



Housing SPD Consultation Statement

April 2020

The Housing SPD has been produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. A six-week public consultation took place between 10 September and 25 October 2019, and subsequently this consultation statement has been put together, pursuant to regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation statement sets out the comments received during the public consultation and the Council's response to the comments. Any changes made to the Housing SPD as a result of a comment are specified alongside the Council's response.

The Council received comments from 18 representors during the consultation. We have also made some changes that have not arisen from the comments received, to improve the clarity of the document. These include the rearrangement and rewriting of a number of sections and the removal of repetitious content. A summary of the changes made by the Council are set out at the start of each section of this statement. Following the summary, the comments received from third parties and the Council's response to them are contained in a table.

An informal consultation with key stakeholders was held prior to the formal public consultation to gather information and views on the general themes and issues the SPD should cover. While this stage of consultation is no longer a statutory requirement it is considered good practice to engage with interested parties at an early stage of the process.

Section 1 - Introduction

The introduction of the Housing SPD has been altered to more clearly set out which policies in the Eden Local Plan are interpreted in the SPD. The introduction also now clarifies that a number of the matters tackled by the SPD are themes that have been introduced by the most recent version of the National Planning Policy Framework (February 2019) [NPPF] but are included in the SPD to ensure applicants are aware of other relevant policies.

For clarity it is specified that the Housing SPD will replace the Housing SPD produced in 2010 and the Affordable Housing Contributions Executive Report (September 2016). Also now specified is that requirements for applicants to provide further information in support of their proposal that are set out in the Housing SPD will be incorporated into the Local Validation List, if they are not currently included, when it is updated later this year.

The final change made to this section is to include a summary of the consultation undertaken while producing the SPD, specifying the relevant regulations.

Section 2: Policy HS1 – Affordable Housing

In 2.3, which deals with the Council's position for requiring affordable housing in light of the most recent version of the NPPF requiring on-site affordable housing on schemes of 10 or more, further clarification has been added to make it clear what we expect for a proposal of 10 dwellings.

In paragraph 2.9.3 the time frame for allocating affordable housing contributions has been changed from 10 years to 'a limited time frame' to acknowledge that the time frame may vary between S106 agreements. It has also been amended to clarify that the time frame is for spending the contributions once the money has been received.

An addition made to paragraph 2.11.2 clarifies that the settlements referred to in Policy HS1 are those with between 3 and 10 dwellings. An addition in the following paragraph, 2.11.3, again clarifies the type of settlement that is being referred to in the text.

The title of section 2.12 has been amended to 'Existing housing need evidence' to make it clear that the section is intended to guide applicants to relevant housing need evidence. To avoid further confusion regarding the intention of this section the final paragraph has been removed as it dealt with housing need surveys conducted by the applicant, which is covered in the next section.

Sections 2.14 and 2.15 have been moved as it was felt that they related better to Policy HS4 – Housing Type and Mix. Paragraph 2.14.5 has been removed as the reduction in affordable housing would be dealt with through a viability assessment on a case-by-case basis and is therefore not relevant to all applications.

Section 2.16 has been moved to follow 2.3 as it focuses on the type of affordable housing that applicants should provide, which the preceding sections also relate to.

Paragraph 2.17.2 has been removed as it is not relevant to Local Plan policy.

Section 2.19, regarding affordable self-build, has been removed to avoid confusion as, although self-build can be more affordable than other forms of housing, it does not fall within the NPPF definition of affordable housing.

For clarity, the title of section 2.20 has been amended to specify that it is the occupant that should meet affordable housing requirements and the definition of locality added to paragraph 2.20.1.

Section 2.21, regarding vacant building credit, has been moved the section dealing with themes arising from the NPPF as the Local Plan does not specifically mention vacant building credit. 2.23.2 has been removed as it unintentionally misinterprets the Planning Practice Guidance.

Paragraph	Summary of comments received	EDC response
2.1.6	Where the NPPF is referenced the date should only be included in the first instance.	Suggested amendment made.
2.1.6	Typing error: 'rent should'.	Changed to 'rent should'
2.1.7	This paragraph should suggest that Discounted Sale is more recognisable as affordable and perhaps should be prioritised over shared ownership which stings purchasers with very high rent (when expressed as a real monthly outgoing rather than a %) and passes off the cost of maintenance to the buyer.	Noted. Discounted sale housing and shared ownership are both recognised as types of affordable housing in the NPPF definition. However in light of the fact that local housing needs evidence (DWHNS 2018) reports a lower income is required to access discounted sale housing in comparison to shared ownership, it is accepted that reference should be made to the fact that discounted sale is the Council's preferred form of low cost home ownership provision, where local needs evidence supports.

Paragraph	Summary of comments received	EDC response
		<p>Paragraph amended to:</p> <p>Discounted sale: properties sold at a fixed percentage discount from market value, enabling the purchaser to buy the whole property at a reduced rate. The percentage discount is then applied upon each successive re-sale. To ensure prices remain affordable to households in Eden and within the Governments definition of 'discounted market sales housing', Eden District Council's Discounted Sale Policy requires a 40% discount on new developments. Any properties sold via this method will be capped in any event at 60% of the mean property price in Eden (currently £138,598, however this is updated annually). The developer sells these properties to eligible purchasers approved by the Council (through the Homeseekers Register in accordance with the Council's discounted sale policy and procedures). District wide housing needs evidence reports a lower income is required to access discounted sale housing in comparison to shared ownership, as such discounted sale properties are the Council's preferred form of low cost home ownership provision.</p>

Paragraph	Summary of comments received	EDC response
2.1.7	The 4 th sentence of the point on Discounted Sale is missing words at the start.	Sentence deleted.
2.1.7	The third paragraph is missing some words at the start.	No change necessary.
2.1.8	Missing paragraph number.	<p>Suggested amendment made.</p> <p>Paragraph amended to:</p> <p>The amount of affordable housing to be provided varies depending on the location and size of the site – see table below.</p> <p>Where Policy HS1 requires 30% affordable housing this should be provided as units on site unless it can be demonstrated that a financial contribution would be more appropriate.</p>
2.1.8	How much affordable housing have developers provided over the last 10 years? The required amount needs to be delivered in order to sustain local communities. Viability checks should be robust.	<p>Comments noted.</p> <p>Figures suggest that around 20% of housing delivered in the District is Affordable Housing.</p> <p>The Council seeks to secure the amount of Affordable Housing set out in Policy HS1 unless the applicant is able to demonstrate that the requirement is unviable. In these cases a viability statement must be submitted with the planning application. The Council employs a competent professional to assess whether the information put forward by the applicant is robust.</p>

Paragraph	Summary of comments received	EDC response
2.3.2	The definition of major development differs between the NPPF and DMPO. The definition in the legislation (the DMPO) rather than policy should be used.	Suggested changes accepted. ‘and the number of units is unknown’ has been incorporated after “or the site has an area of 0.5 hectares or more.”
2.3.3	Typing error: ‘Evidince’.	Changed to ‘ <i>Evidence</i> ’
2.4.3	The mechanisms referred to should be specified.	Paragraph amended to: ‘It will not be acceptable to sub-divide sites and submit applications in a piecemeal fashion to avoid making affordable housing contributions. The Council will consider land ownership arrangements, connectivity between sites (including services and access), fragmentation of units or land, age of previous permissions, etc. A field that is subsequently sub-divided and brought forward in a piecemeal fashion as separate parcels affordable housing requirements will apply and take into account dwellings on previous developments, which are considered to form part of one site.’
2.4.4	The requirement for a viability appraisal when the requisite amount of affordable housing is not provided is inflexible and does not comply with policy or the statutory approach to decision making. A proposal contrary to Policy HS1 could be found acceptable where material considerations indicate that the development is appropriate without a viability appraisal.	It would be contrary to Policy HS1 and thus inappropriate to reduce the level of affordable housing other than on the basis of viability. This is not an over rigid and inflexible approach. If other material considerations render a scheme unviable this approach provides flexibility to reduce the level of affordable housing. Policy HS1 states that fewer affordable homes will be acceptable where a financial appraisal provides evidence to justify any reduced provision.

Paragraph	Summary of comments received	EDC response
2.5.2/3	The requirement to include details regarding tenure of affordable units in the Affordable Housing Statement set out in Appendix 5 are too rigid as this information is unlikely to be decided at the time of application.	Appendix 5 acknowledges that applicants may not have all the information at the time of submission and allows sufficient flexibility for applicants to provide information relating to Registered Providers at a later date. Where an outline application is submitted the planning authority will accept a summary of the likely provision to be included in a scheme, with the detail to be provided upon the submission of the reserved matters application. If circumstances change then applicant will need to vary the section 106.
2.7.2	Typing error: total commuted	Changed to <i>'total commuted'</i>
2.7.6	Developer profit should be stated as 20% rather than 15%.	Advice from an independent viability consultant recommends that in Eden District a minimum assumption of 15% of GDV is appropriate on smaller schemes of up to ten units. The requirement for a commuted sum is only applicable to schemes between 6 and 10 units therefore the use of 15% is appropriate.
2.9.1	Last bullet has lost its bullet point.	Suggested amendment made.
2.9.2	The allocation of commuted sum payments should reflect the Community Infrastructure Levy Regulations 2010. In particular that obligations/contributions must be " <i>directly related to the development, and fairly and reasonably related in scale and kind to the development</i> ".	Policy HS1 seeks to meet affordable housing needs in the District rather than the affordable housing needs in the settlement where the development takes place. Contributions are paid in lieu of onsite provision required by Policy HS1 and therefore the use of contributions to meet affordable housing needs in the District is not inappropriate. It is not necessary for §2.9.2 to set out the tests in the CIL regulations.

Paragraph	Summary of comments received	EDC response
2.9.4	The wording needs amending as the Community Infrastructure Levy (Amendment) (England) Regulations 2019 are already in force.	Amended to reflect that the Community Infrastructure Levy (Amendment) (England) Regulations 2019 are already in force.
2.12	Does the Council incorporate guidance on survey questions from the Rural Housing Enabler Service to ensure local needs surveys are effective in conveying the issue, capturing need, and gauging support?	Whilst the Council does not as custom practice incorporate guidance on survey questions from the Rural Housing Enabler Service within Local Housing Need Surveys, it does adapt each survey to reflect the local needs and issues of that particular parish. Working to the brief of each specific Parish Council/community group, if they were to request the incorporation of guidance on survey questions from the Rural Housing Enabler Service or other such source we could look to include this. No change necessary.
2.14	There is no policy requirement for bungalows on sites over 50 dwellings so the SPD should clarify that this is an aspiration.	Policy HS4 makes reference to addressing the nature of local housing need. Therefore it is not inappropriate that developments are required to provide bungalows if we have evidence that there is need for this type of dwellings. This section has been moved to the section that relates to Policy HS4.
2.14.2	We recognise the need for bungalows and are pleased to see the Council recognise bungalows are not practical or appropriate on all sites.	Comment noted. No change necessary.

Paragraph	Summary of comments received	EDC response
2.15		<p>This section recognises that while bungalows have a large footprint they are often not as profitable as houses based on land take-up.</p> <p>Paragraphs 2.16.3 and 5.1.1 both emphasise the requirement for applicants to provide housing that meets local need, and Policy DEV5 of the Eden Local Plan requires applicants to optimise the potential use of the site. Notwithstanding this, Policy COM3 requires major residential schemes to include on-site provision of open space unless impractical/unfeasible. On minor residential sites, where there is a demonstrable under provision of existing open space, contributions may be sought towards the provision of additional and accessible open space.</p>
2.16.1	The approach to tenure split between affordable rented units and affordable home ownership units should reflect that in Policy HS1.	<p>The wording has been amended to the following, to clarify that this is likely to be the Council's starting point in negotiations:</p> <p>'Where policy requires 30% affordable housing to be delivered on site, the Council's initial preference for the mix of affordable units is 70% affordable rented units and 30% intermediate units. t...The Housing Development Officer will advise on a case by case basis.'</p>

Paragraph	Summary of comments received	EDC response
2.18	The house sizes set out are not large and should be realistic.	These are minimum recommended requirements taken from the National Space Standards. As we do not stipulate in the Eden Local Plan any space standards we cannot require houses to be built to these standards or any other. Furthermore the Planning Practice Guidance states that ‘where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard .’ Therefore, even if we were to include space standards in a future iteration of the Local Plan we would not be able to require over and above those set out in Table 1 of the SPD.
2.19.1	The need for affordable self-build should be demonstrated by the number of households asking to do affordable self-build. Applicants should be helped to understand the costs and process of building an affordable self-build dwelling. Include criteria for sustainable design. Affordable self-build should be restricted as discounted sale housing.	2.19 has been removed to avoid confusion as, although self-build can be more affordable than other forms of housing, it does not fall within the NPPF definition of affordable housing.
	It would not be possible to acquire a self-build mortgage or other financing for a self-build property if the property is an affordable property due to the price cap.	2.19 has been removed to avoid confusion as, although self-build can be more affordable than other forms of housing, it does not fall within the NPPF definition of affordable housing.

Paragraph	Summary of comments received	EDC response
2.21.4	Vacant Building Credit is not a material consideration, it should be given full weight in decision making.	2.21.4 has been removed. It is clear from §2.22.1 of the SPD that VBC will be credited rather than being merely considered and this paragraph is contradictory.

Section 3: Policy HS2 – Housing in the Smaller Villages and Hamlets

Paragraph 3.1.2 now states the aspects of the site that the Council will take into account when assessing whether a site conforms to the definition of infill.

In paragraph 3.2.4 'a significant rise or fall in the topography' has been removed as an example of a strong, defensible boundary because it may not be an appropriate boundary in all cases of rounding off.

Paragraph	Summary of comments received	EDC response
3	Reference should be made to the need for surveys for protected species. Any measures necessary for the protection of the species should be in place through conditions and/or obligations before permission is granted.	<p>Policy ENV1 of the Eden Local Plan requires any new development (regardless of location) to avoid any net loss of biodiversity and geodiversity.</p> <p>Policy ENV1 and other environmental policies in the Local Plan do not need to be referenced in the SPD. These policies where relevant will apply in the determination of planning applications.</p>
3.1.1	<p>Insert 'in some cases' to clarify that not all areas of open space make a contribution to appearance and setting.</p> <p>Also, any open space can make a contribution to appearance and setting so 'large areas of open space' is inappropriate.</p>	<p>Paragraph amended to:</p> <p><i>'Existing areas of open space within Smaller Villages and Hamlets can make an important contribution to their appearance and character. The requirement for 'modest infill' development is to protect settlements from unjustified and inappropriate development eroding their character. Therefore the impact on the character of the settlement will be taken into account.'</i></p>
3.1	Replace 'modest' with 'small' throughout this section.	Policy LS1 explicitly refers to modest _infill, however in paragraph 3.1.3 we have now specified that in most cases modest infill is not more than two dwellings.

Paragraph	Summary of comments received	EDC response
3.1.2	The reference to 'gap' excludes redevelopment of already developed land.	<p>Policy LS1 states that development 'will be restricted to infill sites, which fill a modest gap between existing buildings'. The reference to 'gap' does imply that this applies only to an empty space, although it does not restrict it to greenfield land only just a site lacking in any buildings. Apart from the reuse of traditional rural buildings and structures the policy does not refer to the redevelopment of developed sites and by implication excludes such development.</p> <p>However the 2019 NPPF, post-dates the Local Plan and is a material consideration in decision making. The NPPF directs decision makers to 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land' (paragraph 118). Therefore although the redevelopment of land in Smaller Villages and Hamlets is not referred to in the Local Plan it may be appropriate taking into account the latest government policies in the NPPF.</p>

Paragraph	Summary of comments received	EDC response
3.1.3	<p>The reference to infill development normally but not exclusively fronting a road is overly prescriptive and unnecessary. It should be enough to state that the layout and density should be in-keeping with the character of the area.</p>	<p>It is not sufficient to just state that <i>'that the layout and density should be in-keeping with the character of the area.'</i> This would dilute the purpose of the policy which is to allow for 'infill'.</p> <p>Paragraph amended to:</p> <p><i>'In most cases modest development is considered to be development that would fill a gap in an otherwise continuous built frontage of not more than two dwellings. However, in non-linear settlements, the Council may consider infill development to also relate to backland development for up to two dwellings where this already exists within the settlement. In all circumstances the layout and density of the development should be in keeping with and similar to others in the surrounding built environment.'</i></p>

Paragraph	Summary of comments received	EDC response
3.1.4	Remove or replace 'large' in the first sentence as any size of open space can be considered important to the setting of a settlement. The paragraph should clarify the characteristics of a gap that is important to the setting.	<p>The Council agrees that §3.1.4 as written is not aligned with Policy LS1 (which refers to 'modest' gaps) and therefore the word 'large should be deleted' . Also the addition of the term 'character' is in line with §3.1.1 in the SPD which clarifies the purpose of the reference to 'modest gap' in Policy LS1.</p> <p>The examples of characteristics of a site that would demonstrate its contribution to the character and setting of the settlement have not been incorporated. Such factors would be considered through other policies in the Local Plan, e.g. Policy DEV5, ENV 1-4, ENV10, and Policy COM2, and do not need to be repeated here.</p> <p>Paragraph amended to:</p> <p><i>'Development should not diminish an existing gap that is considered important to the setting and character of the settlement. This approach will consider proposals on a case by case basis, on their individual merits, and against other policies in the Local Plan.'</i></p>
3.1.5	Retain 3.1.5 but delete the rest of this section and rely on good judgement and a sound and informed appreciation of urban design/townscape similar to the approach for Conservation Areas.	The SPD is intended to provide guidance on the application of Local Plan policies so as to ensure a consistent approach. The terms 'modest', 'infill' and 'rounding off' are terms used in Policy LS1. They are not terms introduced by the SPD. The comparison with the approach in relation to conservation areas is irrelevant.

Paragraph	Summary of comments received	EDC response
3.2	The examples of boundaries listed are specific (lowland) landscape features such as a wood, river etc and do not take account of the existing varied character of the landscape in the Eden Valley. By not taking account of this diversity, the LPA will end up making prescriptive decisions that would discriminate against (upland/east) settlements that don't have the characteristic features of a lowland valley floor.	The SPD clearly states that the list of examples of a boundary is not comprehensive. Officers will consider on a case-by-case basis whether a boundary constitutes is a long standing and enclosing landscape or topographical feature.
3.2.1	Is it the pastoral character of the villages or the quality of the countryside that you are trying to protect?	Both are interlinked and therefore the policy seeks to protect both.

Paragraph	Summary of comments received	EDC response
3.2.2	<p>An extension of a village cannot avoid visually extending the built-mass into the open countryside. Development should be regulated through a design-led approach and take into account the setting of the settlement and open countryside.</p> <p>It should be clarified whether rounding off development can start from within the settlement.</p>	<p>- It is accepted that there is a contradiction in the text of the SPD. By definition 'rounding off' of a settlement will physically extend the settlement into the countryside.</p> <p>- Normally 'rounding off' would not start from within the settlement. A site would be on the edge of the settlement and along the majority of its boundary enclosed by existing built development.</p> <p>The Local Plan is required to make provision to meet development needs within the Plan period. There is a balance to be struck between meeting development needs and protecting the countryside. The Local Plan seeks to protect the countryside by limiting the scale of development in different locations.</p> <p>Paragraph amended to:</p> <p>'Modest rounding off development is a modest extension beyond the limit of the settlement to a logical, defensible boundary. It should have limited visual impact visually on the land, it should be substantially enclosed and the boundary clearly defined by a physical feature.'</p>

Paragraph	Summary of comments received	EDC response
3.2.3	The use of 'strong' when describing a boundary is akin to repeating 'defensible'. The building line and the division between developed and undeveloped are both logical defensible boundaries.	<p>It is not accepted that the existing settlement 'boundary' is necessarily its most effective, logical and defensible boundary. The existence of a village or hamlet indicates that development has been taking place albeit over a long time, on what would originally have been undeveloped countryside. Policy LS1 seeks to regulate the growth of small villages and hamlets. The purpose of the SPD is to amplify the term 'logical, defensible boundary' in the operation Policy LS1.</p> <p>The paragraph has been amended to:</p> <p><i>'To be considered as "rounding-off", a site must be enclosed by existing built development and a strong physical feature .</i></p>
3.2.3	A public right of way should be considered as a defensible boundary.	A PRoW although legally is 'permanent' it can be diverted and as such it does not have the same 'physical permanency'.
3.2.4	Reference to an appeal is inappropriate.	The reference to the appeal is to provide some evidence that this approach has had the support of an Inspector.
3.2.5	The paragraph is contradictory, it refers to development both within and extending the settlement as unacceptable, and is inconsistent with previous guidance, rounding off is an extension of the settlement.	Paragraph deleted.

Paragraph	Summary of comments received	EDC response
3.3	Each proposal should be determined using design guidance and professional judgement.	The SPD is intended to amplify policies in the Local Plan and as such provide guidance to those submitting a planning application as well as a tool for the decision maker. To improve the clarity of the guidance, this section has been amalgamated with the two previous sections concerning infill and rounding off.
3.3	The SPD should clarify what is meant by modest or refer to 'small development'. It should also specify that the scale development should reflect the character of the settlement regardless of the range of facilities there.	This section has been incorporated into the previous two sections dealing with infill and rounding off. The sections now define in more detail modest infill and modest rounding off.
3.3.2	More clarity is need on the characteristics to be taken into account when considering the scale of a development.	This section has been incorporated into the previous two sections dealing with infill and rounding off. The sections now define in more detail modest infill and modest rounding off.
3.3.3	The policy does not allow unfettered housing in smaller villages and hamlets therefore this paragraph is unnecessary.	It is agreed that §3.3.3 is superfluous and does not add to the meaning of Policy LS1. §3.3.3 to be deleted.
3.3.6	The intent of this paragraph is not clear, it should clarify that proposals under using a large site to comply with the term 'modest' will not be acceptable.	This section has been incorporated into the previous two sections dealing with infill and rounding off. The sections now define in more detail modest infill and modest rounding off.

Paragraph	Summary of comments received	EDC response
3.4.1	Avoidance of 'over-prescription' welcomed.	Section 3.4 has been deleted as it does not amplify Local Plan policy.
3.4.2	Clarification is needed as to whether this paragraph is suggesting that the boundary between the settlement and the open countryside is logical and defensible. This paragraph is inconsistent with 3.4.1. References to scale of development are irrelevant to this section.	Section 3.4 has been deleted as it does not amplify Local Plan policy.
3.4.3	This paragraph is inconsistent with previous paragraphs. Further guidance is required regarding 'close proximity'. Clarification is needed as to whether the logical defensible boundary is the boundary of the existing settlement or the boundary for rounding off. Insert 'to be located' after 'considered'.	Section 3.4 has been deleted as it does not amplify Local Plan policy.
3.5	This guidance does not clearly reflect the intention of Local Plan policy.	Section 3.5 has been deleted as it does not amplify Local Plan policy.
3.6	Clarification on how the size limit is measured is needed.	A reference to gross internal area has been added to paragraph 3.6.2 and a link to the RICS guidance included. https://www.rics.org/uk/upholding-professional-standards/sector-standards/real-estate/code-of-measuring-practice/

Paragraph	Summary of comments received	EDC response
	Guidance regarding the redevelopment of previously developed sites that are considered to be greenfield under the NPPF definition is needed.	The policy covers conversions and redevelopment providing the site is infill and rounding off. Barn conversions will be expected to meet the size limit as per the policy unless extenuating circumstances can be demonstrated requiring the dwelling to be over the limit, as stated in paragraph 3.6.5 of the SPD.
	The size limit should be lower to ensure affordability.	The size limit for properties is set in the Local Plan and cannot be changed through the SPD.
3.6.3	The size limit is too restrictive and would not reflect the character of other properties in the Smaller Villages and Hamlets.	The reference to 150m ² is a matter of policy and cannot change through the SPD.
3.6.7	I am glad that the reasoning behind the appeal decision at Clifton has made its way into policy and note that there is no need to refer to the appeal in the footer.	Comment noted

Section 4: Policy HS3 – Housing for essential workers in the countryside

For clarity, paragraph 4.1.1 specifies that where countryside is referred to in Policy HS3 this means the Other Rural Area as described in Policy LS1.

Paragraphs 4.1.3 has been deleted and 4.1.4 moved to section 4.3 as this section deals with the size restriction placed on farm and rural worker dwellings.

Further detail has been added to 4.4.1 to clarify where it is acceptable for agricultural and rural worker dwellings to be located.

Paragraph	Summary of comments received	EDC response
4	Dwellings for agricultural workers and dwellings for rural workers should be addressed equally through one section.	<p>The two sections have been amalgamated as suggested.</p> <p>The SPD sets out the evidence that should accompany an application for a dwelling associated with a rural business. There is not a specific means to calculate labour requirements as there is for the agricultural sector so it is up to applicants to ensure that the method used is robust.</p>
4	The SPD should provide guidance on the consideration of new enterprises and associated temporary dwellings.	Policy HS3 relates to dwellings associated with existing farm or other rural enterprises. Whether the policy should cover temporary permissions for residential accommodation in association with a new enterprise, is not relevant to this SPD. The Local Plan does not have a specific policy relating to residential accommodation in association with proposed new rural enterprises.
4.1.3	Clarification that 150sm is the internal GFA as defined by RICS is needed.	<p>This paragraph has been deleted as this is covered in 4.3, however 4.3.1 has been amended to:</p> <p>New agricultural and rural worker’s dwellings should be size limited to a maximum floor area of 150m2 (Gross Internal Area as defined by RICS) as required by Policy HS3, which would include garages where they are integral to the main building.</p>
4.1.3	Removing permitted development rights does not mean extensions to a dwelling would not be allowed, only that they would need to .	<p>This paragraph has been deleted as this is covered in 4.3, however the following sentence has been added to the end of 4.3.2:</p> <p>An enlargement will require the expressed permission of the Council to ensure that such dwellings remain affordable to rural workers.</p>

Paragraph	Summary of comments received	EDC response
4.1.3	The size limit should be lower to ensure affordability.	The limit on floor space is set out in the Local Plan and cannot be amended through the SPD. This can only be done through a review of the Local Plan.
4.1.4	The justification for the size limit should be deleted as it will encourage such development. Also, guidance on the design standards the dwellings should meet should be included.	This paragraph demonstrates that the size limit is not restrictive. Policy HS3 includes a criterion on design. Policy DEV5 Design of New Development will also apply.
4.1.5 and 4.1.6	These paragraphs repeat the guidance in 4.1.2.	Paragraphs merged with 4.1.2.
4.1.7	The guidance should clarify that the sale of existing accommodation from the business should only result in the refusal of further accommodation where the sale was a wilful manipulation of policy.	<p>The applicant is expected to provide justification demonstrating why policy should not apply. Such evidence would be a material consideration in the determination of a planning application together with the SPD.</p> <p>§4.1.7 to be amended to state</p> <p>'The Council will not normally support proposals ... sold off from the business. Applicants will be required to provide a justification demonstrating why this should not apply is a particular case. and Also the Council may not support ... agriculturally viable.'</p>

Section 5: Policy HS4 – Housing Type and Mix

The section regarding bungalows has been inserted here from section 2 (Policy HS1 – Affordable Housing).

Sections 5.2 and 5.3 have been moved to a section dealing with national policy.

For clarity, the wording in paragraph 5.3.1, defining self-build, has been replaced with the wording from the Planning Practice Guidance.

Paragraph	Summary of comments received	EDC response
5	<p>We support proposals to ensure a mix of house types and sizes and the proposal to prioritise the delivery of smaller properties. Applications should be able to demonstrate that they are strongly underpinned by up-to-date evidence of genuine local needs relating to size, type, tenure. We note that according to Cumbria Intelligence Observatory, the latest population figure for Eden is 52,881 (2018). The latest figure for number of properties is 26,620 (2019). This means that there enough properties for the whole population based on 2 people living in each property. Similarly, average household size is just over 2 people and is relatively static with a slight decline predicted over the next 20 years. The average number of bedrooms per household is 3. These figures strongly suggest that there should be measures to support more efficient use of existing stock (such as addressing second and empty homes), and that greatest provision of any new housing should be for smaller houses.</p>	Comments Noted
5.2	<p>Self-build is only encouraged in the supporting text of Policy HS2 and the requirements of a policy cannot be added to through supporting text.</p> <p>A specific strategy for self and custom build housing should be developed.</p>	<p>The SPD does not propose any requirement for self and custom build housing. The SPD merely explains that the provision of plots for self and custom build housing is encouraged. This section has been moved to another dealing with national policy.</p>

Paragraph	Summary of comments received	EDC response
5.3	More guidance regarding self and custom build housing is required, particularly to differentiate it from market-led housing and incentivise such development.	The SPD is highlighting self and custom build housing as an option to be included within the mix of housing on development sites. There is no policy basis in the Local Plan for incentivising self and custom build housing. This section has been moved to another dealing with national policy.

Section 6: Design – security and environmental sustainability

This section has been moved to a section dealing with national policy.

Paragraph	Summary of comments received	EDC response
6.1	The requirements for reducing crime through design are too prescriptive.	Paragraph 6.1.1 amended to:
6.1	<ul style="list-style-type: none"> – Further to previous discussions relating to crime prevention, I am very encouraged by the content of the Draft Housing SPD on this issue. I hope the published wording can be incorporated into the final version, but I foresee that other consultees may seek to dilute the guidance, claiming financial impacts on viability costings. – The intention is to provide clear guidance to developers, so that they can incorporate effective security measures – yet to be able to identify and challenge proposals that do not meet the criteria. – As outlined, key aspects of new development relate to surveillance and supervision opportunities and the demarcation and definition of space. These requirements should be easy to implement in the majority of cases. 	<p>‘Developers It is recommended that applicants should demonstrate that the following issues have been addressed:</p> <p>Comments noted.</p>

Paragraph	Summary of comments received	EDC response
	<ul style="list-style-type: none"> <li data-bbox="443 341 1245 667">– The recommended measures describing the physical security measures (doors, windows, glazing, etc.) are directly related to compliance with Secured by Design, i.e. demonstrating compliance with recognised security standards, e.g. PAS 24:2012, latterly PAS 24:2016. Some developers may not wish to achieve SBD certification, despite the encouragement of Cumbria Constabulary and Eden District Council. <li data-bbox="443 727 1245 1024">– Developers may claim that for door and window products to comply with the standards, there will be additional and unsustainable costs. My response would be that economies of scale can be achieved by sourcing products from an extensive variety of approved manufacturers of certified products. Independent research commissioned by Secured by Design is available to refute this claim. 	
	<ul style="list-style-type: none"> <li data-bbox="443 1059 1245 1279">– It is also relevant to note that door and window products compliant with PAS 24 do not differ in appearance to those that are not compliant – and there are various products that could be implemented within Conservation Areas (such as vertically sliding sash windows). 	

Paragraph	Summary of comments received	EDC response
	<ul style="list-style-type: none"> - However, new homes are required to comply with Building Regulations (Approved Document 'Q' 2015) - that defines how 'easily accessible doors and windows' must resist unauthorised access and refers to current domestic security standards. But it must be noted that compliance with Approved Document Q is not as strict as compliance with Secured by Design, where every product must prove compliance with the relevant security standard. <p>Accordingly, it will be beneficial to consult with EDC Building Control to ascertain how their activity contributes to the Housing SPD.</p> <p>The requirements for reducing crime through design should not negatively impact on dark skies, health and wildlife. The requirements conflict with Policy ENV9.</p>	<p>The following wording has been added to the paragraph 6.1.1 regarding lighting schemes: 'All outdoor lighting schemes should meet the criteria set out in Policy ENV9.'</p>
6.1.1	More guidance regarding landscape design is needed.	This section of the SPD relates to security measures in terms of design. Further guidance on design would be more appropriate in a design guide.

Paragraph	Summary of comments received	EDC response
6.2	The SPD should require developers to meet more stringent measures for tackling climate change, such as building to passivhaus standards, biodiversity net gain, a sustainability checklist and requiring minor developments to meet such standards as well. Policy ENV5 and ENV7 do not go far enough.	The SPD cannot enlarge or increase on the requirements set out in the Local Plan, new policy can only be introduced through a review of the local plan.
6.2.2	The requirement for a Climate Change Statement should be included in the Local List.	Requirements for applicants to provide further information in support of their proposal that are set out in the Housing SPD will be incorporated into the Local Validation List, if they are not currently included, when it is updated later this year.

Section 7: Policy HS5 – Accessible and adaptable homes

Paragraph	Summary of comments received	EDC response
7.1.2	This is not in accordance with the Local Plan as it does not state in the policy how the requirement should be apportioned between market and affordable housing.	Policy HS5 requires that 20% of new housing should meet optional Building Regulation Standard M4(2). This applies equally to market and affordable housing and therefore it is appropriate that the SPD clarifies the position.

Section 8: Policy HS6 – Community Land Trusts

More detailed information about support the Council can offer groups undertaking a Community Led Housing project has been added to section 8.1.

Section 8.2 now includes a timetable which sets out the main stages for undertaking a community led housing project.

In section 8.3 the 5th criteria has been amended to provide more specific guidance on how groups should demonstrate that they are properly constituted.

Paragraph 8.4.2 now includes the offer that the Council are able to assist groups in identifying the community they should consult with.

Paragraph 8.4.3 now specifies that the list of engagement activities that could be undertaken is the minimum that is expected although the following paragraph suggests that there will be flexibility to undertake alternative engagement activities. A further paragraph has been added to advise applicants that further engagement activities may be required in certain circumstances.

Paragraph	Summary of comments received	EDC response
8.1	The SPD should provide links to the Cumbria CLH Hub, local advisers, Community Led Homes and other networks which have information and inspiring case studies and films.	Section 8.5 added with useful links.
8	Community led housing needs to be made as easy as possible by supporting agencies shouldering technical and development aspects, and going as far as possible to deliver the communities vision – in terms of types of affordable tenures, design, layout, facilities, etc.	The Council has resources to support Community Led Housing groups to achieve their vision and encourages all groups to discuss their project with the Council at an early stage. Nevertheless all development should meet the requirements of the Local Plan.

Section 9: Policy RUR4 – Employment Development and Farm Diversification in Rural Areas

At the start of this section guidance regarding where this policy will be applied and the weight it will be given in policy making has been added.

More detail has been added to paragraph 9.1.1 to explain the purpose of live-work units, specifically that live-work units relate to small businesses employing not more than 1 to 2 persons including the person living in the residential element.

Paragraph 9.1.2 has been removed as it conflicted with the policy's explanatory text.

Paragraph 9.1.4 and 9.1.5 have been deleted. As 9.1.3 now states that live-work units fall within sui generis use class the reference to use classes A1 and A2, and comparison to homeworking is erroneous.

Sections 9.3, 9.4 and 9.5 have been deleted and amalgamated with section 9.1.

Paragraph	Summary of comments received	EDC response
9.1.3	The SPD should not exclude B8 uses from the development of live-work units.	Paragraph amended to specify that the live-work unit will be sui generis and no longer stipulates that certain types of employment are inappropriate.
9.1.6	The SPD should clarify that a live-work unit is a mixed use unit not a mixed use site. Consequently, there is no residential curtilage to the building only mixed use curtilage.	9.1.3 has been amended to recognise that a live work unit is not separate employment and residential uses but a single sui generis unit. Paragraph 9.1.6 provides further guidance on this element, specifically stating how the unit should be arranged.
9.1.7	It is inappropriate to require a business plan to be submitted with an application for a live-work unit.	The purpose of Policy RUR4 is to facilitate employment in rural areas and states that live-work units should 'help towards the diversification of the rural economy.' In order to demonstrate compliance with this criterion applicants should submit a business plan. To provide more flexibility on this matter the paragraph has been amended to state that a market assessment will be acceptable where a proposal is speculative.

Paragraph	Summary of comments received	EDC response
9.3.3	The need for a condition to retain both uses should be removed as foregoing one of the uses is development and will require planning permission.	<p>This section has been deleted and guidance on this element added following paragraph 9.1.7. The additions state that:</p> <p>‘Expansion of the residential element into the employment space or the change of use of a LW unit into wholly residential will not be acceptable and contrary to the purpose of the policy to encourage employment in rural areas.’</p> <p>Reference to conditioning this element has been removed.</p>
9.3.4	The SPD should clarify that there will be a need for shared residential and employment areas.	In a live-work unit it is expected that the employment and residential areas will be separate, and unlikely that there will be a need for shared spaces. This is more commonly the case with home-working rather than live-work units.
9	<p>– The following are Conditions commonly applied on Appeal:</p> <ul style="list-style-type: none"> • The work element floorspace of the live/work • unit(s) hereby permitted shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use. 	Comments noted.

Paragraph	Summary of comments received	EDC response
	<ul style="list-style-type: none"> • The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of the associated unit, a widow or widower of such a person, or any resident dependants. • The residential use of the live /work unit shall be ancillary with the floor space split at least 60% employment and no more than 40% residential. • The residential accommodation within the live/work unit shall contain no more than 'X' bedrooms. <p>– It is also worth noting that Live-work units have been allowed on Appeal in Outline form although the SPD could suggest submission of at least illustrative plans to indicate the likely layout/accommodation profile.</p> <p>I acknowledge that Inspectors sometimes refer to the residential element as a 'dwelling'. I believe this is unwise and contradictory. There are no PD Rights afforded such. <i>Sui generis</i> uses generally, which is what live-work units are, do not have PD Rights. An application for a live-work unit does not grant permission for a 'dwelling'. If a 'dwelling' is later sought (by the expulsion of the 'workspace' element), planning permission will be required.</p>	

Section 10: Policy AL2 – Redevelopment in Alston Moor

To provide more flexibility in the policy, paragraph 10.3.3, which elaborates on the requirement for applicants to demonstrate that the proposed dwelling reflects the scale, form and appearance of the original building, has been amended so in instances where the applicant does not have evidence of the building's scale, form and appearance it should reflect similar buildings in the area.

Section 11: Appendices

Paragraph	Summary of comments received	EDC response
Appendix 3	This guidance is very technical and not relevant to the majority of readers so should be removed.	Appendix 3 sets out what we would require to justify an exception to policy so it is important to keep it with the rest of the guidance.

General comments

Summary of comments received	EDC response
<p>The SPD should respond to the declaration of a climate and environmental emergency.</p>	<p>The SPD must accord with the current Local Plan (prepared and adopted prior to the declaration of a Climate and Environmental Emergency), it is a guidance document only. The review of the Local Plan will consider the priorities of the new administration.</p> <p>‘Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.’ (Planning Practice Guidance).</p>
<p>New development should be required to produce a net gain in renewable energy.</p>	<p>There are no policies in the Local Plan that require new developments to produce net positive renewable energy and such requirements cannot be introduced in the SPD.</p>
<p>The SPD should make reference to likely enhanced requirements that may be introduced in the future.</p>	<p>Without evidence of what is viable it is difficult to set out what requirements may be ‘on the cards’. Furthermore, setting out possible future requirements is not the purpose of the SPD, this would be more appropriate in a vision document.</p>
<p>The SPD should propose the Council as a house-builder to build sustainable housing. It should also promote zero carbon buildings, providing incentives for developers.</p>	<p>The SPD is intended to provide guidance on Local Plan policies, such objectives lie outside the scope of the SPD and would be more appropriate for a vision document or to be incorporated in a review of the Local Plan.</p>

Summary of comments received	EDC response
Most developments should be required to provide natural/wild areas.	There are no policies in the Local Plan that specifically require new developments to provide natural/wild areas and such requirements cannot be introduced in the SPD. Although this will be considered in the imminent production of a Biodiversity SPD.
The SPD should consider health and wellbeing.	The purpose of the Housing SPD is to provide guidance relating to the housing policies of the Local Plan, which do not cover health and wellbeing.
The SPD should encourage use of sustainable building materials.	Section 6.2 provides guidance on how applicants should demonstrate their compliance with Policy ENV5 (Environmentally Sustainable Design), which encourages the use of sustainable building materials and incorporating renewable energy technology into a scheme.
The SPD should encourage streets and squares rather than cul-de-sacs to discourage suburban sprawl and create more legible built environment, which suits passivhaus development and encourage human-powered transport by reducing travel distances.	The Local Plan requires applicants to demonstrate 'how the site will ensure the permeability and accessibility of the area' and that new development 'can be easily accessed and used by all, regardless of age and ability.' Furthermore, the Cumbria Design Guide (produced by Cumbria County Council) encourages permeability within developments and promotes avoiding cul-de-sacs. We will consider whether these aspects require further guidance when we review our Design SPD.
The SPD should provide guidance on land management and encourage non-intensive farming, to create carbon absorption and flood mitigation.	This is more relevant for inclusion in the imminent production of a Biodiversity SPD.

Summary of comments received	EDC response
<p>The SPD should provide guidance on tiny and park homes or similar homes that people are able to easily build or source themselves.</p>	<p>The SPD is intended to provide guidance on Local Plan policies, such objectives lie outside the scope of the SPD and would be more appropriate for a vision document or to be incorporated in a review of the Local Plan.</p>
<p>The SPD should provide guidance on transport to support the objective of becoming carbon neutral.</p>	<p>The SPD is intended to provide guidance on Local Plan policies, such objectives lie outside the scope of the SPD and would be more appropriate for a vision document or to be incorporated in a review of the Local Plan.</p>
<p>The SPD should take into account the Council's recent corporate policies.</p>	<p>The SPD is intended to provide guidance on the adopted Local Plan policies, it cannot take account of Council priorities that are not incorporated in the current Local Plan.</p>
<p>We welcome the references at various points in the document to the landscape being protected and taken into account in judging the appropriateness of particular proposals eg in Alston Moor, for live-work units and for rural workers' dwellings. This should of course includes being informed by the Cumbria Landscape Character Assessment.</p>	<p>Comments noted.</p>
<p>The SPD should clarify whether the guidance relates to new build housing only or includes conversions. Reference should be made to the potential benefits of converting historical buildings to housing.</p>	<p>Policy HS3, covered in section 4, is not limited to new build housing. Policy ENV10 will be taken into account when considering any application for the conversion of a historic building to housing, which states that 'the Council will attach great weight to the conservation and enhancement of the historic environment, heritage assets and their setting'.</p>

Summary of comments received	EDC response
<p>The SPD should provide guidance on viability of converting historic building.</p>	<p>Paragraph 2.4.9 states:</p> <p>‘Where a proposal involves the conversion a designated heritage asset to a level of housing that would require an affordable housing contribution, the Council will encourage the sensitive conversion of the asset and consider the implications this has on the ability to provide affordable housing. Should an applicant consider that they are unable to meet the affordable housing requirement they must support their case with a viability assessment.’</p> <p>We believe this accords with the stance set out in the National Planning Practice Guidance.</p>
<p>The SPD should require applications to be accompanied by a sustainability statement to ensure water (and energy) efficiency measures are fully considered in the design of new development.</p>	<p>The SPD is intended to provide guidance on Local Plan policies, such objectives lie outside the scope of the SPD and would be more appropriate for a vision document or to be incorporated in a review of the Local Plan.</p>