

# Housing



# Supplementary Planning Document

# Housing Supplementary Planning Document

**November 2010**

Further information on Housing Policy and the Local Development Framework generally can be found on the Council's website [www.eden.gov.uk](http://www.eden.gov.uk)

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This document can be made available in large print on request

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## **Section 1: Introduction**

### **Purpose, and Content of this Supplementary Planning Document**

1.1 The delivery of affordable housing is the Council's top corporate priority and the chronic shortage of affordable housing in Eden as a result of high house prices and a low wage economy has led the Council to take a proactive approach to encourage as much affordable housing as possible. The Eden Core Strategy was formally adopted in March 2010 and the primary purpose of this document is create a positive approach to delivering affordable housing to meet local needs particularly in rural areas and increase the potential sources of supply of affordable housing across Eden by:

- Providing detailed guidance to developers and applicants regarding how policy CS10 'Affordable Housing' will be implemented across the district to deliver as much affordable housing whilst not inhibiting development in the current difficult economic climate. This forms the basis of Section 3 of the document.
- 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.
- Ensure that all residential development, both affordable housing and market housing is well designed and accords with national and local policy and guidance. Section 5 deals with residential design standards.

1.2 The guidance in this document is balanced so that the protection of the landscape and environment is not compromised, and as such sites must be acceptable against a range of planning criteria.

### **Status of this Supplementary Planning Document**

1.3 This SPD was drafted under the requirement of the Planning and Compulsory Purchase Act 2004 regulations (as amended by Regulations 2008) and Planning Policy Statement 12: Local Spatial Planning. In accordance with these regulations the SPD was made available for comment for a consultation period of seven weeks from Monday 9<sup>th</sup> August to 5pm Friday 24<sup>th</sup> September 2010. Following the consultation exercise the comments from members of the public and statutory consultees has been taken into account and incorporated where possible into the document before being formally adopted by Eden District Council for development control purposes.

1.4 This SPD will be a material planning consideration in the determination of relevant planning applications, in addition to the Development Plan which consists of the Eden Core Strategy; saved policies in the Eden Local Plan; saved policies in the Cumbria and Lake District Joint Structure Plan 2001-2016; and the North West of England Plan Regional Spatial Strategy to 2021. It is considered that this SPD reflects national and regional planning policy as well as an up to date evidence base and is therefore afforded significant weight. The 2008 Planning Act has removed the

need to undertake a Sustainability Appraisal for SPDs, however a short screening report has been prepared in a format which accords with the SEA Directive (Strategic Environmental Assessment). The assessment determined that no new significant effects would arise as a result of the SPD, and also made environmental recommendations which were fed into the draft SPD as it was progressed. The SEA Screening Report will be published alongside this SPD.

## **Section 2: National and Local Policy Context**

### **Local Policy Context**

2.1 This Supplementary Planning Document aims to supplement the following policies in the Eden Core Strategy:

- CS7 Principles for Housing;
- CS9 Housing on Rural Exception Sites;
- CS10 Affordable Housing;
- CS18 Design of New Development;

2.2 Section Three of this document provides additional guidance relating to application of Core Strategy policy CS10 'Affordable Housing'. Policy CS10 Affordable Housing in the adopted Core Strategy sets the policy basis for the provision of affordable housing in Eden (Appendix A). The policy underwent formal examination and was found sound subject to amendments in March 2010. The Inspector concluded that an affordable housing policy was justified based upon the evidence of housing need and was generally based upon sound and robust evidence in the form of the Strategic Housing Market Assessments and Economic Viability Assessment.

2.3 The policy sets an affordable housing target of at least 92 dwellings per annum to be delivered by the private sector, the public sector and exception sites. It requires an on-site contribution of 30% affordable housing on schemes of four or more units and for small developments (1-3 units) the Council may seek an appropriate level of financial contribution as governed by policy CS6.

2.4 Section Four looks in greater detail at delivering affordable housing in rural areas via Core Strategy policy CS9 Housing on Rural Exception Sites including self build proposals and converting suitable rural buildings. Policy CS9 states that small scale housing developments will be permitted in rural settlements (outside of Key and Local Service Centres) if the proposal provides 100% affordable housing, meets the sequential approach to land use set out in policy CS1, is acceptable in design and all other planning terms.

2.5 Section Five of the document looks at residential design standards, in particular the requirements of the Building for Life scheme, which looks to build upon the policy principles in Core Strategy policies CS7 'Principles for Housing and CS18 'Design of New Development'. Policy CS7 seeks to secure the provision of housing to appropriate standards of accessibility, security and energy efficiency including building regulations, the Code for Sustainable Homes and Lifetime Homes. Policy CS18 'Design of New Development', states that the Council will support high quality design which results in useable, durable and adoptable places which reflect local distinctiveness.

### **National Policy Context**

2.6 Planning Policy Statement 3: Housing (PPS3) was published in November 2006 and sets out the national planning policy framework for delivering the

Government's housing objectives. The Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. In relation to affordable housing, it states the Government is committed to providing high quality housing for people who are unable to access or afford market housing, for example, vulnerable people and key workers, as well as people wanting to make the step up from social rented housing to home ownership.

2.7 Paragraph 29 of PPS3 sets out the requirements upon Local Planning Authorities in terms of delivering affordable housing:

- Set an overall target for the amount of affordable housing to be provided aimed at meeting the housing needs of current and future occupiers.
- Set separate targets for social rented and intermediate affordable housing, where appropriate, providing a wider choice for households and ensuring that sites have a mix of tenures.
- Specify the size and type of affordable housing that, in the Council's judgement, is likely to be needed in particular locations and, where appropriate, on specific sites.
- Set out the range of circumstances in which affordable housing will be required, including a minimum site size threshold.
- Set out an approach to negotiate developer contributions, where the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing.

2.8 Paragraph 30 of PPS3 states in providing affordable housing in rural communities, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive proactive approach. It further states that where viable and practical local planning authorities should consider allocating and releasing sites solely for affordable housing, including a rural exception site policy. This enables small sites to be used specifically for affordable housing that would not normally be used for housing because they are subject of policies of restraint.

2.9 Furthermore, PPS3 states, exception sites should only be used for affordable housing in perpetuity, and should accommodate households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed and inclusive communities.

2.10 Planning Policy Statement 1: Delivering Sustainable Development, advocates sustainable development and good design. It states good design should:

- address the connections between people and places by considering the needs of people to access jobs and key services;
- be integrated into the existing urban form and the natural and built environments;
- be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;
- create an environment where everyone can access and benefit from the full

range of opportunities available to members of society;

- consider the direct and indirect impacts on the natural environment.

2.11 Furthermore, it states planning authorities should prepare robust policies on design and access. Key objectives should include ensuring that developments:

- are sustainable, durable and adaptable (including taking account of natural hazards such as flooding) and make efficient and prudent use of resources;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to their local context and create or reinforce local distinctiveness;
- create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion;
- address the needs of all in society and are accessible, usable and easy to understand by them; and
- are visually attractive as a result of good architecture and appropriate landscaping.

2.12 The 2008 Matthew Taylor Review of rural economy and affordable housing found that the high cost of homes, coupled with low wages in rural areas, are creating affordability pressures that threaten the future of rural communities.

2.13 There is a substantial need to deliver much needed affordable housing in Eden using traditional and innovative methods, particularly during the midst of the poor economic circumstances as a result of the credit crunch. It is considered the policy guidance in this SPD is compliant and within the spirit of both local and national planning policy.

2.14 The Housing SPD has been adopted after the abolition of regional housing targets. The relevant targets are those contained in the Council's Core Strategy. Due cognisance will also be taken of the recent changes to PPS3, in particular those in relation to the removal of garden land from the definition of previously developed (brown field) land and the removal of overly prescriptive density targets.



## **Section 3: Delivering Affordable Housing**

3.0 The purpose of this section of the SPD is to provide further detail and explanation to applicants and developers regarding the implementation of policy CS10 Affordable Housing relating to:

- Housing need and key definitions relating to affordable housing;
- How affordable housing will be negotiated, funded and delivered including further information relating to mix, type and tenure;
- The Council's approach to seeking developer contributions to facilitate the provision of affordable housing including the mechanism for requiring financial contributions for small developments of 1 to 3 units;
- How the policy will be applied flexibly taking into consideration economic viability assessments to ensure the delivery of housing is not hindered.

### **3.1 Housing Need and Affordable Housing Definitions**

#### **Assessing Housing Needs in Eden**

3.1.1 The Council uses a range of survey procedures to assess levels of housing need across the District. A rolling programme of parish surveys is being carried out on the Council's behalf by Cumbria Rural Housing Trust between April 2009 and March 2012. This type of survey provides a 'fine grain' analysis of the need for affordable housing at parish level. Conversely, the Strategic Housing Market Assessments (SHMAs), which are valid until 2011 in respect of the affordable housing element of the Assessments, provide a 'higher level' analysis into the affordable housing need at Housing Market Area level. Eden has four identified Housing Market Areas: Eden Valley North; Eden Valley South; Alston Moor; and North Lakes East.

3.1.2 The SHMAs establish an affordable housing need for 227 affordable dwellings p.a. across Eden District during the period 2006-11 (based on evidence from the 2006 District Housing Need Survey). A particularly high level of need was identified for smaller 2 and 3 bedroom family houses – with a notable gap in the market for 'middle rung' or 'move up' accommodation. The tenure split was approximately 72% social rented and 28% intermediate, although in some areas the need can be up to 100% social rented – this has also been highlighted in the parish surveys.

3.1.3 The most up to date housing need evidence can be found using the web links below for Eden District Council's Housing Services and the Cumbria Rural Housing Trust. Alternatively contact the Housing Services team.

[www.eden.gov.uk/housing/housing-policy-and-strategy/](http://www.eden.gov.uk/housing/housing-policy-and-strategy/)

[www.crht.org.uk/](http://www.crht.org.uk/)

#### **Housing and the Ageing population**

3.1.4 The housing and related care issues associated with the ageing population are particularly significant in Eden District due to the projected increase in the population of people aged over 65. The *Planning4Care* report, commissioned by

Cumbria County Council, and published in November 2009<sup>1</sup>, provides an analysis of the likely social care and care and service requirements for older people across Cumbria over the next 20 years. It identifies that the elderly population in Eden is projected to rise by 70% over a 20 year period, from 11,100 in 2009 to 18,900 by 2029. This is higher than any other district in Cumbria, and well above the national average. This is due to a combination of increased life expectancy and Eden being an extremely popular location with retirees, leading to high levels of in-migration from older people.

## Affordability in Eden

3.1.5 Where developments are provided through public subsidy under the Homes and Communities Agency (HCA) these will be deemed affordable. For all other developments the following criteria will be applied in order to determine affordability:

- Rented housing (non HCA subsidy) is considered affordable if it does not exceed 25% of the gross household income.
- Affordable home ownership units (non HCA subsidy) are considered affordable if they cost no more than 3.5 x the gross average household income for single earner households in the District; or 2.9 x the gross average household income for dual-income households in the District.<sup>2</sup>

3.1.6 The definition of affordability must relate to the local housing market within Eden and make a direct reference to local income levels of the target need group in the area of the proposed development in as much detail as possible. Gross household income includes income from all sources such as earnings, pensions, interest on savings, rent from property and state benefits, but does not include housing benefit. Indicative information at Housing Market Area level is available from Eden District Council's Housing Team.

3.1.7 The house price to household income levels in Eden are significantly above Government recommendations on responsible borrowing as set out in **Table 1** below.

<b>Table 1. Income to Property Price Ratios – Eden District 2010</b>			
	Property Price	Household Income	Affordability Ratio
Mean	£227,127	£32,063	7.1x
Median	£206,144	£26,737	7.7x
Lower Quartile	£156,246	£15,946	9.8x

(Source: CACI Paycheck & CACI Streetvalue data provided by Cumbria County Council)

<sup>1</sup> planning4care report prepared by Care Equation and Oxford Consultants for Social Inclusion, November 2009.

<sup>2</sup> Source: Housing Market Assessment guidance, ODPM (2005)

3.1.8 The income to house price ratios have inevitably led to many local households being priced out of the market across Eden District especially in conjunction with lenders requiring larger deposits since the 'credit crunch'. The affordability ratio is noticeably higher in relation to lower quartile incomes and property prices which is significant as the lower quartile includes many of the households most in need of affordable housing, particularly first-time buyers.

3.1.9 Particular issues impacting on housing affordability in Eden include:

- Significant numbers of people retiring to the area
- High levels of second home ownership and holiday lets
- 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.

## **Definitions of Affordable Housing**

3.1.10 For the purposes of this SPD and Core Strategy Policy CS10 Affordable Housing, the following definitions apply:

**Affordable housing** is:

*Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:*

- *Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.*
- *Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.*

**Social rented housing** is:

*Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. The proposals set out in the Three Year Review of Rent Restructuring (July 2004) were implemented as policy in April 2006. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Housing Corporation as a condition of grant.*

**Intermediate affordable housing** is:

*Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above.<sup>3</sup>*

3.1.11 Models of intermediate housing include:

- **Shared Equity** - where more than one party has an interest in the value of the

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<sup>3</sup> Source for definitions of affordable, social rented, and intermediate housing – PPS3, Annex B: Definitions

home e.g. an equity loan arrangement or a shared ownership lease. There may be a charge on the loan, and restrictions on price, access and resale.

- **Shared Ownership** - is a form of shared equity under which the purchaser buys an initial share in a home from a housing provider who retains the remainder, and pays a rent on the element they don't own. In some cases the purchaser may buy additional shares ('staircasing') and eventually own the whole property. All of Eden District is designated as a rural area<sup>4</sup> and the *Housing and Regeneration Act, 2008* states that shared ownership properties in these 'protected' areas: "will be retained by either restricting to 80 per cent the share owners can buy or allowing owners to acquire up to 100 per cent but ensuring the provider, for example a Housing Association, buys the property back to retain it for future purchasers".
- **Affordable Rent/ Intermediate Rent** – housing which is made available on the same basis as social rented housing but at a rent above Homes and Communities target rents but below market rents. The Comprehensive Spending Review (CSR) of October 2010 expressed the Government's preference for affordable housing rents as opposed to social rented housing. An affordable rent would be based on 80% of market rents as with 'intermediate rent' on recent HCA schemes. Such rent levels should not exceed 80% of prevailing market rents, based on Homes and Communities Agency guidelines. If the developer proposed to provide affordable housing without the involvement of a Housing Association, the developer would need to satisfy the Council that measures were in place to ensure that initial rents and annual rent increases would be properly regulated, and establish how the properties would be kept affordable in perpetuity, for this option to be considered.
- **Discounted Sale** - homes are provided at a discount to the full market value. The purchaser buys the whole home at a reduced rate – such as a fixed percentage discount, which is then passed on to successive purchasers, governed by a S106 agreement. The Council is proposing to set up a *Homesekers' Register* to ensure sales of low cost home ownership properties – both initial sales and re-sales - are monitored to ensure priority is given to applicants meeting the local connection criteria, who are in need of affordable housing.
- **Rent to Homebuy** - *Rent to HomeBuy* is a new product whereby homes are offered to prospective *New Build HomeBuy* applicants on an intermediate rental basis for a limited and defined period. It is anticipated that this will be 3 years but may be up to a maximum of 5 years where there are sound reasons for doing so. After which time there will be an expectation that the property will be purchased on shared ownership terms by the applicant under the *New Build HomeBuy* product arrangements.

3.1.12 All intermediate affordable housing should meet the needs of local people who are in housing need in perpetuity. Eligibility for any new intermediate housing scheme, and re-sales, must be prioritised in order to ensure that the property continues to meet local housing needs, and the Council reserves the right to

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<sup>4</sup> As designated by Statutory Instrument 1997 No. 622 The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the North West and Merseyside) Order 1997.

nominate qualifying persons from its *Homesearchers' Register* (detailed in Section 3.2).

3.1.13 The definition of affordable housing does not exclude homes provided by private sector bodies, 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).

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.

## **3.2 - Negotiating, Funding and Delivering On-Site Affordable Housing**

### **Negotiating On-Site Affordable Housing Provision in Eden**

3.2.1 The Council requires affordable housing to be provided in accordance with adopted Core Strategy policy CS10. Therefore it is expected that the applicant will provide 30% of the total number of proposed dwellings as affordable housing on the application site. For the avoidance of doubt and to ensure the Council's affordable housing requirements reflect supporting evidence and remain viable, the Council will round down to the nearest whole number when calculating the affordable housing provision. Policy CS10 can be found in Appendix A. It will be important to ensure that applications are not submitted in a piecemeal manner in order to avoid the requirements for affordable housing. This possibility will be addressed by the Council requiring the numbers of affordable housing units to be specified at the outline planning application stage and by requiring comprehensive development proposals for the development of sites, including numbers of affordable units to be specified along with phasing schemes and the refusal of applications on the grounds of insufficient information where such information is withheld.

3.2.2 Prior to making a planning application, applicants should contact the Council's Affordable Housing Officer who will be able to inform the applicant what the affordable housing requirements will be based upon the most up to date housing need information to include:

- Type and tenure of the affordable dwellings;
- Size of affordable units (see section 3.5 for details of minimum unit sizes);
- Location of the affordable housing provision within the scheme;
- Preferred affordable housing partner (Housing Association).
- Price the Housing Association can pay for the affordable dwellings.

3.2.3 The Council will require an appropriate mix of affordable homes to meet local housing needs, as reflected through the most up to date housing need surveys. The affordable element should be incorporated within the vision and design standards of the overall development and be fully integrated within the scheme, promoting the principles of mixed sustainable communities.

3.2.4 The applicant will be required to submit an Affordable Housing Statement as part of the planning application. The Affordable Housing Statement will set out how the applicant has complied with policy CS10 and, where applicable, any subsequent information which has been agreed with the Affordable Housing Officer. Please refer to Appendix B for further information on how to prepare an Affordable Housing Statement. The Council will not validate an application which triggers policy CS10 without an Affordable Housing Statement.

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.

3.2.6 The agreed affordable housing provision will need to be secured in perpetuity through a Section 106 Legal Agreement prior to planning permission being granted. For further information regarding this process and the information required by the applicant please refer to Section 3.5 of this document.

### **Exempt Development**

3.2.7 The Council will apply policy CS10 Affordable Housing to all residential development except for:

- Hostels.
- Residential care/Nursing Homes (not including Extra Care schemes).
- Educational Establishments which include an element of residential accommodation which is directly linked to educational facilities on site.

### **Funding Affordable Housing**

#### **Developer Subsidy**

3.2.8 The Council expects applicants to deliver the affordable housing requirement in accordance with policy CS10 of the Core Strategy. Where developers consider this is economically unviable they will need to provide an economic viability assessment, in accordance with section 3.4 of this document for consideration by the Council. It is expected that the developer contribution will be on a "nil grant" basis, i.e. not supported by any public grant from the Council or the Homes and Communities Agency in accordance with PPS3.

#### **Public Subsidy**

3.2.9 Public subsidy is primarily provided from central government, through the Homes and Communities Agency, in the form of the National Affordable Housing Programme (NAHP). NAHP funding, known as Social Housing Grant, is paid to Registered Social Landlords (and also sometimes private developers who have registered with the HCA) to deliver affordable housing. NAHP targets are allocated on a regional basis and determined with regard to priorities set out by the Regional Housing Body in the Regional Housing Strategy. It should be noted that NAHP funding is limited and may not always be available.

3.2.10 Where there is an opportunity to access public subsidy, the public subsidy will only be used to deliver additional affordable housing, over and above the Council's

affordable housing requirement from the applicant.

## **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;
2. The affordable properties would be sold at a discounted rate to eligible qualifying persons through the Council's *Homeseekers' Register*
3. In exceptional circumstances the Council may require free fully serviced land (FSLE) as an affordable housing contribution.

### **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.

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.

Please note it is difficult to establish exact values for shared ownership properties as owners can purchase different percentages of their home. An affordable rent may require less discount than a social rent contribution.

3.2.14 The above prices are a guide only based upon the most up to date information from Housing Associations and they should be clarified with the Affordable Housing Officer prior to purchasing a site.

### ***Homeseekers' Register* (Low Cost Home Ownership / Discounted Sale Policy)**

3.2.15 The Council's preferred policy is to transfer completed units to a Housing Association partner, however, there may be cases where the provision of intermediate low cost housing to persons on the Council's *Homeseekers' Register* is the most suitable affordable housing option.

3.2.16 The Council may therefore occasionally accept affordable properties on a discounted sale basis where the identified need is primarily for social rent, in cases where Housing Associations are unable to make rented schemes financially viable due to the specifics of the site. This option would only be considered where the Council was fully satisfied that the scheme is unviable on a social rented basis with a Housing Association Partner. In these instances, the applicant will be required to build the affordable dwellings and sell them at a discounted sale price to persons on the Council's *Homeseekers' Register*.

3.2.17 The *Homeseekers' Register* will enable the Council to nominate eligible local

qualifying persons in affordable housing need to the developer in relation to initial sales and the vendor in the case of future re-sales of the properties. It will be necessary for the Council to check purchasers can afford to buy the homes at the discounted rate, within Government recommendations on responsible borrowing.

3.2.18 There may be some occasions where a Housing Association can only acquire part of the applicant's affordable housing requirement, normally the social rented units. In this instance the applicant is required to transfer part of their affordable housing requirement to the Housing Association partner at an agreed price and the remaining dwellings are sold on a discounted sale basis by the applicant to qualifying persons on the Council's *Homeseekers' Register*.

3.2.19 Where the Council requires properties to be sold via the *Homeseekers' Register* they will be discounted by 33.33-40% of open market value depending on the value of the property. To ensure prices remain affordable to people in Eden and within the definition of affordable housing any properties sold via this method will be capped at 60% of the mean property price in Eden, which in 2009/10 equates to £136,276.

3.2.20 The open market value of any qualifying dwelling shall be determined by the applicant (or vendor in the case of a re-sale), employing, at their own expense, their own RICS (Royal Institution of Chartered Surveyors) qualified valuer. A standard valuation template is included at *Appendix I* – the completed valuation should be returned to the Council who will arrange for an independent verification. In the event of a dispute over the valuation, the matter will be referred to the District Valuer, whose decision will be final, with the cost being reimbursed to the Council from the applicant. The applicant will be required to enter into a S106 Legal Agreement or Unilateral Undertaking prior to planning permission being granted agreeing to pay the contribution prior to occupation of the dwelling following the valuation being agreed.

3.2.21 For further information on the implementation of the Council's Discounted Sale *Homeseekers' Register* please refer to Appendix D.

### **Free Serviced Land Equivalent (FSLE)**

3.2.22 In situations where neither of the above delivery options for affordable housing is possible, or where it is favourable to the Council, the Council may require the applicant to provide free serviced land within the application site to be transferred to a Housing Association to be nominated by the Council. Free serviced land would be provided as a subsidy for both rented and intermediate tenures. The developer subsidy would therefore equate to the provision of the land at nil cost fully serviced.

3.2.23 Free serviced land should be taken to mean nil cost, non contaminated or decontaminated land, with direct access to the public highway constructed to adoptable standards maintainable at the public's expense and all appropriate services connected to its boundaries provided to the required number of plots.

### **Recycling Subsidy**

3.2.24 In accordance with PPS3, appropriate safeguards should be provided to ensure that affordable housing is retained in the long term. In the event of affordable housing being lost to the open market, via stair-casing or other means, the provider would be required to recycle and prioritise any usable receipts from sale proceeds generated within Eden District to provide alternative affordable housing. This



includes both public and private subsidy and applies to all affordable housing providers, including developers.

### **Variation of Tenure**

3.2.25 Where a funding gap exists the Council may consider a variation of the target tenure in favour of intermediate housing to allow the purchasing Housing Association to provide additional cross subsidy within the affordable housing provision. The price paid for the completed units and the level of developer subsidy would remain unchanged.

3.2.26 Any variation or alternative proposal regarding affordable housing tenure options set out in this document would need to be discussed with the Council's Affordable Housing Officer at the earliest possibility, although this could only be considered in exceptional circumstances, where this was beneficial to the Council.

## **3.3 – Approach to Seeking Developer Contributions**

### **Contributions in Lieu - General Approach**

3.3.1 The Council's expectation is that affordable housing is provided on the application site. This is in line with other planning policies seeking to create mixed and balanced communities, including PPS3: Housing.

3.3.2 In exceptional circumstances the Council may consider the acceptance of an off-site affordable housing contribution of equivalent value (i.e with the same proportion of affordable housing as required by the Core Strategy overall), where a strong case for doing so can be presented by the applicant and agreed by the Council.

Off site affordable housing provision may be in the form of:

- Completed units elsewhere;
- Free serviced land elsewhere;
- Commuted payments 'in lieu' of provision of completed units;

3.3.3 Circumstances where the Council may consider an off-site affordable housing contribution include:

- Where housing need priorities could be better met in an alternative location, either through an alternative site, completed units elsewhere or a financial contribution.
- Where there is a dominance of a particular type of affordable housing provision in the immediate area.
- Where the integrity or viability of the particular form of development might be compromised by the integration of affordable housing for reasons that can be clearly set out and justified.

### **Completed Units Elsewhere**

3.3.4 Provision of an equivalent number of completed affordable units on an alternative site will be in addition to any affordable housing requirement arising from the use of an additional site. It should be noted that in the interest of achieving well integrated and balanced communities, the applicant must agree with the Council an acceptable mix and tenure of units based upon evidenced housing need.

## **Free Serviced Land**

3.3.5 The contribution of land will in most cases be land, serviced to its boundaries, of sufficient area to provide the equivalent provision and of an equivalent value to that of providing affordable housing on the application site. Cash contributions may be sought in addition to land where the land is of insufficient area or value to provide provision equivalent to that arising from the application site.

## **Commuted Payments “in lieu” on Sites of 4 or more Dwellings**

3.3.6 The methodology for calculating commuted sums ‘in lieu’ of on site provision will be based on the developer providing a financial contribution equivalent to the cost of providing the affordable units onsite. The value of the contribution will equate to the open market value of the affordable units minus the price a Housing Association partner would have paid the applicant if the units were provided on site. The open market value of the affordable units is to be calculated following the procedure set out in paragraph 3.2.20.

3.3.7 The Council will require the applicant to enter into a S106 legal agreement to ensure payment of the commuted sum prior to the occupation of any of market units. It may be noted in this context that the Cumbria Housing Group is currently working on the creation of a standardised Affordable Housing Section 106 document for use across the County.

3.3.8 The contribution will be held in the Affordable Housing Fund. For further details on how the contribution will be managed and spent please refer to the Management of Affordable Housing Contributions section below.

## **Affordable Housing Contributions on Small Sites (1 to 3 Dwellings)**

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, but the Council may seek an appropriate level of financial contribution in accordance with policy CS6 Developer Contributions. This is to reflect the past and predicted future patterns of house building in Eden, the high level of housing need and limited supply of larger sites. However, it is essential that any proposed contribution does not inhibit development or prejudice the overall supply of new housing.

3.3.10 As part of the examination process into the Eden Core Strategy, DTZ were instructed to undertake a district wide economic viability assessment to establish a viable proportion of affordable housing. As part of that instruction DTZ undertook analysis into what a suitable affordable housing contribution might be for small sites. To ensure economic viability, DTZ concluded it would be appropriate to relate the contribution to the results of the viability testing and produce a calculation which is easily manageable and transparent to all.

3.3.11 This was achieved by undertaking analysis of the land value loss as a result of requiring affordable housing onsite. However, to ensure the contributions remain economically viable and do not prevent land coming forward for development, the loss in land value analysis was based upon the agreed minimum land return of 10% of the development value in rural areas and 20% in Penrith. Whilst this will result in a disproportionately lower affordable housing contribution than required to be provided on site, it ensures economic viability and deliverability of smaller sites which provide a substantial addition to the housing stock in Eden.

3.3.12 To reflect the conclusions set out in the Eden Economic Viability Assessment the Council will require **3% of the open market value of each additional dwelling** including conversions on small schemes of 1, 2 or 3 units. The three percent figure represents an average of the loss in land value from both the Greenfield and Brownfield minimum viable land values. Therefore:

- A new dwelling worth £200,000 would require a financial contribution of **£6,000**;
- A scheme of three houses worth £150,000 each would require a total financial contribution of **£13,500**.

3.3.13 The open market value of any qualifying dwelling shall be determined by the applicant employing their own RICS (Royal Institution of Chartered Surveyors) qualified valuer. (The cost will be deducted from the applicant's Affordable Housing Contribution). A standard template is included at *Appendix I* – the completed valuation should be returned to the Council, who will arrange for an independent verification. In the event of a dispute over the valuation, the matter will be referred to the District Valuer, whose decision will be final, with the cost being reimbursed to the Council from the applicant.

3.3.14 The applicant will be required to enter into a S106 Legal Agreement or Unilateral Undertaking prior to planning permission being granted agreeing to pay the contribution prior to occupation of the dwelling following the valuation being agreed.

### **Management of Off-Site Affordable Housing Contributions**

3.3.15 Affordable housing contributions will be held in the Affordable Housing Fund. The Affordable Housing Fund will be used to meet the Council's affordable housing objectives and will contribute towards:

- Additional affordable housing to be provided by a Housing Association;
- Additional affordable housing to be provided by a private developer;
- Purchasing properties on the open market to use for affordable housing;
- Purchasing an equity stake in open market properties, with the outstanding balance paid by a local qualifying person;
- Supporting Community Land Trust affordable housing schemes;
- Seeking expert professional advice in relation to site viability assessments on individual housing sites to ensure the maximum viable amount of affordable housing in accordance with policy CS10 of the Core Strategy.

3.3.16 The Council will endeavour to spend any affordable housing contributions within the same Housing Market Area that the contribution was collected. However, the Council may utilise the Affordable Housing Fund to provide affordable housing provision on a district wide basis where supported by housing need evidence or where there is insufficient funding in each housing market area to provide any tangible affordable housing.

3.3.17 The Council will require up to 10 years to spend any commuted sums delivered from affordable housing contributions on small sites. This is to reflect that

in some cases only small contributions shall be collected from each scheme, resulting in a longer period of time for sufficient funds to accumulate to deliver any tangible affordable housing. After the expiry of ten years the contribution will be returned to the developer if unspent, with the option to gift aid to the Council for the provision of affordable housing if this is preferred.

3.3.18 Decisions on identifying and prioritising suitable projects to spend commuted sum funding will be taken by the Housing and Planning Policy Portfolio Holder or possibly the Executive with advice from the Council's Corporate Affordable Housing Group.

### **3.4 - Economic Viability Assessments**

3.4.1 The Council expects applicants to provide affordable housing in accordance with policy CS10 of the Core Strategy (Appendix A). This policy was supported by a district wide economic viability assessment which concluded that the proposed 30% affordable housing target was viable on 82% of the sites tested. Therefore the Council recognises that there may be instances where the Council's affordable housing target is undeliverable.

3.4.2 When acquiring land for residential development the Council expects applicants to have undertaken all reasonable steps to identify site abnormal costs including any site remediation, in respect of the Council's affordable housing policy, and any additional S106 / S278 costs that might be required as part of the planning process.

3.4.3 Where an applicant considers that there are significant economic constraints affecting a development and that these are sufficient to jeopardise the applicant meeting the Council's affordable housing policy expectations, or where the applicant believes the Council's affordable housing requirement will render a site unviable, then the developer will need to provide a site based economic viability assessment (a residual land valuation calculation), and associated information to enable the Council to assess the nature, extent and impact of the economic constraints.

3.4.4 This information should be included within the Affordable Housing Statement to be submitted in support of the application and must reflect the pre-application discussions with both Development Control and the Council's Affordable Housing Officer. It is expected that the applicant will have agreed the fundamental aspects of the proposed scheme with the Council's Development Control department following pre-application discussions prior to any viability exercise being undertaken. This is to ensure the scheme does not fundamentally change once the application is submitted.

3.4.5 For further information relating to the information the Council expects the applicant to submit as part of the viability assessment, please refer to Appendix C.

3.4.6 Once the Council has received all the necessary information from the applicant it will carry out its own assessment of scheme viability based on the information it receives from the applicant, or will commission an independent specialist chartered surveyor to assess the information on behalf of the Council.

3.4.7 Following the appraisal process, if the applicant has demonstrated genuine significant economic constraints, the Council will discuss with the applicant the options available to achieve economic viability, including accessing Social Housing

Grant on a 'gap' funding basis or adjusting the balance of affordable housing provision which might include a change in tenure or reduction in unit numbers.

3.4.8 Any external consultant used by the Council will be subject to entering a confidentiality agreement relating to information provided by the developer.

3.4.9 A standard Economic Viability Assessment template is available from the Affordable Housing Officer. It would be helpful if applicants could use this template.

## **3.5 - Management and Standards**

### **Housing Associations / Affordable Housing Providers**

3.5.1 In recent years, Housing Association property has provided the main source of new housing to help meet the needs of people on low incomes. Following legislative changes, other social housing providers, such as developers, non-registered Housing Associations and Trusts are able to supplement this source of provision. The Council recognises this, but will encourage partnerships with Housing Associations for the management of properties, and will require developers to enter into obligations securing the future appropriate management of schemes.

3.5.2 Whilst this is the Council's preferred policy, the Council recognises that there is a mixed economy of providers including non-Housing Association organisations which have the ability to provide affordable housing. Any alternative approach must be agreed with the Council and ensure that the affordable housing is appropriate and that arrangements are in place to secure the appropriate management of the homes and to ensure that they remain affordable to people in need in perpetuity. This would need to be covered by a S106 Agreement.

3.5.3 The choice of an appropriate Housing Association is often dependent on a range of factors including the type and location of the development or particular 'specialisms' required by the housing provider. The Council may therefore recommend a suitable Housing Association for a particular site from one of the Council's preferred Housing Association development partners.

### **Preferred Housing Association Development Partners**

3.5.4 The Council has a Housing Market Agreement (Memorandum of Understanding), based on agreed development and management standards with 5 local preferred Housing Association Partners:

- Eden
- Home NW
- Impact
- Riverside Carlisle
- Two Castles

3.5.5 The Affordable Housing Officer will liaise with each of these organisations on the applicant's behalf and / or provide contact details for the Development Manager within each of these organisations where required to provide any necessary pricing information.

3.5.6 Where a developer wishes to use an alternative Housing Association partner, the Association would need to be prepared to sign up to the same Housing Market

Partnership Agreement as the existing partners.

3.5.7 In circumstances where a development involves a particular specialism or where an alternative Housing Association may bring additional benefit, the Council may wish to work outside of the preferred partners arrangement.

## **Management of Affordable Housing**

3.5.8 Affordable housing will in most cases be transferred to a Housing Association and managed as affordable housing in accordance with Homes and Communities Agency guidelines. This is the Council's preferred mechanism.

3.5.9 Where the affordable housing is delivered directly by a developer, the Council will insist the applicant enters into a legal agreement to ensure that the affordable housing is available to those judged to be in housing need by the Council; that appropriate management arrangements are in place; that the affordable housing is provided at an affordable level; and that the housing remains affordable to successive occupiers to be nominated by the Council.

3.5.10 Any such agreement will also need to reflect regional or sub-regional arrangements such as the use of the *HomeBuy* Agent or "Cumbria Choice" the new Cumbria Wide Choice Based Lettings system (CBL), due to be implemented in early 2011.

3.5.11 Prior to the implementation of CBL, the provision of affordable housing will be subject to a Nomination Agreement between the Council and the affordable housing provider. A Nomination Agreement sets out how the affordable housing will be allocated. The document will be agreed between the Council and the affordable housing provider and will usually provide the Council with 100% of initial nominations and 75% of subsequent nominations. The Council will nominate applicants according to housing need and in accordance with the Council's published Housing Allocations Policy.

## **Securing the Affordable Housing / Section 106 Agreement**

3.5.12 Affordable housing will be secured by way of an agreement under Section 106 of the Town & Country Planning Act 1990 or by planning condition.

3.5.13 The Council normally expects that developers put forward proposals with a Housing Association partner. The Council recommends that they are party to the agreement and involved in the negotiations at the earliest possible stage.

3.5.14 In most cases, where affordable housing provision is completed units, the Council will require the inclusion of the following in the agreement:

- A named housing provider, usually a Housing Association if the units are being transferred to a Housing Association;
- If the units are being provided by the applicant on a discounted sale basis utilising the Council's Homeseekers' Register or other provision the Housing Association will need to be named within the agreement;
- A schedule of affordable housing including amount, types and sizes;
- The configuration and tenure of the affordable units;
- Any subsidy recycling arrangements if provided by a non Housing Association;
- The level of discount on the completed units administered through the

discounted sale mechanism ;

- The phasing of the affordable completions within the overall scheme;
- Any local connection restrictions.

3.5.15 Alternatively, where the provision is fully serviced land, the Council will require the inclusion of the following in the agreement:

- A named housing provider, usually a Housing Association;
- The location of the plots identified on a location plan to be agreed with the Council and the housing provider, to be fully serviced and accessible by vehicles and pedestrians;
- The phasing or timing of the transfer;
- Any local connection restrictions;
- An agreement to the transfer of the affordable housing land at a nominal consideration of £1 per plot.

3.5.16 It is important for the affordable housing to come forward at an appropriate time. 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.

3.5.17 Where commuted sums are the agreed form of provision, these will become payable prior to occupation of any private units. Provision will also be made through a Section 106 agreement, for the timely transfer of any land where land is the agreed contribution.

## **Local Occupancy Requirements**

3.5.18 In accordance with section six “Living Communities” in the Eden Core Strategy, where affordable housing is provided in Eden, either as social rented housing, shared equity housing (or similar) or discounted ‘intermediate housing’, local occupancy will be required and will always be controlled by planning condition and/or a legal agreement. Please refer to Appendix E to view the definition of “local connection”.

## **Design and Standards**

3.5.19 The Council seeks high design and architectural standards on all developments. The affordable housing element of any proposed development will be subject to the same standards as the rest of the development.

## **Tenure Neutral and Integrated Housing**

3.5.20 In line with national, regional and local policy, the affordable housing element should be well integrated into the overall development. To ensure attractive and cohesive developments, the affordable housing should appear tenure neutral and be indistinguishable from the market housing.

3.5.21 The layout should ensure the effective management of the affordable units but also ensure the affordable elements are truly integrated into the development and not segregated from the market element. Maximum groupings of affordable housing will be determined on a site by site basis to ensure integration, but in the case of a larger site will usually be in groupings of 8-12 units.

## **Code for Sustainable Homes**

3.5.22 Affordable housing units funded by the Homes and Communities Agency must achieve the appropriate minimum level of the Code for Sustainable Homes (or other appropriate standard applicable at the time). At the time of publication the minimum Homes and Communities Agency requirement is set at CSH level 3 although this is set to increase to level 4 in 2011, rising to Level 6 (zero-carbon) by 2016.

3.5.23 Where the affordable housing is funded through Social Housing Grant (SHG), the housing must meet any level set by the Homes and Communities Agency above that set by local, regional or national policy. It is acknowledged that the build costs of such completed units may be higher than otherwise indicated and the transfer costs of such units will reflect the increased costs of construction to the developer and will be agreed at pre application stage.

3.5.24 Where the affordable housing is to be constructed by the developer and transferred to a Housing Association the design, location and scheme development standards of the units must be agreed with the preferred Housing Association at pre application stage and will be subject to a S106 agreement.

## **Lifetime Homes Standard**

3.5.25 The Council is supportive of properties developed to the Lifetime Homes Standard, which enables the provision of homes which are flexible and adaptable to changing needs. Properties meeting Lifetime Homes Standards achieve a higher score under the Code for Sustainable Homes. The Standard is not mandatory on all schemes or units, such as general needs housing, but may be required on more specialist schemes, such as provision for the elderly or physically disabled people. A small number of affordable units may also be required to meet the Lifetime Homes Standard where a need for this type of housing has been identified, e.g. through a parish survey.

3.5.26 Although the Lifetime Homes Standard provides flexible accommodation, some individuals or households require a higher level of provision or mobility units. In order to meet an identified level of need, it may be appropriate for the Council to specify certain units to be designed to meet special housing needs.

## **Minimum Space Standards**

3.5.27 The Council expects affordable housing units to be developed to a comfortable space standard. The minimum space standards, set out in Table 2, have been agreed through discussions with local developers on Eden's Housing Market Partnership. It is appreciated this may not be achievable on every scheme (e.g. conversions); however, any units below this threshold would need to be negotiated with the Council.



**Table 2. Minimum Dwelling Size**

<b>Property Type</b>	<b>Minimum Unit Size (m2)</b>
1 bed apartment	40 m2
2 bed apartment	50 m2
2 bed house	65 m2
3 bed house	80 m2
4 bed house	90 m2

### **Service Charges**

3.5.28 On developments where the affordable housing provision is subject to a service charge, the charge should not be so great as to make occupancy unaffordable. The Council will consider the level of service charges in the context of prices, rents and overall affordability, and in relation to the findings of the Housing Market and Needs Assessment.

### **General Design Standards**

3.5.29 The affordable housing element of any development should provide an appropriate level of parking. In addition to the principles set out above, any publicly funded housing, usually the Homes and Communities Agency or Local Authority, must be completed to the Homes and Communities Agency Design and Quality Standards or other appropriate standards applicable at the time.

## **Section 4: Residential Development in Rural Areas**

4.0 Whilst the Core Strategy seeks to direct development to the more sustainable Key and Local Service Centres, policies CS2, CS3 and CS9 seek to support residential development in smaller settlements to meet an identified affordable housing need. The purpose of this section is to set out detailed policy guidance to facilitate development in these areas to meet local affordable need. The detailed guidance below is supplementary to the following LDF and Local Plan policy:

- Core Strategy Policy CS2 – Locational Strategy;
- Core Strategy Policy CS3 – Rural Settlements and Rural Areas;
- Core Strategy Policy CS9 – Housing on Rural Exception Sites;
- Local Plan Policy HS7 – Workers Dwellings in the Countryside;

### **4.1 Housing on Rural Exception Sites**

4.1.1 In accordance with policy “CS9 Housing on Rural Exception Sites”, as an exception to normal policies controlling new housing development in rural areas, the Council will encourage the development of affordable dwellings within and adjoining settlements in the rural areas, provided all of the following criteria are met:

- The site is in a location and settlement considered suitable for the development of affordable housing. The definition of settlement for the purposes of this policy is a coherent group of three or more dwellings and does not constitute isolated or sporadic development. The Council will apply the sequential approach to land use as set out in policy CS1 of the Core Strategy where necessary.
- The design of the proposed development would respect the character and quality of the natural and historic environment. (For clarity, good quality innovative design will be encouraged).
- The households occupying the affordable homes must be in housing need, have strong local connections and be unable to afford a suitable home currently available in the area.
- The dwelling is affordable to the applicant, and will remain affordable to subsequent occupiers in perpetuity. This will be achieved through a section 106 legal agreement.

4.1.2 Examples of schemes the Council are keen to encourage would be by Housing Associations / Registered Social Landlords; Community Land Trusts; and other 100% affordable schemes by landowners and developers.

#### **Suitability of Location**

4.1.3 Whilst wishing to address affordable housing needs in the rural areas, the Council must balance this with the need to promote sustainable patterns of development and to protect the open countryside from widespread development. In this respect, the Council considers that there will be cases where these wider environmental sustainability interests will take precedence over the economic and social sustainability issues surrounding affordable housing.

4.1.4 The Council will therefore not permit the development for affordable housing

on exception sites which:

- Detract from the visual amenities of the North Pennines Area of Outstanding Natural Beauty (AONB);
- Are in completely open countryside, isolated from any settlement;
- Propose a scale of development which is inappropriate to the character or form of the settlement;
- Propose a development which is detrimental to landscape setting ( the Cumbria Landscape Character Assessment may be referred to here );
- 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;
- Harm the character, appearance and or setting of a designated heritage asset;
- Are detrimental to habitats and species, particularly in relation to Natura 2000 sites;
- Are at risk from potential flooding, as identified in Eden District Council's Strategic Flood Risk Assessment.

## **Design and Layout of Affordable Housing Exception Sites**

4.1.5 Proposals for exception sites will need to comply with current adopted Core Strategy and Local Plan policies, in particular CS18 'Design of New Development', but also the design criteria set out in this guidance.

4.1.6 As these potential sites will usually be outside areas normally considered suitable for residential development, it is especially important to achieve an appropriate design. In this respect, full applications will be required for affordable housing exception sites. An early dialogue with Planning Officers is therefore essential.

4.1.7 Development of the site will need to successfully blend in with the pattern of surrounding development. This will require attention to the plot size, the layout of the plot, the design of the dwelling, the density, and its materials of construction.

4.1.8 In addition to adopted policies within the Core Strategy, the following requirements in terms of design of the proposed dwelling and the appearance of the curtilage around it must be met:

- Standardised, "off the peg" designs of the type found on large estates will not be accepted. Design elements – chimneys, eaves, dormers, doors and windows for example – will be expected to reflect the site's unique context.
- Materials of construction should be sympathetic to those in use locally.
- Important features such as trees, hedgerows and boundary walls which contribute to the character of the site or the area in general, must not be lost or substantially altered as a result of the development.
- Any new boundaries created must utilise locally native species of hedgerow and local stone boundaries. Acceptable landscaping proposals will be required either by planning condition or form part of a S106 agreement.
- The Council will seek to avoid the introduction of alien features such as brick walls defining visibility splays and entrances, and the use of suburban style

close-boarded fencing to define boundaries.

- Driveways will need to be constructed in a permeable material appropriate to the area. Natural finishes will always be preferred to brick paviers and plain or coloured tarmacadam.

4.1.9 A Design and Access Statement must clearly justify the proposed design, and should include plans and photographs of the area and surrounding properties, which illustrate how the design has evolved. The approach to the elements discussed above will need to be fully explained within the Design and Access Statement submitted with the planning application.

4.1.10 It is recommended that the design of any proposals should be subject of discussion and agreement with Planning Officers prior to submission of a planning application.

4.1.11 In order to protect the wider landscape and character and appearance of settlements, permitted development rights shall be removed from all rural exceptions sites, in appropriate circumstances.

## **Delivery of Rural Exception Sites**

4.1.12 There will be a flexible approach to tenure split within exception site developments with the % Social Rented and % Intermediate (including shared and full ownership affordable housing to purchase) tenure to be informed by local housing information regarding identified community needs and this should be discussed and agreed with the Affordable Housing Officer at the earliest opportunity.

4.1.13 In addition and for the avoidance of doubt affordable dwellings on exception sites will be for people with strong local connections. Local connection criteria are defined in the Core Strategy and can also be found in Appendix E.

4.1.14 In accordance with PPS3, all exception sites will be subject to measures to ensure that they remain affordable for the benefit of successive occupiers, with the intention that this is for the lifetime of the building. These include limitations on the right to buy / right to acquire for shared ownership and social rented housing, through either a condition or a section 106 legal agreement as appropriate.

4.1.15 Any affordable housing for outright / discounted sale will be the valued in accordance with Section 3.2 relating to Low Cost Home Ownership and Discounted Sale Mechanism at typically 60% of open market value to be determined as set out in Section 3.2.20. However, to ensure ongoing affordability in accordance with PPS3 in relation to local incomes the maximum property price will be capped at 60% of the Districts mean property price (£227,127 in 2009-10<sup>5</sup>) which currently equates to an upper limit of £136,276.

## **4.2 Self-Build Affordable Housing – Build your Own Home**

4.2.1 In view of the critical need for affordable housing across Eden, the Council wishes to increase the supply of rural affordable homes. The self build exceptions scheme is a self-help solution that enables families to use their own resources to provide affordable housing that meets their needs within their community. The construction of affordable housing is funded from householders' own resources,

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<sup>5</sup> Based on 2009-10 data from CACI Paycheck, provided Cumbria County Council

which can include the sale of an existing property as well as through a commercial mortgage. By utilising the resources of those families who are able to provide new affordable housing to meet their own needs, the local community benefits over the long term from an increased stock of local affordable homes. It may well be the case that self builders will wish to remain in their homes for the rest of their lives so that the sale provisions will sometimes not come into effect in their lifetime. Section 106 Agreements may be used to address inheritance issues in the sense that the disposal of the property to a family member or dependant who is in housing need and has a local connection may be preferred to other potentially eligible persons.

4.2.2 In addition to meeting the “Suitability of Location” and “Design and Layout” criteria set out in the rural exceptions section above, the following requirements will also apply:

- Applicants will normally be the prospective occupiers of the proposed affordable dwelling. Speculative development is not permitted.
- The future re-sale value of the affordable home is fixed below market value to ensure that it remains affordable for subsequent occupiers.
- The dwelling size should reflect the level of housing need but not exceed 125 sq.m. gross internal floor space (this compares to the HCA’s minimum standard of 109 sq.m. in respect of a 2 storey 4-bedroom 6-person house designed to meet Code for Sustainable Homes standards). The District Valuer’s definition of GIA (Gross Internal Area) is detailed at the end of Appendix C.
- Attached garages will count against the 125sq.m. Detached garages may be permitted, subject to suitable conditions. Garages should reflect the local rural vernacular in both style and materials.
- 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.
- Sites which form part of the curtilage of an existing property must provide an appropriately sized plot for the new dwelling and also ensure that an appropriately sized curtilage is retained for the existing house. In this respect, it will be important to achieve a ratio of dwelling size to overall plot size which is in keeping with surrounding properties. Such sites must also respect the existing character and setting of the original property, so as not to adversely alter that character or create a cramped form of development.

## **Housing Need and Local Connection**

4.2.3 Applicants will need to demonstrate that they are unable to afford a suitable home currently available in the locality. Housing need is demonstrated if the household unit has no home of its own, or is renting from a housing association but would like to become an owner-occupier, or is in unsuitable accommodation. For example, the current housing may be too large or too small for the household; be in a poor state of repair; be too costly for the household to maintain or sustain.

4.2.4 A local connection with the settlement in question will need to be demonstrated by the household and these are based upon the definition of Local Connection set out within the Core Strategy. These include working locally, residing locally, or having family members who need support in the local area. Please refer to Appendix E for further detail relating to the definition of local connection.

4.2.5 Assessments of whether a household is in housing need, has strong local

connections and is unable to afford a suitable home in the locality will be made by the Council's Housing Services Team, following completion of a standard form and submission of supporting documentation.

4.2.6 The applicant will be required to enter into a S106 agreement so that the property cannot change hands without the written consent of Eden District Council. This will only be forthcoming if the Council is satisfied that the new purchaser has a strong local connection as defined in the S106 legal agreement.

### **Affordable in Perpetuity**

4.2.7 Self build exception sites are permitted in order to benefit the long term sustainability of the community, and as such it is important that the property remains affordable for successive occupiers, in perpetuity. To achieve this, a section 106 legal agreement will place a Restriction on the Title of the property, to the effect that the property cannot change hands without the written consent of Eden District Council. The Land Registry will effectively enforce this provision, as it will not be possible for a solicitor to register a new ownership with the Land Registry without the appropriate consent from Eden District Council.

4.2.8 Upon the initial and all subsequent re-sales, the property will be valued in accordance with Homeseekers' Register (Low Cost Home Ownership / Discounted Sale Policy) set out in paras 3.2.15 to 3.2.21 and *Appendix D* at typically 60% of open market value. 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 2009-10<sup>6</sup>) which currently equates to an upper limit of £136,276.

4.2.9 The open market value of any qualifying dwelling shall be determined by the applicant (or vendor in the case of a re-sale), employing, at their own expense, their own RICS (Royal Institution of Chartered Surveyors) qualified valuer. A standard valuation template is included at *Appendix I* – the completed valuation should be returned to the Council, who will arrange for an independent verification. In the event of a dispute over the valuation, the matter will be referred to the District Valuer, whose decision will be final, with the cost being reimbursed to the Council from the applicant. The applicant will be required to enter into a S106 Legal Agreement or Unilateral Undertaking prior to planning permission being granted agreeing to pay the contribution prior to occupation of the dwelling following the valuation being agreed.

4.2.10 As a result of the upper sale price cap, the applicant will have to carefully consider the size and type of property to be built. It may be that the cost of building a 125sqm property exceeds the upper cap limit of £136,276. In these circumstances the applicant will need to balance the need to build a property of this size against the potential re-sale value of the property. As the cap is based upon the mean property price, the cap will move up and down on a yearly basis based upon how the housing market in Eden performs.

4.2.11 Extraordinary construction costs will only be taken into account at the discretion of the local planning authority, where such costs can be robustly justified as unavoidable.

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<sup>6</sup> Based on 2009-10 data from CACI Paycheck, provided Cumbria County Council

4.2.12 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.

### **4.3 Community Land Trusts**

4.3.1 The Council will support innovative methods of delivering affordable housing in rural areas. These include the development of Community Land Trust (CLT) housing projects and housing co-operatives which would accord with the principles of CS9 Housing on Rural Exception Sites. CLT schemes have the potential to engage communities, incentivise the release of land at an affordable price and provide a mechanism for individuals and other bodies to make an investment in the future viability of the place where their young people will want to live and work.

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”.

4.3.3 A Community Land Trust is a corporate body which

1. is established for the express purpose of furthering the social, economic and environmental interests of a local community by acquiring and managing land and other assets in order to provide a benefit to the local community; and to ensure that the assets are not sold or developed except in a manner which the trust's members think benefits the local community;
2. is established under arrangements which are expressly designed to ensure that any profits from its activities will be used to benefit the local community (otherwise than by being paid directly to members); and that individuals who live or work in the specified area have the opportunity to become members of the trust (whether or not others can also become members); and that the members of a trust control it (2008 Housing & Regeneration Act).

4.3.4 The Council will support and seek to facilitate the development of Community Land Trusts where there is an interest from local residents or Parish Councils. CLTs which have been constituted are now able to seek grant funding through the Homes and Communities Agency.

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. Additional information can also be provided by Cumbria Rural Housing Trust's Community Land Trust Officer (see *Appendix J Useful Contacts* for contact details) and further information on the CLT fund can be accessed via the website:

[www.cltfund.org.uk](http://www.cltfund.org.uk).

### **4.4 Conversion and Re-Use of Rural Buildings**

4.4.1 The Council is keen to encourage the re-use and conversion of suitable buildings in rural settlements outside of Key and Local Service Centres. The definition of settlement for the purposes of this policy is a coherent group of three or more dwellings. For the avoidance of doubt this guidance does not relate to farm diversification schemes for employment generating purposes which are encouraged by the Council. This approach is supported by the following Core Strategy policies:

- CS2 Locational Strategy;
- CS3 Rural Settlements and the Rural Areas;
- CS9 Housing on Rural Exception Sites;
- CS14 Employment Development in Rural Areas;
- CS17 Principles for the Built Environment.

4.4.2 Rural buildings and in particular traditional buildings in the countryside make a significant contribution to the quality of the landscape within Eden. As well as dwellings, there are many different types of buildings in rural areas for example barns, stables, churches and schools that add to the character of the District.

4.4.3 However, changes in rural life and farming practices in particular have caused many buildings to become redundant and fall into disrepair. It is not only derelict buildings, but also insensitive conversions, which can be eyesores in the landscape. The Council is keen to encourage owners of suitable redundant rural buildings to bring them back into use by converting them, where appropriate in a sensitive manner, retaining their traditional architectural character and enhancing their setting.

4.4.4 Not every redundant rural building in these settlements will be suitable for conversion and the criteria relating to the suitability of buildings for conversion can be found in Appendix F. For the avoidance of doubt, this excludes modern purpose built agricultural buildings, such as the steel frame construction type of building.

4.4.5 In addition the Council will expect a high standard of design for any conversion proposal and design guidelines for the conversion of traditional barns can be found in Appendix G. The conversion of all other rural buildings should accord with the policies set out in the Core Strategy, and proposals in the North Pennines Area of Outstanding Natural Beauty, should reflect the requirements within the draft AONB Building Design Guide Supplementary Planning Document. The Council expects applicants to adhere to these guidelines and failure to do so could result in a material consideration against the grant of planning permission.

4.4.6 As such the Council is generally supportive of the conversion of rural buildings including traditional agricultural farm buildings outside of Key and Local Service Centres which are located within or adjoining a settlement containing a coherent group of three or more dwellings to provide:

- Affordable Housing – where the proposal accords with the requirements of the housing need and local connection and affordable in perpetuity sections of the self build affordable housing policy;
- Employment Provision.

4.4.7 Proposals for the conversion of suitable rural buildings to provide holiday letting accommodation in settlements outside Key and Local Service Centres will only be considered where it can be proven by the applicant that the conversion of the building it is economically unviable for either employment or affordable housing uses. Evidence will need to be provided in the form of a business case. This is to ensure that the Councils top corporate priorities of affordable housing and economic vitality are given priority.

4.4.8 Proposals for converting suitable rural buildings to open market housing will not normally be allowed. In exceptional circumstances it may be economically unviable to convert a designated heritage asset, such as a listed building, for



employment or affordable housing purposes without materially harming that asset's significance. In such cases, where it can be demonstrated to the Council's satisfaction that the conversion costs required to safeguard the heritage asset's significance are not economically viable, consideration may be given to open market housing schemes that retain and enhance the designated heritage's asset's significance. Such a conversion may be subject to a local occupancy clause.

4.4.9 Converting a rural building is rarely straightforward and we recommend that the applicant seeks advice from the Planning Department and in addition seek professional design advice. Planning permissions granted for the conversion of traditional buildings will be conditional on the withdrawal of permitted development rights for the whole development.

4.4.10 Where the conversion of a traditional building is likely to result in the loss or diminution of historical evidence which is important to the understanding of the vernacular architectural traditions of the area, the applicant will be required to provide the appropriate level of recording of the building in advance of works commencing, or during the period of development.

## **4.5 Conversion of Holiday Letting Properties to Affordable Housing outside Key and Local Service Centres**

4.5.1 Over the years planning permission has been granted for a number of properties in rural areas outside of Key and Local Service Centres to be utilised as holiday letting accommodation. Increasingly, there is pressure by applicants to have the planning conditions restricting the use of the property for holiday letting lifted to enable the property to be sold on the open market.

4.5.2 The Council will not grant planning permission for the conversion of a holiday let property to open market residential. However, the Council would support the conversion of the property to become an affordable dwelling where the requirements of Section 4.2 relating to "Housing Need and Local Connection" and "Affordability in Perpetuity" are all met.

## **4.6 Farms and Residential Development**

4.6.1 The purpose of this section is to clarify the policy guidance in respect to residential development on farms which varies across the district depending on the location of the farm.

### **Farms in or Adjacent to Key and Local Service Centres**

4.6.2 In accordance with the Core Strategy's Locational Strategy, residential development is supported within or adjacent to Key or Local Service Centres if all other Core Strategy and Local Plan policies are met as well as the guidance within this SPD. Policy CS10 will require an affordable housing contribution on schemes of 4 or more units and financial contribution in lieu for schemes of 1-3 units.

4.6.3 However, there will be a presumption in favour of retaining traditional agricultural buildings. Sensitively designed conversions will be supported where they meet the building suitability check list in Appendix F and the design guidelines in Appendix G.

## **Farms in or adjacent to Rural Settlements**

4.6.4 The Council will support the following types of development in or adjacent to rural settlements which a group of three or more coherent dwellings:

- Affordable rural exceptions development;
- Affordable self build exceptions;
- Conversion of suitable redundant buildings for affordable housing; holiday lets and employment uses subject to conforming to the design guidance in Appendix G.
- Agricultural / Forestry workers dwellings.

## **Farms in the Open Countryside**

4.6.5 New build development in the open countryside is prohibited unless it accords with Local Plan Policy HS7 Workers Dwellings in the Countryside and the guidance below relating to Agricultural Workers Dwellings.

4.6.6 However, in accordance with the guidance relating to conversion of rural buildings in Section 4.4 of this document, the Council will support the conversion of suitable and redundant buildings in settlements of three or more coherent dwellings for affordable housing and employment uses where the proposal accords with the suitability check list in Appendix F and the design accords with the design criteria in Appendix G.

4.6.7 The Council also supports farm diversification proposals where they support the ongoing farm activity in accordance with the Council's Farm Diversification Supplementary Planning Guidance.

## **4.7 Agricultural Workers Dwellings**

4.7.1 In accordance with saved policy HS7 of the Eden Local Plan, in exceptional circumstances consent may be granted outside of established settlement boundaries for an agricultural workers dwelling to be occupied for a farm or forestry worker where a demonstrable need for a dwelling in a particular locality or for a dwelling required in association with a rural enterprise where such need can be substantiated.

4.7.2 To ensure that such dwellings are ancillary to the main farm house the size of such properties will be limited to an external dimension of 150 sq metres by planning condition or S106 agreement. For clarity, this includes garages and outbuildings where these are integral to the main building.

4.7.3 In addition, should planning permission be granted for an agricultural workers dwelling a S106 legal agreement shall be required by the applicant to restrict the use of the original farm house to agricultural occupancy in order to prevent it being sold off to non agricultural workers which could lead to further pressure for additional workers accommodation in the future.

4.7.4 All other farm diversification projects must remain as ancillary to the main use of the farmstead.

## **Section 5: Residential Design Standards**

5.1 Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Eden has many interesting buildings, diverse street patterns and individual spaces resulting in fine townscape qualities. The Council's aim is for high quality, inclusive design that demonstrates best practice in architectural and urban design and that is sustainable, both in the sense of longevity and in terms of being environmentally friendly and socially beneficial.

5.2 The purpose of this section of the SPD is to introduce applicants and developers the good practice guidance prepared by the Council in relation to residential conversions and extensions, whilst also setting out how CABE's "Building for Life" design standards will be integrated in to the Council's development control process. The design guidance in this section is supplementary to the following policy:

- Core Strategy policy CS7 Principles for Housing;
- Core Strategy policy CS18 Design of New Development.

### **5.1 Eden Residential Guidelines – Extensions and Conversions**

5.1.1 The Council has produced the following residential design guides in respect to household extensions and conversion of rural buildings.

- Conversion of Barns – Appendix G
- Residential Conversions – Appendix H

5.1.2 The Council expects applicants wishing to either extend their property or convert a rural building to comply with the design guidance offered in these documents and failure to do so could result in a material consideration against planning permission being granted.

### **5.2 Building for Life Standard**

5.2.1 The Council through Core Strategy policy 'CS7 Principles for Housing' is committed to promoting good quality design in residential developments and encourages the use of Lifetime Homes and the Code for Sustainable Homes (CSH) where possible.

5.2.2 In addition to Lifetime Homes and CSH, the Council is keen to encourage "Building for Life", the national standard for well-designed homes and neighbourhoods. The Government now asks all local authorities to use Building for Life to measure progress in improving design quality on schemes of 10 or more dwellings.

#### **What is Building for Life Design Standards?**

5.2.3 The Building for Life standard has been developed by the Commission for Architecture and the Built Environment (CABE) and the House Builders Federation and is the national benchmark for well-designed housing and neighbourhoods and is awarded to new housing projects that demonstrate a commitment to high design standards and good place making.

5.2.4 A Building for Life assessment checks proposals against a set of twenty design criteria in order to judge the quality of the proposal.

### **How does the Building for Life assessment work?**

5.2.5 The Building for Life assessment is in effect a 'quality audit'. The assessment criteria are posed as questions about the design of the scheme. A summary of the questions can be found below. The information about the proposed scheme, including written work and drawings, is examined in order to answer the questions. The answers take the form of a score for each question, which are compiled to give an overall ranking.

5.2.6 There are two forms of assessment, informal and formal. An informal assessment can be carried out by the applicants design team as part of the design process and production of the Design and Access Statement. A formal design stage assessment will normally be carried out by the local authority as part of determining the application. Local authorities are also required to undertake assessments of completed schemes of 10 or more dwellings.

### **Who does the Formal Building for Life assessment?**

5.2.7 The formal Building for Life assessment must be undertaken by the Council's Building for Life Assessor and are endorsed by Building for Life and registered with CABE on completion. The assessments are conducted under the agreed process and the assessor's code for conduct and will be made available for review by the Building for Life partnership.

### **How much information is required?**

5.2.8 The material submitted should be proportionate to the size of the scheme and appropriate to the stage in the process. Small, less complex schemes will require less information than larger schemes. Early submissions will require less information and less detail than the application stage.

5.2.9 Applicants are encouraged to contact the local authority at the earliest opportunity prior to submitting a planning application to agree the level of information to be submitted as part of the pre-application process.

### **What about smaller schemes of less than 10 units?**

5.2.10 The Building for Life scheme is aimed at proposals of ten or more units, but some of the Building for Life criteria apply to smaller scale development and can even be relevant to single unit schemes. The following criteria are considered relevant to smaller schemes and the Council expects these questions to be addressed by the applicants Design and Access statement:

- 4, 5, 6, 7, 12, 17, 18, 19, and 20.

### **What are the Building for Life questions and how are they scored?**

5.2.11 The 20 Building for Life criteria embody the vision of functional, attractive and sustainable housing and can be scored 1, 0.5 or 0 in the assessment. The 20 criteria fall within 4 categories and can be seen below:

## **Environment and Community**

1. Does the development provide (or is it close to) community facilities, such as a school, parks, play areas, shops, pubs or cafes?
2. Is there an accommodation mix that reflects the needs and aspirations of the local community?
3. Is there a tenure mix that reflects the needs of the local community?
4. Does the development have easy access to public transport?
5. Does the development have any features that reduce its environmental impact?

## **Character**

6. Is the design specific to the scheme?
7. Does the scheme exploit existing buildings, landscape or topography?
8. Does the scheme feel like a place with distinctive character?
9. Do the buildings and layout make it easy to find your way around?
10. Are streets defined by a well-structured building layout?

## **Streets, Parking and Pedestrianisation**

11. Does the building layout take priority over the streets and car parking, so that the highways do not dominate?
12. Is the car parking well integrated and situated so it supports the street scene?
13. Are the streets pedestrian, cycle and vehicle friendly?
14. Does the scheme integrate with existing streets, paths and surrounding development?
15. Are public spaces and pedestrian routes overlooked and do they feel safe?

## **Design and Construction**

16. Is public space well designed and does it have suitable management arrangements in place?
17. Do the buildings exhibit architectural quality?

18. Do internal spaces and layout allow for adaptation, conversion or extension?
19. Has the scheme made use of advances in construction or technology that enhance its performance, quality and attractiveness?
20. Do buildings or spaces outperform statutory minima, such as building regulations?

- SCORE of 1 - awarded where there is sufficient evidence that the proposed design will meet this criterion.
- SCORE of 0.5 - awarded where there are specific areas where the proposed design performs well against the criterion but there are also others where it fails to do so. This option is not to be used as a fallback where the design is generally unclear or unconvincing. If there is uncertainty about the scheme's ability to meet the criterion, it should be awarded a score of 0.
- SCORE of 0 - awarded where it is unclear whether the proposed design will meet the criterion or if you're certain it will fail to meet the criterion.

## **Building for Life Standards**

5.2.12 Entries to the Building for Life awards scoring more than 14/20 receive a standard:

- **Silver standard** - scores 14/20 or 15/20 against the Building for Life criteria
- **Gold standard** - scores 16/20 or more against the Building for Life criteria.

It is the aspiration of Eden District Council that all residential developments over 10 units achieve 'Silver' standard. Failure to meet the requirements of the Building for Life standards could result in a material consideration against planning permission being granted. Building for Life awards are granted upon the completion of the development.

## **Design and Access Statements**

5.2.13 Since 2006 planning legislation requires applicants to submit a Design and Access Statement to accompany most planning applications in order to promote high quality and inclusive design. Planning Circular 01/06 provides further guidance on the content and structure of Design and Access statements, and the latest CLG advice on the content of Design and Access statements is set out in section 6 of "Guidance on information requirements and validation" (see also para 5.2.15).

5.2.14 Because the main reference criteria for assessing proposals will be the twenty Building for Life questions, we recommend that your design process is geared to address those questions. It is also recommended that the supporting material in the Design and Access Statement is similarly geared to answer the Building for Life Questions.

5.2.15 The design process also needs to be geared towards adopting inclusive design standards throughout. In order to meet the requirements set out in Guidance on information requirements and validation (CLG March 2010) on the information to be provided in a Design and Access Statement, the answers to the Building for Life

questions should be grouped under the headings in the Guidance statement:

- Use 1,2,3
- Amount 1,2,3
- Layout 6,7,8,9,10,11,12,15,16,17
- Scale 6,8,17
- Landscape 6,7,8,16
- Appearance 6,8,17
- Access 4,13,14

Some of the Building for Life criteria do not fit obviously into any of the Design and Access Statement headings and so should be included under other headings as appropriate.

## **What will the Council do?**

5.2.16 The code will:

- Undertake the assessment of the proposal.
- Request in writing any further information required.
- Provide written response including views on the design and details of the proposal from case officers, consultees and design review panels.
- Confirmation of deadlines for submission of any additional information.
- Review and audit any further information amendments and respond as above and/or meet with applicant to discuss the need for any further changes or additional information.
- Publish amendments as necessary for additional public consultation.
- Review and audit the final proposal.
- Process the application for determination.

## **Further Information**

5.2.17 Further information relating to Building for Life can be found on the Building for Life website in relation to what Building for Life is, the 20 criteria together with information relating to the assessments, standards and awards.

Alternatively contact Planning Services. Contact details (along with useful contacts for other organisations) can be found in Appendix I.

[www.buildingforlife.org/](http://www.buildingforlife.org/)

## Appendix A: Eden District Council Core Strategy Policy CS10 Affordable Housing

### CS10 Affordable Housing

1. The target for the supply of affordable housing is at least 92 dwellings per annum. This will be achieved by:

- a) Provision of at least 50 affordable dwellings per annum as part of private sector developments providing residential accommodation, above a threshold of 4 units, which may be revised according to changing market conditions, when the Housing DPD or Core Strategy is reviewed or altered.
- b) Seeking an average of 30 dwellings per annum to be provided by Registered Social Landlords or other housing providers supported by public funding.
- c) Encouraging additional provision on exception sites in accordance with CS9.

2. The range of circumstances in which affordable housing will be required to be provided in private sector developments is as follows:

- a) The Council aspires to a target of 30% affordable share of each development above the minimum size threshold of 4 units, but recognises that this may be difficult in a recession. It also notes that the overarching target of at least 50 units per annum might partly be met through contributions lower than 30%. The Council may accordingly require a site based viability assessment to justify variance from that proportion.
- b) Small developments, that is, below the threshold (1 – 3 units), will not be required to incorporate affordable housing on site, but the Council may seek an appropriate level of financial contribution as governed by Policy CS6 and such subordinate Development Plan Documents or Supplementary Planning Documents as may be adopted.

Size, type and tenure of affordable housing will be negotiated on a site by site basis based upon the most up to date evidence of housing need.

Additional supporting text in relation to **policy CS10** can be found in the Core Strategy on the Council's website:

[www.eden.gov.uk/planning-and-development/eden-local-development-framework/development-plan-documents/core-strategy-dpd/](http://www.eden.gov.uk/planning-and-development/eden-local-development-framework/development-plan-documents/core-strategy-dpd/)



## Appendix B: Affordable Housing Statement

An Affordable Housing Statement will be required with any planning application that needs to provide on-site affordable housing i.e. on sites of four or more additional residential properties other than exempt development, as set out in Section 3.2. The Council encourages applicants to hold pre-application discussions with the Council's Affordable Housing Officer to establish the size, type and tenure of affordable housing required.

If the applicant feels that they are unable to deliver the Council's target of 30% affordable housing (set out in Core Strategy policy CS10), applicants are required to submit an Economic Viability Assessment, following the guidelines in *Appendix C* as part of the Affordable Housing Statement. It is expected that the applicant will have held pre-application discussions with Development Control to ensure the proposed scheme is acceptable in principle prior to undertaking an economic viability assessment.

The **Affordable Housing Statement** should clearly set out the following details:

1. How the proposed development meets the requirements of local and national planning policy, notably Eden District Council's Core Strategy (especially policies CS7 Principles for Housing and CS10 Affordable Housing) and Planning Policy Statement 3 (PPS3) Housing.
2. The total number of residential units proposed, including the mix of market and affordable units, as well as a breakdown of both market and affordable units by property type.
3. A plan showing the layout of the site, clearly identifying the location of the affordable housing. Where more than one affordable tenure is proposed, this must be made explicit on the plan.
4. The affordable housing should be fully integrated within the overall scheme, which should be 'tenure blind' as far as possible.
5. Details of the recommended minimum unit size for each of the affordable units (gross internal floor space) are set out in Table 2 in section 3.5.
6. Details of the proposed tenure for each of the affordable units (e.g. social rented; shared ownership; discounted sale), including the arrangements for ensuring the properties remain affordable to successive occupiers.
7. Details of the development standards of the scheme and individual units (e.g. Code for Sustainable Homes; Lifetime Homes; Build for Life).
8. Estimated open market value for all property types (including the affordable housing units), ideally provided by a local RICS qualified surveyor.
9. The Council's expectation is that affordable housing will be delivered on site in almost all cases; however, if the proposal is for the affordable housing to be delivered off site or via a commuted sum, this would need to be agreed with the Affordable Housing Officer, prior to submitting this in the Affordable Housing Statement.
10. Details of any Registered Social Landlord acting as partners in the development.

The information contained within the Affordable Housing Statement will form the basis of the S106 agreement or other legal agreement.

## **Appendix C: Economic Viability Assessments – Detailed Guidance Notes**

Where applicants wish to demonstrate that a site is not viable in accordance with Core Strategy policy CS10 they must provide a site base economic viability assessment (residual land valuation calculation). The Council has a duty to examine the specifics of each case. It is expected that the applicant will have held pre-application discussions with Development Control to ensure the proposed scheme is acceptable in principle prior to undertaking an economic viability assessment.

Applicants will be required to submit all detailed workings, where reasonable, to justify the various components of the viability analysis to enable the Council or their independent advisors to assess the viability of each individual scheme. A standard Economic Viability Assessment template is available from the Affordable Housing Officer. It would be helpful if applicants could use this template

Applicants will be expected to demonstrate that their viability assessments are based upon reasonable and realistic assumptions and expectations.

The Council will require the following information to be submitted in support of any viability assessment, to be included within the Affordable Housing Statement:

### **Open Market Dwellings - Sale Prices**

Valuation evidence must be supplied in respect of open market and affordable dwellings. Ideally this should be in the form of certified valuations from local RICS qualified surveyors accompanied by a certificate of neutrality stating that the Council can rely upon them. An accommodation schedule including the gross internal floor space is required.

### **Affordable Dwellings - Sale Prices**

These must reflect the price, mix, size and tenure agreed with the Council's Affordable Housing Officer and the preferred Housing Association partner, where applicable.

### **Commercial Element – Sale Prices**

Where a commercial element forms part of the scheme valuation evidence must be supplied. Ideally this should be in the form of certified valuations from local RICS qualified surveyors accompanied by a certificate of neutrality stating that the Council can rely upon them.

### **Legal and Sales Fees**

These should reflect the charging rates of local Solicitors and Conveyancers and the charging rates of local agents.

### **Professional Fees**

Where relevant, these can include:

Architect, Quantity Surveyor, Structural Engineer, Mechanical and/or Electrical Engineer, Project Manager, and other necessary consultants.

## **Cost of Finance**

For most developments a rate of 2% above Bank of England Base Rate is expected but developers unable to borrow at this level should provide evidence of the actual rate applicable.

## **Development Period**

It is accepted that this will vary from project to project so a reasonable and realistic estimate should be provided. It may be acceptable to build in a period for delivery where land may reasonably be held obtaining planning consent.

## **Developer's Gross Margin % of GDV**

In accordance with the Economic Viability Assessment which supported policy CS10 Affordable Housing for developments of less than 10 dwellings a 16% profit margin was assessed as viable and 18% on developments of more than 10. This return is net of finance and central overhead costs.

## **Site Acquisition Costs**

This should include Planning and Survey Costs, Agents and Legal fees, Stamp Duty etc. Again the fee levels should reflect local rates where appropriate.

## **Building Costs**

Building costs for Unrestricted Dwellings will be expected not to exceed the current rates as published by the BCIS for New Build units in the appropriate categories and adjusted for the Cumbria Location factor. These rates are based on GIA (Gross Internal Floor Area) - (the District Valuer's definition of GIA is included at the end of this *Appendix*) and exclude external works and contingencies that should be costed on their merits and added on later at the appropriate place within the calculation. Any build costs above these industry standards need to be justified.

## **Demolition / Land Remediation**

It is expected that where site remediation is required, the applicant will have undertaken the relevant intrusive investigations and analysis to enable a qualified site remediation expert to provide a quote for remediating the site. The Council will require such evidence before being able to offset any remediation costs against affordable housing provision.

## **Other**

These will vary according to the circumstances and reasonable and realistic estimates based on experience will be accepted. These can include attenuation, S278 works and commuted sums as required.

## **Residual Site Value**

This will be calculated using the above information and will be compared with the existing use value of the site. Supporting evidence of existing use value may also need to be provided from an RICS-qualified local surveyor. If possible, applicants are encouraged not to commit to land purchases before obtaining planning consent. The Council may determine a lower residual site value is viable than has been agreed.

## Confidentiality of Information

The Council recognises the information is of a sensitive nature and gives assurances it will be treated in confidence. The Council will use this information to assess the validity of the applicant's case, which may include obtaining an independent opinion from a qualified professional valuer.

<b>GROSS INTERNAL AREA (GIA)</b>	<b>Broadly Speaking: The whole enclosed area of a building within the external walls taking each floor into account and excluding the thickness of the external walls</b>
<b>GIA will Include</b>	<ol style="list-style-type: none"><li>1. Areas occupied by internal walls (whether structural or not) and partitions</li><li>2. Service accommodation such as WCs, showers, changing rooms and the like</li><li>3. Columns, piers, whether free standing or projecting inwards from an external wall, chimney breasts, lift wells, stairwells etc</li><li>4. Lift rooms, plant rooms, tank rooms, fuel stores, whether or not above roof level</li><li>5. Open-sided covered areas (should be stated separately)</li></ol>
<b>GIA Will Exclude</b>	<ol style="list-style-type: none"><li>6. Open balconies</li><li>7. Open fire escapes</li><li>8. Open-sided covered ways</li><li>9. Open vehicle parking areas, terraces and the like</li><li>10. Minor canopies</li><li>11. Any area with ceiling height of less than 1.5m (except under stairways)</li><li>12. Any area under the control of service or other external authorities</li></ol>

Valuation Office Agency Code of Measuring Practice Definitions for Rating Purposes

## Appendix D: *Homeseekers' Register* - Low Cost Home Ownership / Discounted Sale Policy

A simple policy will be established, with households meeting the S106 local connection criteria ranked by date of application, but with families prioritised for larger properties (3 or more bedrooms) and elderly or physically disabled people given a priority for suitable ground-floor or adapted accommodation.

The policy seeks to keep properties in reach of people on local incomes (in line with PPS3), but without making schemes economically unviable.

This will be achieved through a **percentage discount**.

Properties will typically be at a **40%** discount from OMV (see **Table 2** below) - this has been set taking into account property price to income ratios for Eden District, intelligence from other local authorities in Cumbria on typical incomes for people on their low cost home ownership schemes, bearing in mind Government recommendations on responsible borrowing of 3.5x single income, and 2.9x joint income.

Other options have been considered including linking this to build cost and a fixed discount from OMV based on property type – however, a percentage discount seems the most transparent method and easiest to understand for initial purchasers, and successive vendors and purchasers.

Usually open market value (OMV) will be agreed following a valuation by an independent RICS qualified surveyor once the housing units are almost complete (full details of this process are set out in para 3.2.20); however, where these properties are sold 'off plan', generally on larger developments, the developer will need to agree the sale prices relating to the affordable units with the Council's Affordable Housing Officer.

The percentage discount will be the same on each subsequent resale as on the initial sale. The discount will work on a sliding scale as follows:

**Table 2 – *Homeseekers' Register* Percentage Discounts**

Property Value (OMV)	Discount	
£100k or less	33.33%	Based on a £100k OMV property: £17,142 single income (3.5 x) + 10% deposit £20,690 joint income (2.9 x) + 10% deposit
Over £100k - £115k	35%	The middle band is to compensate developers on properties between the 2 main bands of 33.33% and 40% (around £111k being the 'tipping point')
Over £115k	40%	This would be <b>capped at 60%</b> of average (mean) property prices for Eden District – as some larger or more expensive properties would be beyond the means of people on local incomes even with a 60% discount (on initial purchases and re-sales).

The above bands will be reviewed at the Council’s discretion, based on the success of the scheme in providing affordable homes to local people.

Table 3 sets out a range of examples of what applicants would pay, and the income required in the 40% band.

**Table 3 – Discounted Property Values**

<b>Property Value (OMV)</b>	<b>Discounted Value</b>	<b>Income Required</b> 3.5x single/ 2.9x joint income (+ 10% deposit) <sup>7</sup>
£156,246 (lower quartile property price 2009/10 – Eden District) – 60% OMV	£93,748	£24,106 – single income £29,094 – joint income
£206,144 (median property price 2009/10 – Eden District) - 60% OMV	£123,686	£31,805 – single income £38,385 – joint income
£250,000 ( <b>capped</b> at 60% of average (mean) property price - £227,127 in 2009/10 – Eden District) = £227,127 x 60%	£136,276	£35,042 – single income £42,293 – joint income

(Source: CACI Streetvalue)

The Council will review the cap annually, based on the latest figures from *CACI Streetvalue* (or any replacement data set used by the Council).

The income required on higher value properties is above median household income for Eden District – however, these would not necessarily be first-time buyer properties, and purchasers may already have a degree of equity. Indeed, the SHMAs identified a shortage of affordable ‘move up’ accommodation to enable people to move as their families grow.

The properties would have to be the only or main home of the purchaser and could not be sold as second homes or holiday lets including upon resale.

<sup>7</sup> (\*lenders are often asking for much larger deposits at present – some local lenders are still offering 10% deposits to first-time buyers, although at higher interest rates).

## **Appendix E: Local Connection Criteria – as defined in Core Strategy Policy CS7 Principles for Housing**

1. A person or household who currently lives in the relevant locality and has done so for a continuous period of at least three years; and/or
2. A person or household who works in the relevant locality and has done so for a continuous period of at least three years; and/or
3. 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; and/or
4. Who has an essential need through age or disability to live close to those who have lived in the relevant locality for at least three years.
5. For market led housing a local connection to the area will also apply to a person or household who has secured work in the relevant locality.

The definition of “locality” refers to the parish and surrounding parishes in the first instance, and if after a reasonable period of active marketing a purchaser cannot be found the definition would cascade out to include the county. Following a further reasonable period of marketing still no purchaser has been found the property may be sold on the open market.

## Appendix F: Suitability Criteria for the Conversion and Re-Use of Rural Buildings

A building will generally be considered suitable for conversion in rural areas if it meets the following criteria: for clarity, these considerations do not apply solely to barns - they may for example apply equally former industrial building, churches or chapels.

1. The building is capable of conversion without the need for substantial rebuilding and the external walls are structurally sound. The Council reserves the right to require a full structural survey to be undertaken by a suitably qualified surveyor where the condition of the building is in doubt or dispute;
2. The use of the building or its curtilage would not be visually intrusive in the countryside or have an adverse impact upon the character of the area and surrounding landscape.
3. The building is large enough to accommodate the uses proposed without the need for alteration to the roof line or significant extension including sufficient space for parking, vehicle manoeuvring and amenity space;
4. The building is capable of being serviced with water, drainage including foul and surface water, electricity and vehicular access to the satisfaction of the relevant authority;
5. The building is capable of conversion to the proposed use without such change to its external appearance as to detract significantly from its contribution to the character of the area. The proposal includes the retention of all existing external features which contribute significantly to the building's character including any surviving original openings or roofing materials;
6. If the original roofing material is absent, or in need of replacement, then the building is to be roofed with a material and in a manner consistent with its age and location;
7. Rural buildings suitable for conversion will need to be accessed directly from a classified road. The construction of long tracks to serve barn conversions can have an adverse impact on landscape character and biodiversity and will not be acceptable as part of schemes to convert rural buildings. The building must be well-related to the existing road network with a direct access off a public road.
8. The traffic generated by the new use can be safely accommodated by the site access and the local road system;
9. The proposal does not result in any unacceptable loss of amenity for occupiers of neighbouring properties.
10. The proposal does not jeopardise any ecological habitat, in particular in relation to bats and owls. As such the Council may require specific ecological surveys to be undertaken where necessary.
11. Is not located within the flood plain. If a proposal is located within a floodplain it must meet the requirements of the sequential and exceptions tests and propose flood prevention measures within a Flood Risk Assessment.

Reference may additionally be made to English Heritage's publication: *The conversion of Traditional Farm Buildings* which is downloadable from [www.helm.org.uk](http://www.helm.org.uk)



# **Appendix G: Barn Conversion Design Guide**

## **The purpose of the guide**

Traditionally constructed farm buildings are a part of our heritage. The reason for allowing the conversion of these buildings is to retain them for the benefit of future generations. During the process of conversion they are vulnerable to the loss of their essential characteristics. The Council's attitude is that traditional farm buildings should remain unaltered and remain looking like farm buildings even after conversion. This guide is intended to explain what type of changes are considered acceptable.

## **Planning Policy**

Central Government guidance on the conversion of rural buildings in the countryside is given in Planning Policy Statement 4: Planning for Sustainable Economic Development published on 29<sup>th</sup> December 2009.

Policy EC6 supports the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development.

Policy EC12 states that the re-use of buildings in the countryside for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of building.

## **Important Characteristics**

Traditional farm buildings are typically simple, straightforward buildings constructed by local workmen with local materials, each displaying their own individual charm.

The amount of alteration necessary to accommodate modern living and working conditions whilst also retaining features that give the building its distinctive agricultural identity, makes conversion difficult. This normally means that farm buildings cannot be converted for intensive use, and usually provide fewer residential units than would be the case with a new build scheme.

Most farm buildings have unbroken roof slopes, few, irregular windows and open interiors showing the roof structure. It is possible to convert farm buildings without changing their character by recognising and retaining these principle features. New windows and doors will dilute the character of the barn, as will the insertion of dormers, roof lights and chimneys and the alteration or removal of roof trusses.

Rainwater goods and soil stacks are often distinctive features of traditional buildings. Soil stacks should normally be internal and when replacing or re-instating rainwater goods, consideration should be given to slightly widening the diameter slightly to increase run-off during periods of heavy rainfall.



By exploiting the openings of a barn its functional character is retained

## Structural Condition

The structural state of the building will have a critical bearing on whether it is capable of conversion to a new use without substantial rebuilding. Where there is doubt about the structural stability of a building, applicants may be asked to provide a Structural Engineer's report. If substantial sections require rebuilding, conversion will not normally be acceptable.

## Uses

Possible uses for redundant buildings may be summarised in design terms as:

Workshop use - This is architecturally considered the least harmful of the options, as it often involves virtually no alterations.



A farm building might be converted to workshop use without needing new openings or external change

- a) Residential – Imaginative design solutions are required to safeguard the character of the building and where possible avoiding rigid site divisions. However it can be as damaging to the character of the barn as a residential conversion.



Cottages being converted from redundant farm buildings

## 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.

Further information about protected species and habitat considerations in building developments, including where a survey may be needed may be obtained at the following locations:

### Cumbria Biodiversity Evidence Base

<http://www.lakelandwildlife.co.uk>

### Natural England

<http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/protectedspp.aspx>

Further advice is also available from English Heritage who have produced a very useful document on barn conversions which may be accessed from the following link: <http://www.english-heritage.org.uk/publications/conversions-of-traditional-farm-buildings>

Additional reference may be made to conservation area character appraisals, the Conservation Area Management SPD (currently in course of preparation) and in the AONB the AONB Planning Guidelines and Design Guide (when adopted).

## Detailed Considerations

### Roofs

One of the most important external features of a traditional farm building is the roof. Large unbroken roof slopes are an important characteristic that should not be altered.

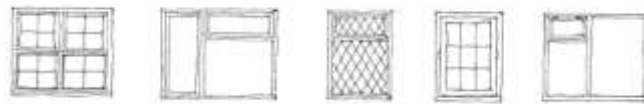
### Roof lights and dormers

Generally the insertion of dormer windows will be considered unacceptable. As they are not usually found on agricultural buildings. Occasionally, 'conservation' roof lights might be acceptable on roof slopes that are not visible.

Barn conversions should not be designed to add storeys under the roof so as to avoid the need to provide openings in the roof.

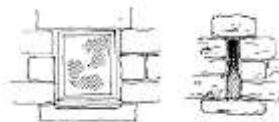
### Openings in walls

Agricultural buildings are characterised by few window and door openings. Where new window and door openings are essential, they should preferably be located on 'inside' elevations away from public view, these should follow the type, proportion and detail of existing openings. The position and size of existing openings should be taken into account when determining the accommodation to be provided within the building, as this will affect both the number of rooms that can be formed and the uses to which they are put.



A selection of windows unsuitable to act as replacements in old buildings

The re-use of existing openings, doors and window frames is encouraged. Normally, windows with a greater vertical emphasis will create minimum interference with the character of the barn. A symmetrical layout of window openings should be avoided as this imposes a 'domestic' character on the building.



Retain existing openings with simple new components

### Materials

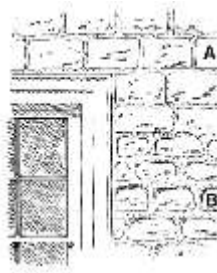
As much of the original fabric as possible should be retained. Where rebuilding is inevitable, existing materials should be re-used.

When modern materials are used for repair or rebuilding they are immediately noticeable. In order to maintain converted farm buildings in an authentic condition, new work should blend in with the old.

### Mortar Mix

Pointing should be flush or slightly recessed, not proud of the wall surface. Do not

attempt to make a feature of the pointing; brush pointing is better than a mechanically smooth finish. Lime should be used in the mortar mix to allow movement; it will also help to match the colour of the mortar with the original. Cement-coloured mortars should be avoided with care taken not to smudge the face of stone or brickwork.



A – Good pointing just behind stone face

B – Bad pointing smeared over the face of stones

## Extensions and additions

Farm buildings are normally structures without ornament or symmetry. They have a functional simplicity, which is part of their appeal. Changes to the roof slope, amendments to the eaves and the addition of porches will add a complexity which is out of keeping with their character.

In the rare cases where extensions are proposed they should be of traditional form such as simple lean-to outshots, continuing the downward slope of the main roof.

## Chimney stacks

The addition of a chimney stack can change the agricultural appearance of farm buildings by creating a domestic image. A small metal flue, finished in black or dark grey, may be acceptable provided that it is set away from prominent facades.

## Interior

Interior heights to wall plate or tie beam levels are often too restricted to allow for two floors. Design solutions will have to be found that avoid disturbing the existing roof timbers and which do not require raising external walls. The use of split staircases and galleries can overcome this problem whilst giving interiors considerable character and interest.

Traditional farm buildings will most effectively retain their integrity if the interior is left open, or at least in part, to give an impression of the pre-converted space. Open plan designs within which the roof structure can be seen from the ground floor are preferred. Open layouts help natural light to penetrate the space from a limited number of openings, illuminating a relatively large area of floor space.

Internal divisions should be kept to a minimum and should conform to the structural bay divisions of the building.

## Setting

Even the most sensitive conversion can be spoilt by inappropriate changes to the setting of the building. Generally, both the planting and surface treatments around a barn conversion should be kept simple. Courtyards should not be sub-divided, garden sheds are unacceptable (storage provision should be made within existing buildings), obvious clothes drying areas, refuse storage areas and car parking should be avoided.

The design and materials of ancillary buildings, should be of traditional materials and form and should aim to harmonise with the existing building. Hedge or tree planting should be made up of species indigenous to the locality.

## **Access**

Access to traditional farm buildings usually follows field boundaries along the lines of hedges and walls. As a result, they are usually discreet, blending in naturally with the landscape. Proposals for the conversion of farm buildings should retain existing accesses. If the existing access cannot be retained, a new access should follow natural boundaries and avoid crossing the middle of the fields.

## **Conclusion**

In summary, our policies relating to the re-use and conversion of farm buildings look favourably upon employment generating uses or residential (affordable housing outside Key and Local Service Centres) provided:

- a) The building can be converted without major rebuilding or extension and without inappropriate alteration to its form and character.
- b) The proposal would not cause significant harm to the character of the countryside or the immediate setting of the building.
- c) The proposal would not harm the special character and interest of a building of architectural or historic significance.
- d) The proposal meets the requirements of the other policies in the Core Strategy.

Our policies on barn conversions recognise the Government's view that the re-use of suitable agricultural buildings should help to diversify the rural economy and create jobs.

# **Appendix H: Residential Extensions**

## **Residential Development Guidelines**

### **Introduction**

Many people, especially growing families, like to increase the living space in their houses rather than move. Extensions sometimes need planning permission and sometimes do not. This guide is produced to help you design extensions to be sympathetic to your surroundings. The range and variety of house extensions and dormer windows means that there is no single design solution to ensure the extension is complimentary to the character of the area. There are however a number of guidelines, which will help you design an extension that contributes positively to the street scene and character of your area. These guidelines are also intended to illustrate the criteria that will usually be applied by the Council in assessing proposals for residential development.

### **General Advice**

It is wise to use a person who is trained and/or well experienced in designing residential extensions. Whoever you chose to employ, it is advisable to ask to see previous examples of work on paper and on site. Discussions with planners at an early date, prior to application, can often save you time once initial drawings have been prepared.

In certain circumstances, it is not necessary to make a planning application to build an extension to a house or bungalow as the General Development Order automatically grants permission. These permitted developments are covered by the granting of a blanket planning permission by the Secretary of State to avoid the planning system from becoming overloaded. Typically these rights are restricted in Conservation Areas, and do not apply to listed buildings, flats or maisonettes.

All residential extensions and garages (with minor exceptions) however must comply with the Building Regulations, which are designed to ensure that buildings are structurally sound, safe, properly insulated and have satisfactory drainage where necessary, protecting the health and safety of the people who use the property. Whether planning permission is required or not, it is almost always necessary to make an application for approval under the Building Regulations.

### **Conservation Areas**

These are areas of special character where tighter controls apply over development in order to protect the recognised importance of the existing buildings within or immediately adjacent to the Conservation Area. These areas may include the historic core of a settlement, a group of buildings around a space or a street of particular townscape merit. Residential extensions that may be permitted elsewhere could be considered unacceptable in Conservation areas.

### **Listed Buildings**

These are buildings of special architectural or historic interest, where alterations, external or internal, will require special consent. There are cases where extensions will be considered undesirable, but generally, particular weight is placed on retaining the identity, appearance, character and special interest of Listed Buildings.

### **Designing your extension – Some general considerations**

If you are considering building an extension, there are a number of points that you

should consider:

- The effect of the extension on the appearance of your house. Will it be in keeping with the house? A large extension, particularly on a smaller house is likely to have a dominating effect.
- Will it be an asset when you want to sell your house? Badly designed extensions can detract from the value of a property whilst well-designed extensions can add value.
- The effect of daylight and sunlight on existing rooms. Will they be less attractive or less usable than they are now?
- The effect it will have on the daylight, sunlight and privacy of your neighbours. It is advisable to discuss any proposals with your neighbours at an early stage, as they will be notified about your proposal during the planning application process.
- Is the extension going to make your garden too small or take away your parking space?

When designing a residential extension there are three golden rules to follow.

Extensions should:

- Be neighbourly, respecting the privacy and outlook of adjoining properties;
- Normally be indistinguishable from the original dwelling and integrated with it;
- Be in keeping with the character of the surrounding area.

In all extensions the use of brickwork or stonework of a similar type, colour and texture to the existing house will greatly improve the appearance of the extension, along with the use of a pitched roof. Windows and doors should generally repeat the proportions and materials and follow the main lines of the openings of the original house, as windows of a different size and design are visually unappealing.



## How and where to extend?

The choice of how and where you decide to extend your property will depend on a variety of factors. The position of the dwelling within the plot will be one of the most important considerations raising questions such as: Is there more space at the side or the rear? How will the extension relate to the internal arrangements of the house?

For dwellings in substantial plots there may be several options where an extension can be accommodated with little effect on neighbouring property. However a basic principle to follow is that extensions should respect the style and character of the house and should not overwhelm it.

## Front extensions

It is important to ensure that front extensions do not detract from the continuity of the street scene. Extensions are not generally acceptable where there is a clear and visually obvious 'building line', which would be disrupted. A block of terraced properties usually has a unity of design based upon the repetition of design details such as doors, windows, and decorative brickwork, setting a rhythm that a front



extension would break, resulting in a detrimental impact on the character of the street.



Where a street is made up of a number of different housing types on varied building lines or individually designed detached dwellings, there is more scope for building front extensions of a suitable design.

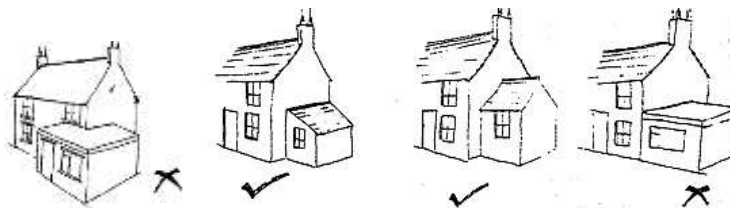
It is essential that such extensions are of a modest scale and designed to preserve and reflect the architectural features of the existing house, with wall and roof materials matching those of the existing house.

### Side extensions

Side extensions can have a large impact on the overall appearance of your house. They should be designed to fit-in with the front elevation respecting the style, proportions and details of the original design of the house.

You should carefully consider the type, size and colour of materials for the extension, the use of brickwork or stonework of a similar type to the existing type will greatly improve the appearance of your extension.

On properties with a pitched roof, a flat roofed extension is unlikely to fit in with the overall appearance.



Where you are building on a drive you should leave at least 5m between the front of the extension and the front boundary with the footpath. This will allow space for a car to park in front of the extension, which is important in keeping on-street car parking to a minimum.

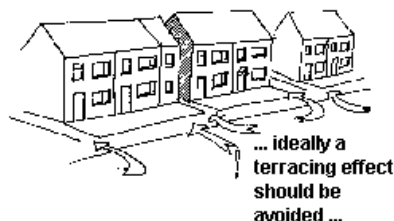
Extensions should be designed to be subordinate to the existing house. Where possible single storey extensions should be set back from the front of the building, avoiding “wrap around” designs, which do not relate well to the existing form of the house. An extension that recognises the shape of the existing building is more likely to be successful than one, which ignores the design of the original. It is important not to over-whelm the existing buildings. Once an extension begins to match or exceed the size of the original building then the architectural integrity of the original structure tends to become lost.

Extensions to the side of a property should not prevent direct access to the rear of the house. A number of two-storey side extensions built up to the boundaries of semi-detached or detached properties can have a cumulative effect of adversely affecting the character of the street by creating a ‘terracing effect’. One of the following alternative design solutions can be adopted to avoid this problem:

- Reduce the width of the extension so as to leave a gap of at least 1.5m from the boundary.

- Setting back the extension from the front wall of the existing house.

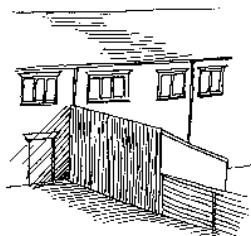
While there is nothing wrong with terraced housing, the aim of preventing the terracing effect is to protect the street scene, character and amenity of areas that were originally designed and laid out as detached or semi-detached developments. Such areas can provide attractive views between houses to trees and the scene beyond and they permit the penetration of sunlight and daylight into the street and into the gardens and rooms opposite the gaps (see also 'The Terracing Code', below).



## Rear extensions

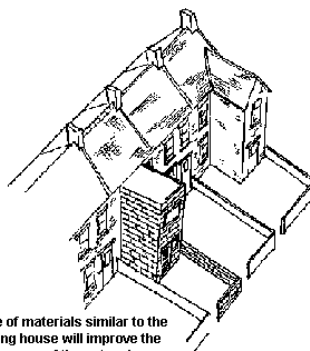
When designing a rear extension you must be aware of the detrimental impact it may have on neighbouring properties by way of a dominating impact, especially if your house is terraced or semi detached, or where gardens are small.

It is important to note that an extension taking place on or close to a side boundary may cause annoyance to a neighbour. Discussion with your neighbour at an early stage may be helpful to you both. Side windows situated on rear extensions will normally result in a loss of privacy to neighbours and, therefore, will not usually be permitted unless situated above eye level or obscure glazed and fixed and /or screened with fencing.



... a mono-pitch roof with a high wall close to a side boundary will not normally be acceptable ...

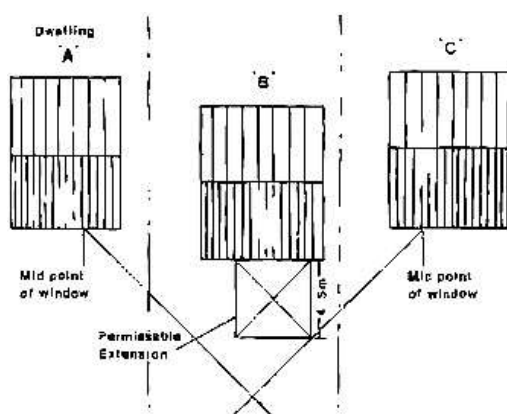
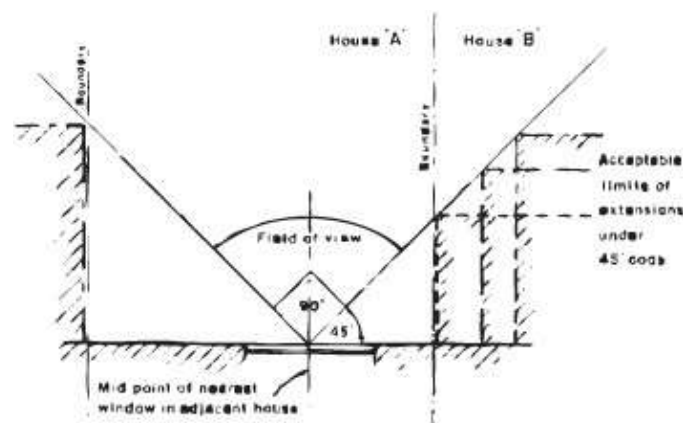
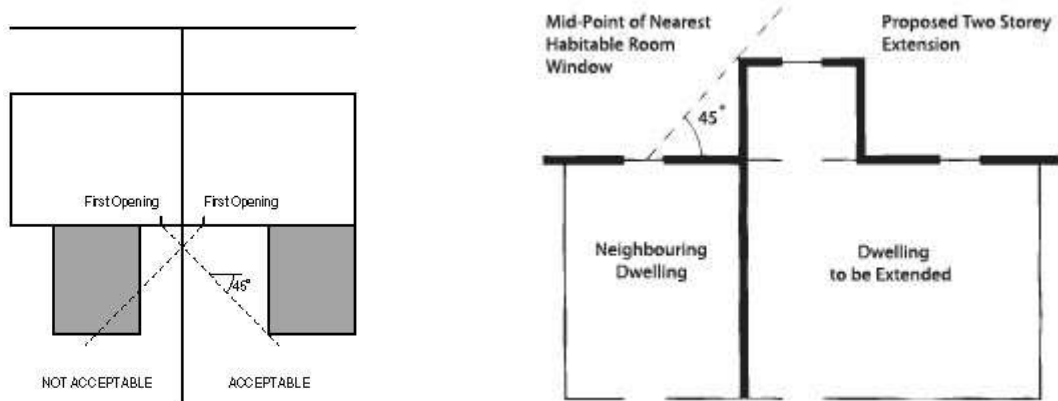
As with all other types of extension the use of brickwork or stonework of similar type, colour and texture, and with a similar colour and width of mortar to the existing house will greatly improve the appearance of the extension, along with the use of a pitched roof.



... use of materials similar to the existing house will improve the appearance of the extension ...

## 45 Degree Code

The code is designed to protect the amenities of neighbouring dwellings from overshadowing or obstruction of outlook, which can be caused by large extensions on or close to the boundary. We will not normally grant permission for a rear extension if any part of that extension protrudes beyond a 45 degree line (drawn in the horizontal plane) from the middle of the window to a habitable room of a neighbouring dwelling. The line will show the maximum width and/or depth that a proposed extension can be built to avoid amenity problems with neighbours. This is illustrated in the following diagrams:

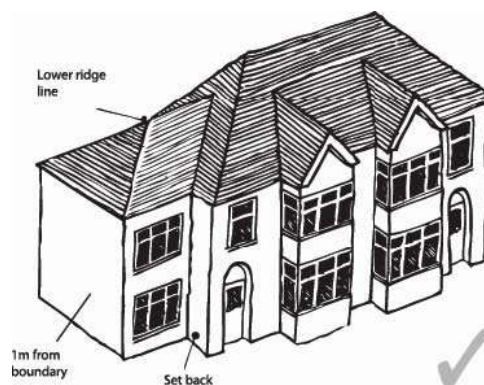
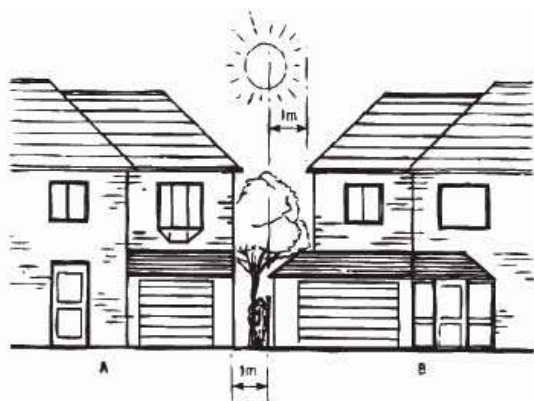


Non – habitable rooms are kitchens, bathrooms and hallways, and these will not be protected by the code except where the kitchen is clearly used as a kitchen/dining room. The zone of restriction created will be applied up to a distance of 12 metres along the 45 degree line.

## Terracing Code

This code is to protect extensions at the side of houses joining up with neighbouring properties to create a continuous effect. The aim is to protect the quality of the street scene and the amenity of area that were designed originally as detached or semi-detached properties.

The Council will normally require that the first floor side extension should be set in 1 metre from the side boundary. A gap of 2 metres should therefore be retained between both properties. Examples of this code are given in the following diagrams:



## Privacy/Separation Distances

As a general guide, principal windows on a new or extended property should not be less than 21 metres from any directly facing windows in another property, in order to ensure reasonable privacy is provided for both the new house or extended house and neighbours.

A distance of 13 metres should be maintained from the main face of a dwelling to a blank gable wall.

However these distances may need to be increased where there are significant differences in site levels or where there are significant differences between the height of the dwellings (3 stories next to two, or two stories to single story, for example).

These rules would not apply in instances where the window, whether to a habitable room or not, and whether a principal window or a secondary window, faces onto neighbours land to the side of the house.

## Porches and bay windows

Although these are relatively small extensions, they need to be designed

sympathetically as a poorly designed porch can spoil the appearance of a house. If your house has a pitched roof, then the best design approach is likely to involve a new porch or bay window of similar design, with both door and window styles reflecting the character of the existing house.

A front porch should usually be fairly simple in design, and not too bulky or large so as to dominate the front of the house. A structure of utilitarian appearance will spoil the look of the house. Flat roofed porches that wrap round the corner of a dwelling also look out of place.

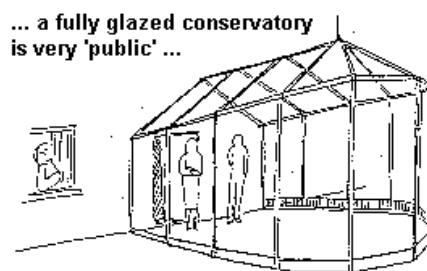


## Conservatories

The siting and design of conservatories can have a marked effect upon the character of your property, therefore:

- Design should be carefully considered, particularly if the conservatory is of a standard prefabricated type.
- The usual and best siting is at the rear of properties, with the preferred construction being painted timber and glass superstructure on a brickwork or stone base.

For most people a conservatory is an extension to their living space. A fully glazed conservatory is very "public" if the back of your house is overlooked by neighbours. Also, neighbours may feel that you overlook them, if you will have a view of their windows, or their garden or patio, from your conservatory. Obscure glazing or solid infilling of window panels adjoining boundaries will cure both problems, whilst leaving you with a view of your own garden.



You will also need to think carefully about the style of conservatory that is best for your house. A "Victorian-style" conservatory can look just as out-of-place on a 1930's semi-detached house as on an eighteenth century cottage. In most cases, having simple lines and good quality materials will give the best looking result.

If conservatories are built without thought for orientation, shading, ventilation, and insulation, they can provide wide variations in internal temperature, which will render them uncomfortable to use, both in winter and summer.

## Loft conversions

Loft conversions can provide additional space at relatively low cost. There can

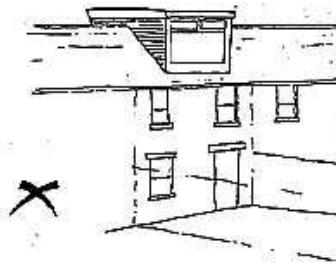
however be problems. You may wish to consider the following points:

- Increased overlooking of neighbours' properties can be a problem, especially with a bungalow where dormer windows in the loft can overlook previously private areas.
- Roof lights are cheaper to install and maintain, and will have less visual impact on the appearance of your house, as well as reducing problems caused by overlooking. 'Conservation' style roof lights look much better than the standard product.



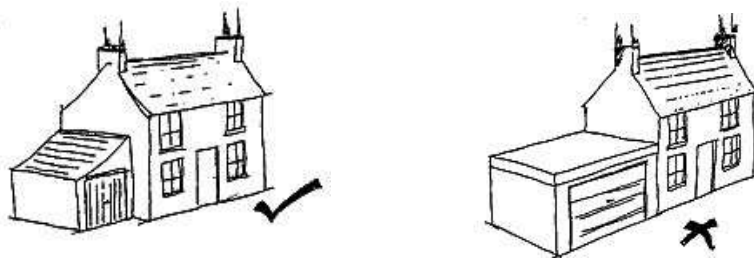
It is important to ensure a discreet design so that they are not prominent in the street scene. Introducing dormer windows onto the roof will have a big impact on the appearance of the house, particularly where they are intended to increase headroom over a large area.

Dormer windows should be small, unobtrusive and designed to be in harmony with the existing building. They should try to be kept to the rear of the property with the ridgeline of the house remaining unbroken by the dormer. In general they should be considered simply as a means of lighting and ventilating the existing roof space, enabling the room to be used.



## Garages

Garage design should generally follow the same guidelines as extensions, being: subordinate, in keeping with the design of the house, of similar/matching materials to the house, and where possible to be set back from the front of the house. A double garage looks much better when provided with two single doors rather than one.



## General Guidance

Please don't:

- Replace traditional windows with modern replacements requiring the widening of the window openings.
- Render, clad or dash walls. It detracts from the character of the house and can lead to more problems than it cures.
- Add garages, extension or porches that are out of keeping with the existing building.
- Remove architectural features such as chimneystacks, lintels, decorative brickwork, etc.
- Add external clutter within the curtilage, such as satellite dishes, aerials, gas tanks etc. These items can be accommodated in well-screened locations or to the rear of the property.
- Use inappropriate boundary treatment, which is out of keeping with the building and the area.

Please do not turn:



This.....into.....this!

# Appendix I: Valuation Template for Independent Chartered Surveyors

## Guidance Note

**Format Re:** Affordable Housing Valuation

**PLEASE NOTE:** This sample valuation format is prepared solely to illustrate the information required by Eden District Council to approve a valuation. Anyone relying upon it should include their own disclaimers and reservations etc.

**To:** *(Client)*

**Date:**

**Re:** *(Property Address)*

This valuation has been prepared in accordance with the current Practice Statements in the RICS Appraisal and Valuation Standards.

### 1.0 **Instruction**

We confirm your instructions of 20.. to carry out a valuation in respect of the above property and the requirement for a formal valuation by Eden District Council.

### 2.0 **Tenure**

### 3.0 **Tenancies**

### 4.0 **Description**

### 5.0 **Year of Construction**

### 6.0 **Construction**



**7.0 Accommodation**

**8.0 Garage(s) / Other Permanent Buildings**

**9.0 Services**

**10.0 Roads and Footpaths**

**11.0 Matters that might affect value**

**11.1 Obvious evidence of serious disrepair or potential hazard to the property**

**11.2 Other matters likely materially to affect the value**

**12.0 Building Insurance** (These reinstatement figures must not be confused with the valuation at 15.0)

**12.1** Estimated current reinstatement cost in its present form (unless otherwise stated) including garage, outbuildings, site clearance and professional fees, excluding VAT, except on fees

£ (approximate total external floor area of dwelling: m<sup>2</sup>)

**13.0 Matters to be checked by Conveyancers**

**14.0 General Remarks**

We understand that the property must be sold at % of market value although our valuation under Section 15 is of the full market value ignoring any reduced sale price.

15.0 **Valuation** (assuming vacant possession unless otherwise stated)

15.a **Market Value** defined as: The estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.

Market Valuation in present condition     £  
(            THOUSAND POUNDS)

16.0 **Other matters specifically requested in the Instruction**

17.0 **Valuation Certificate**

I certify that the property in this report has been inspected by me, that I valued the property as an Independent Valuer and prepared this report, and that I am not disqualified from reporting on the property. I confirm that the Eden District Council can rely upon this Valuation.

.....  
(Member of the RICS)

**PLEASE NOTE:** This guidance note is intended as a general outline only of the Council's requirements which should be incorporated into a valuation prepared by a Chartered Surveyor.

This valuation to be submitted to     ..... (*insert name*)  
..... (*insert title*)  
Eden District Council  
..... (*insert address details*)  
.....  
.....

## Appendix J: Useful Contacts

### **Eden District Council**

General Enquiries:

Town Hall  
Penrith  
Cumbria CA11 7QF

Technical Services:

Mansion House  
Penrith  
Cumbria CA11 7YG

Contact Centre: 01768 817817

[www.eden.gov.uk](http://www.eden.gov.uk)

Ask to speak to:

Affordable Housing Officer  
Development Control Section

Cumbria Rural Housing Trust

Redhills House  
Redhills  
Penrith  
Cumbria CA11 0DF

Tel. 01768 210265

[www.crht.org.uk](http://www.crht.org.uk)

District Valuer

Valuation Office Agency  
Rufus House  
5 Castles Street  
Carlisle  
Cumbria CA3 8TJ

Tel. 01228 600200

[www.voa.gov.uk](http://www.voa.gov.uk)

### Local Housing Associations

Eden Housing Association  
Blain House  
Bridge Lane  
Penrith  
Cumbria CA11 8QU

Tel. 01768 861400

[www.edenha.org.uk](http://www.edenha.org.uk)

Home North West  
Moor Park  
Crosby  
Maryport  
Cumbria CA15 6SG

Tel. 0845 606 3033

[www.homegroup.org.uk](http://www.homegroup.org.uk)

Impact Housing Association  
Nook Street  
Workington  
Cumbria CA14 4EH

Tel. 01900 842100

[www.impacthousing.org.uk](http://www.impacthousing.org.uk)

Riverside Carlisle  
English Gate Plaza  
Botchergate  
Carlisle  
Cumbria CA1 1RP

Tel. 0800 169 3245

[www.riverside.org.uk](http://www.riverside.org.uk)

Two Castles Housing Association  
3 Paternoster Row  
Carlisle  
Cumbria CA3 8TT

Tel. 01228 547463

[www.twocastles.org.uk](http://www.twocastles.org.uk)

## Appendix K: Glossary

AONB	Area of Outstanding Natural Beauty
BCIS	Building Cost Information Service
CABE	The Commission for Architecture and the Built Environment
CBL	Choice Based Lettings (new allocations process for local Housing Associations from 2011)
CLG	Communities and Local Government (Government Department)
CLT	Community Land Trust
CS	Core Strategy (e.g. policy CS10 Affordable Housing)
CSH	Code for Sustainable Homes (a national standard for the sustainable design and construction of new homes – piloted through Housing Association development)
DPD	Development Plan Document
EVA	Economic Viability Assessment
FSLE	Fully Serviced Land Equivalent
GDV	Gross Development Value

HCA	Homes and Communities Agency (the national housing and regeneration agency – provides funding for Housing Association schemes eligible for grant).
NAHP	National Affordable Housing Programme (relating to funding bids to the Homes and Communities Agency)
OMV	Open Market Value
PPS3	Planning Policy Statement 3: Housing
RICS	Royal Institution of Chartered Surveyors
SEA	Strategic Environmental Assessment
SPD	Supplementary Planning Document
S106	Section 106 Agreement (a legal agreement covering planning obligations – including affordable housing; part of the <i>Town and Country Planning Act</i> , 1990)
S278	Section 278 of the <i>Highways Act</i> (1980) – any works which are proposed to be carried out on the highways will require the prior written agreement of the Highways Authority under S278
SHMA	Strategic Housing Market Assessment

Department of Policy and Performance  
Eden District Council  
Town Hall  
Penrith  
Cumbria CA11 7QF

