerstang, Kaber, Waitby and most rural areas. This type of housing will be most useful for farming families and those who already own land and buildings in the countryside. Locational considerations from the applicant's point of view will revolve entirely around what land and buildings are already owned.</p> <p>The limit on dwelling size is inappropriately put at 125m2. This is barely greater than the minimum dwelling size for a 4 bed house set by the HCA. EDC has operated a custom and practice limit of 150m2 for Agricultural workers dwellings. This seems a sensible size limit to retain. Self build housing requires not only a huge investment by individuals (which effectively subsidises public housing) but it also represents the only chance for local people to provide living accommodation for their whole lives. While life circumstances change over people's lives they will need to plan for all eventualities including their requirements for larger houses. 125m2 is too small a dwelling size to attract many self builders. EDC should not equate minimum HCA dwelling sizes with maximum dwelling sizes for self build houses. The recent DTZ report for EDC put 4 bed houses at 180m2. In this context a self build limit of around 150m2 seems conservative and a limit of 125m2 seems unreasonable and punitive.</p> <p>4.2.10 As an alternative, which may be simpler to articulate, the future sale price could be the actual (but index linked) build cost (verified by receipts etc including self build rates) capped at 60% mean property price. This method will retain the overall cap, but will also encourage self builders to build well, knowing that their investment and time is recoverable, up to the cap. A nominal £10,000 could be included for the plot.</p> <p>4.2.13 The future affordability of the property is set by the cap in re-sale value and the local connection criteria for future occupiers. There is no need to remove, without considering each case on its merits, the permitted development rights provided by primary legislation.</p>	<p>Disagree. SPD will provide greater flexibility, however, criteria remain necessary for development management purposes.</p> <p>Agricultural workers ' dwellings are set to 150 sq m. as a benchmark.</p> <p>It is considered prudent to retain this limit as a consistent benchmark however flexibility may be exercised in appropriate circumstances.</p> <p>This would appear more complex.</p> <p>Individual cases will be considered, however the condition is still considered necessary for development management purposes.</p>

	NAME	COMPANY	SECTION	SUBJECT	COMMENTS	EDC RESPONSE
					<p>4.2.14 Additional paragraph is required here to explain that it is expected that most self builders will wish to stay at their new home for the remainder of their lives and so the sale provisions will not often come into effect. However, the issue of inheritance needs to be tackled in the s106 agreement. It is proposed that the disposal of the property by will to a person in housing need and who has a local connection shall not be prohibited by the Council. This will give the self builder's children/dependents preference over other eligible potential occupiers.</p> <p>Definition of settlement. The use of the phrase a coherent group of 4 dwellings is a tightening up of the previous policy under NE1 of a coherent group of three dwellings. NE1 has been an effective policy of restraint and there is no evidence to justify a tighter restriction of this type. Indeed, given the current housing crisis it would be sensible to relax this policy to allow these developments in a coherent group of 2 dwellings. It would be possible to alter this requirement if necessary via a 6 week consultation period to 3 or 4 dwellings if the current targets were being breached. However to start this policy with such a restriction is likely to result in very few developments of this type coming forward.</p>	<p>Agree. Include additional paragraph.</p> <p>Reduced to Three.</p>
			4.4		4.4.6 Group of 4 dwellings is too restrictive. See above.	
			4.6		4.6.4 Group of 4 dwellings is too restrictive. See above.	
			4.7		4.7.2 125m2 is smaller than current custom and practice for AWDs. There is no justification for such a restriction. Farmhouses are traditionally fairly large double fronted buildings. Such restrictions are punitive.	Agree. Increase to 150sqm for agricultural workers dwellings.
			Ap A		There is only 1.5 pages of supporting text with CS10 - it should be published here, not just the web address provided.	Not necessary but reference provided.
			Ap B		<p>It is not clear how outline applications would fit with this model of information provision.</p> <p>8 OMVs are not required for any affordable housing purpose. This should be deleted.</p>	<p>In outline applications numbers and proportions of affordable housing would be specified.</p> <p>OMVs are used in establishing discounted prices for shared ownership/ equity and discounted sale, as well as calculating contributions in lieu, and can also be used in establishing the level of developer discount on social rented housing.</p>
			ApF		<p>2 The phrase 'visually intrusive' has no meaning in planning assessments. The correct form is 'should not have an adverse visual impact'.</p> <p>7 Access tracks need not be a problem. The issue here is the impact on the landscape. It is unreasonable to prohibit all such tracks because some may have a adverse impact. Each case on its merits.</p> <p>9, 10, 11 are not necessary here as they are covered elsewhere in the policy framework.</p>	<p>Agree. Amend</p> <p>Agree. Amend</p> <p>Disagree. Need to be included for completeness.</p>
			Ap G		Mortar Mix. Some more informed statements about the use of lime in pointing should be used. Lime does not 'allow movement' in a cement based mix, rather it acts as a plasticiser prior to setting.	Agree. Text to be amended.

	NAME	COMPANY	SE CTI ON	S U P	O B J	COMMENTS	EDC RESPONSE
			Ap H			<p>45 degree code. This code does not take account of common instances in Eden where windows can be both very small and deeply set. There are many instances where a neighbouring extension will not have any effect on the nearest window because the internal walls and size of the window prevent any outlook other than within a very narrow cone.</p> <p>Terracing Code - This does not seem to fit with the new pd rights. Furthermore, this code should not apply where the neighbouring property already abuts or is close to the boundary. It should be made clear that this will only apply to estates where, the gap between buildings is a key element of the overall layout design. It should not apply to settlements with ad hoc development patterns.</p>	<p>The 45 degree code provides general advice and cases may be determined on individual merits. The same applies to the terracing code.</p>
						<p>Overall, there is disappointment that the Council has developed a policy framework within this SPD and the Core Strategy that ignores the needs of the most dispersed part of the District, namely the Upper Eden Area. There are particular housing needs in this area that cannot be met by these policies, and the more restrictive definition of a settlement, reinforces the idea that the Council is seeking to prevent these needs being met. In our view (the Upper Eden Community Plan) the overall locational strategy is wrong, the over concentration on Penrith and the increasing restrictions on development in rural areas serve only to disenfranchise the local population from housing and holiday letting development.</p> <p>Once again we ask the Council to consider an Area Action Plan for the Upper Eden Area to allocate housing on a parish basis, rather than on an arbitrary 'settlement'. Each Parish should be allowed to develop up to 1% of its current housing stock per year (annualised average over a plan period) without the locational restrictions incorporated in the SPD. This could be achieved most simply by interpreting the definition of a settlement as two dwellings and recognising that that in certain circumstances, subject to landscape assessments, more isolated locations may be suitable for affordable housing development if the predominant settlement pattern supports development, particularly if an existing building can be sensitively converted. The necessary restraint on development can be provided by limiting the rate at which such self build affordable housing comes forward, and the 1% figure can be used to achieve that.</p>	<p>The Core Strategy is adopted. Inevitably not all of it will be met with universal approval. It does however provide the foundation for detailed practical policy to achieve affordable housing.</p>