

Policy 15 - Housing Size, Mix & Choice:

ID	Organisation
Duty to Co-operate / Interest Groups	
73 and 2316	Stapleford Town Council (Supported by Richard MacRae)
119	Home Builders Federation
1460	Beeston and District Civil Society
6882	Broxtowe Labour Group
Developer / Landowner	
718	J McCann & Co (Nottingham) Ltd (Represented by Planning and Design Group)
2685	Bloor Holmes Ltd (Represented by Oxalis Planning Ltd)
3756	Gladman Developments Ltd
6916	Rentplus (Represented by Tetlow King Planning)
403	McCarthy & Stone Retirement Lifestyles Ltd (Represented by The Planning Bureau Limited)
Individual / Local Resident	
460	Wallwork
720	Pearson

Policy 16 Gypsies and Travellers – no representations received



Stapleford Town Council



Mr S Saunders
Planning Policy
Broxtowe Borough Council
Foster Ave.
Beeston
NG9 1AB

2nd November 2017

Dear Mr. Saunders,

Broxtowe Local Plan Part 2

Please find attached the comments regarding the Broxtowe Local Plan Part 2, as discussed by Stapleford Town Council at its Meeting held on 13th October 2017.

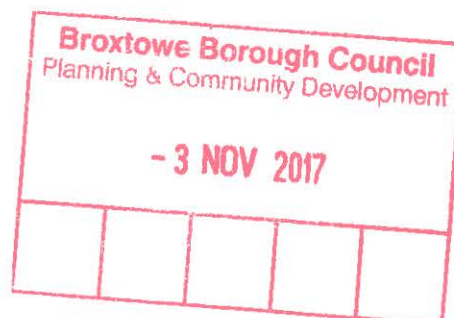
There was full and frank discussion of this document and I have set out a full minute reference as instructed by the Town Council and this is the formal comment of the Town Council on this matter.

Further, I have been instructed to inform you that Stapleford Town Council would wish to be invited to the Public Examination of the Broxtowe Local Plan Part 2 and would reserve the right to speak to its comments.

I am also forwarding these comments by email.

Yours sincerely

Town Clerk
Stapleford Town Council



Minute Reference Stapleford Town Council Meeting held on 23rd October 2017

83/2018 Update: Broxtowe Borough Council Local Plan

Member's considered the proposals made in the Broxtowe Borough Council Local Plan Part 2 consultation documents and following full and frank discussion the following points were noted for forwarding to Broxtowe Borough Council as the Town Council's formal comments on this Document.

1. Councillor Pearson was disquieted by a number of statements contained within the Broxtowe Borough Council Local Plan Part II and considered a number of the statements made to be erroneous and lacking in evidence and the Meeting concurred with his comments.
2. Attention was drawn to comments made on page 12 of the document re 'Employment where it was stated that 'Broxtowe was a thriving and vibrant place with access to services jobs and opportunities for all.' The Meeting saw no evidence for this statement. Likewise, the comments relating to 'Community Safety' where Members were concerned there was no evidence to justify this statement or proposals of how the aspirations would be achieved.
3. On page 14 of the document where land in vicinity of HS2 was recognised the Meeting felt that there was a need for further information on proposals for this expansion in the Main Built Up Area. Not enough attention was being paid to the opportunities that would arise with the development of HS2 and associated projects.
4. Page 15 of the document continued to address the Spatial Objective and point v) discussed residential redevelopment of two areas within Beeston and then mentioned that 'Growth is also provided for at Eastwood and Stapleford...' However, at no point does it explain where this 'Growth' will be accommodated or how these aspirations will be achieved.
5. Further there seems to be a lack of clarity as to what is meant by 'regeneration' in point v) (see above) and while residential development was mentioned there was a paucity of detail regarding the provision of designated land for employment purposes, which would be an essential part of any regeneration strategy.
6. With regard to 'Health and well-being', page 16 point viii) this was an area that concerned the Town Council as there appeared to be an absence of proposals to achieve the improved health and well-being of the Town's residents or make any positive suggestions for the development of new community facilities within the Town.

7. Again, on Page 16, point x) the Meeting was amazed by the comment 'Excellent transport systems. It was felt that residents living within Beeston may enjoy 'excellent transport systems' but the residents of Stapleford, were disadvantaged in this area of provision. The lack of a bus service from the North of the Town or Town Centre area to Beeston in the evening and the reduction of the 18 bus service, to one bus an hour only, and confined to the day only, the last bus from Stapleford being at 6.49p.m. This severely disadvantaged employment and/or educational prospects for residents without access to a car.
8. While the tram served the area of the Town adjacent to the tram stop and George Spencer Academy, it was not accessible to residents without access to a car. There was perceived need for transport linking the tram stop with the rest of Stapleford running during the day, evenings and at weekends.
9. The Town Council did not support development on designated green belt land and was most distressed by the amount of land that Broxtowe Borough Council had identified for potential removal from the precious green belt area, which separated the Town from surrounding villages and suburbs. Members were not in favour of the coalescence of the Town into the Greater Built Up Area.
10. Proposals regarding development on both sides of Coventry lane were not supported by the Town Council. Both these sites to the East(Bramcote), and West(Stapleford), off Coventry Lane, were important green belt areas, separating the Town from nearby Bramcote and Wollaton and vice versa, being an integral part of the important green corridor between the Borough and the City.
11. Further both sites were isolated from the main infrastructure of the Town. There was no public transport serving either site which would necessitate individuals moving to such a development to have access to a car. Particularly as there was an absence of infrastructure in this area, with no nearby schools, shops, health centres, community or leisure facilities. The parcels of land suggested for development were not large enough to support communities that would encourage the expansion of such services in this area and indeed there was no allocation of land for such purposes within the proposals. Thus, Members were concerned that such households would merely live within such a development and find their needs re: employment, shopping, leisure etc met elsewhere and thus they would contribute little to the economy of the local area. This would mean that not only would precious green belt be lost to the Town and neighbouring areas, potential new residents would be contributing little to the supposed regeneration of Stapleford, as referred to within the main document, as it was considered unlikely they would be utilising the facilities in the Town Centre. Further the access and egress to Stapleford and Bramcote via Coventry Lane was already highly congested at peak times and further development in this area would add to the traffic bottle necks already experienced by road users.

12. Moving on to pages 76, 77 and 78 of the Local Plan Part 2 and the discussion re the proposed HS2 Project, concern was expressed that the proposals within these pages was different from proposals expressed by D2N2 for the same area. Should the development plan as envisaged within the Local Plan Part 2 be taken to fruition the proposals for the area, contained within D2N2 document, to re-site George Spencer Academy and build a Leisure Centre adjacent to the Tram Stop, together with new road ways and junctions would suggest that the new build as envisaged within the Local Plan Part 2 could result in partial/selective demolition of the new build residential development.
13. Members considered it would be more sensible for this part of the Local Plan Part 2 to be re-written following full consultation with D2N2, the Town Council and other interested parties. This project was considered too important, by Councillors, to be left to chance and it was considered essential that all interested parties should be involved in the discussion regarding the best way to develop this site, to gain the most in terms of regeneration for the surrounding areas while ensuring the proposed development enhances the environment.
14. Policy 9, page 88 refers to the Retention of Good Quality Existing Employment Sites. While the Meeting recognised the aspiration contained within this Policy it was concerned that there was no clear indication of how these aspirations would be met. Further there was no clear indication of how this employment would be sustained and it was noted that the Bessell Lane/Palmer Drive area was subject to issues related to the HS2 Project. It was felt that a map indicating these key employment areas, together with other areas currently utilised as employment sites would have been useful when considering this consultation document.
15. On Page 100 the District Centre for Stapleford was considered and the Meeting expressed its concern regarding the proposals set out in this Strategic Policy. Members did not wish to see the area of the Town Centre area contracted. There were currently a number of attractive shops and thriving businesses in the area from Bessell Lane to Halls Road and to contract the Town Centre Area would do these businesses a dis-service. Further with the proposed HS2 Project there will be scope for development and growth in this area of the Town. There was a noticeable decline in shops/businesses within this proposed contracted area. This begs the question that by contracting this area, how would such action improve the district centre for business expansion.
16. Policy 15 on page 106 discussed Housing Size and mix and here great concern was expressed. Firstly, the lack of a clear identification of the number of units of new housing development that the Town was expected to accommodate within its designation as part of the main built up area created difficulties when commenting on housing allocation. (This issue had been identified by the Neighbourhood Plan Steering Group).

17. Within Policy 15 an allocation of only 10% affordable housing units had been identified, with no justification for this figure. Members accepted that there was a need for housing to be accommodated within the Town and it was further recognised that there was a substantial need for affordable housing to meet the needs of current and future generations of residents of the Town. It was the opinion of the Meeting that Broxtowe Borough Council needed to justify this low proportion of affordable housing being suggested for the Town. Stapleford contains two of the most deprived wards within Broxtowe Borough, (Stapleford North and Stapleford South West), and surely this indicates a need for a higher proportion of affordable housing than the 10% identified within the Local Plan Part 2. This begs the question that does this proposal serve the needs of local residents?
18. Regarding Policy 20: Air Quality - the Meeting was surprised that no particular mention was made regarding Stapleford which also suffers from poor air quality. The congestion on the main roads in and out of the Town, the road humps on Derby Road, issues that have been raised re certain employment sites and emissions, all make the need to monitor and act effectively to improve the air quality in the Town imperative and in line with current Government initiatives.
19. Members considered that the proposals affecting designated and non-designated heritage sites, Policy 23, did not emphasise sufficiently the Heritage Assets contained within Stapleford. No mention was made of former Police Station, Carnegie Centre, the Old Cross Public House, former Whiteley Mill, Stapleford Cemetery and Bob's Rock.
20. The Meeting was not satisfied with this Local Plan Part2 Members felt that it had to a great extent ignored Stapleford and offered little in the way of positive prospects for the Town's regeneration while making sweeping statements that showed little justification in the printed document.
21. There was no evidence of sustainability or of how aspirations that were listed within the policies could be achieved for Stapleford. It was agreed that there was a need for Section 106 gains to be spent in the Town for the good of the residents and that full consultation should be held when such monies were available for distribution. It was noted that that Members were unaware of how Section 106 monies achieved from the Field Farm Development would benefit the Town and that this was unacceptable.
22. Members also wished to see sensible allocations of affordable housing in the Town and that when Developers were building in the Town and were obliged to provide affordable housing within that development that they should not be allowed to negotiate with Broxtowe Borough Council to move such allocations of housing elsewhere in the Borough or buy their way out of the obligation.

83/2018contd.

Following this discussion of the Local Plan Part 2, the Town Clerk was instructed to send a full Minute Reference of this discussion to Broxtowe Borough Council, as the Town Council's official reply to this consultation. Broxtowe Borough Council were also asked to work with the Town Council and D2N2 to ensure that HS2 brought the maximum benefits to the Town and surrounding area.

Further Members were encouraged to make their own, personal comments re the Broxtowe Borough Council Local Plan Part 2 direct to Broxtowe Borough Council using the online facility on the Broxtowe Borough Council Web Site.

The Town Clerk was also requested to send copies of this Minute Reference to Members in attendance at this Meeting for information only.

[REDACTED]

From: Councillor Richard MacRae [REDACTED]
Sent: 03 November 2017 15:40
To: Policy; Saunders, Steffan
Subject: The Part 2 Local Plan

I am sending in my comments and concerns regards Part 2 Local Plan as they need to be in before 5pm today.

I do not feel that more development should take place on the West of Coventry Lane as this will also join up with the development on Field Farm, I find it sad that the Council never made it clear they own the land behind Bramcote Crematorium in the past. There is already enough development taking place in this area, also the Stapleford Neighbourhood Plan has suggested alternative sites for development, this should be taken into consideration.

Attention was drawn to comments made on page 12 of the document re 'Employment where it was stated that 'Broxtowe was a thriving and vibrant place with access to services jobs and opportunities for all.' The Meeting saw no evidence for this statement. Likewise, the comments relating to 'Community Safety' where Members were concerned there was no evidence to justify this statement or proposals of how the aspirations would be achieved.

I am aware Stapleford Town Council have submitted the above and I have to say I fully agree with the statement, Community Safety and Broxtowe will be a safe place, sadly this is something that many people in Stapleford do not feel at the minute, anti social behaviour and drugs are a major issue that need to be tackled asap, apart from a lot of talking we are not seeing much evidence of anything being done and most of the people causing these issues sad to say are Council Tenants, breach of Tenancy Agreement comes to mind.

Regarding HS2 again the Town Council have said the following **Not enough attention was being paid to the opportunities that would arise with the development of HS2 and associated projects.** And again I fully agree and it would seem meetings have taken place yet Stapleford Councillors and local residents who will of course be affected have not been invited to such meetings. One reason I proposed the Town Council set up a HS2 Working Group.

With regard to 'Health and well-being', page 16 point viii) this was an area that concerned the Town Council as there appeared to be an absence of proposals to achieve the improved health and well-being of the Town's residents or make any positive suggestions for the development of new community facilities within the Town.

Again the above is what the Town Council have said and i am very disappointed that with the future closure of the Stapleford Community Centre there is no mention of any improvements to any other Community facilities, it would be good to put all efforts into the regeneration of the Pavilion on Hickings Lane Recreation Group and also the play area too, it is a lost opportunity and a great place which could do with improvements all around. maybe using section 106 funding.

Also the Speed Humps in Stapleford need to be removed, this would be a huge benefit to the businesses are more people would drive through Stapleford instead of around the Town Centre. Also removing htem would help with improving the Air Quality in the Town Centre.

Talking of the Town Centre it is about time the boundary was extended to include all the shop from Halls Road down to Bessell Lane, instead of shrinking the area.

There is no way for people to get regular transport from Stapleford North Ward up to the Tram Terminus on Toton Lane, Stapleford and there is no Bus to or from Stapleford in the evening to get to and back from Beeston at all.

I would also like to see the development of affordable housing on future developments increased as the current 10% figure is to low especially when compared to other areas.

There is no mention of development and regeneration of the Walter Parker VC Memorial Square on Derby Road, another missed opportunity as at the minute is is to cluttered, I did actually speak to Phil Horsefield about this and as far as i am aware he passed on my ideas to Ryan Dawson. I hope these can be considered in more detail.

Many thanks

Councillor Richard MacRae
Stapleford North Ward

[REDACTED]



[REDACTED] www.avg.com



Broxtowe District Council
Council Offices
Foster Avenue
Beeston
Nottingham
NG9 1AB

SENT BY E-MAIL AND POST

3rd November 2017

Dear Sir / Madam

BROXTOWE LOCAL PLAN PART 2 PRE SUBMISSION CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following representations and in due course attend the Broxtowe Local Plan Part 2 Examination Hearing Sessions.

The scope of the Broxtowe Local Plan Part 2

The Broxtowe Local Plan Part 2 sets out detailed planning policies that will work with the strategic policies set out in the adopted Aligned Core Strategy (ACS) including specific policies for development management and the allocation of non-strategic development sites.

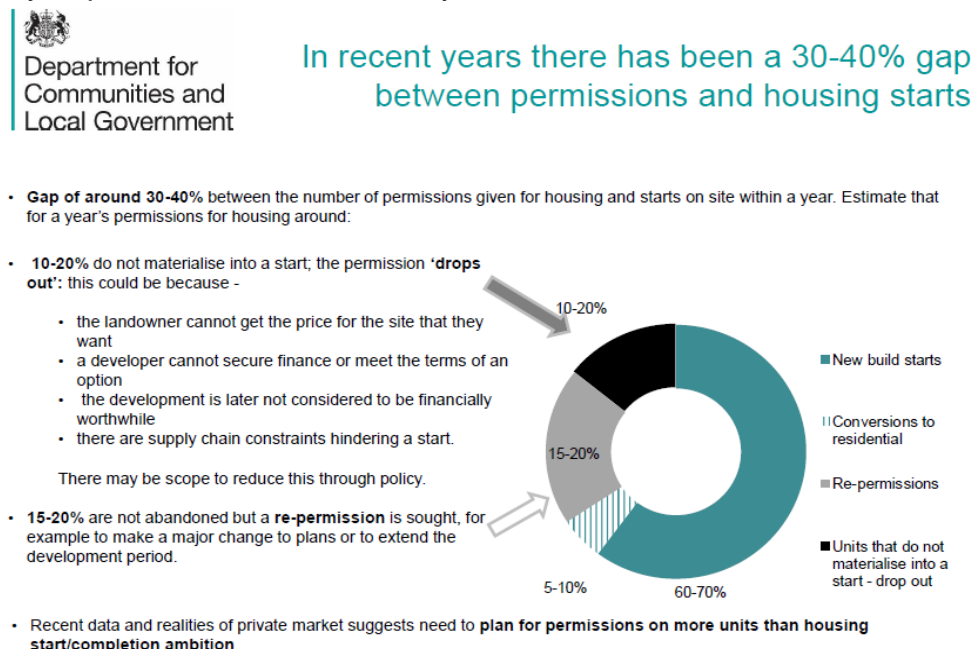
Site Allocation Policies

Overall Housing Land Supply (HLS)

The ACS sets out the overall spatial strategy for the District and this vision is rolled forward in the Local Plan Part 2. The purpose of the Local Plan is to allocate sufficient non-strategic sites to meet the housing requirement of at least 6,150 dwellings for the District to 2028. Accordingly under **Policies 3 – 7 and 11** fifteen non-strategic housing sites are allocated for circa 2,636 dwellings which comprise :-

- **Policy 3** : main built up area site allocations for circa 1,779 dwellings on 8 sites (**Policies 3.1 – 3.8**) ;
- **Policy 4** : Awsworth site allocation for land west of Awsworth for 250 dwellings (**Policy 4.1**) ;
- **Policy 5** : Brinsley site allocation for land east of Brinsley for 110 dwellings (**Policy 5.1**) ;
- **Policy 6** : Eastwood site allocation for 200 dwellings & 30 extra care units (**Policy 6.1**) ;
- **Policy 7** : Kimberley site allocations for 167 dwellings on 3 sites (**Policies 7.1 – 7.3**) ;
- **Policy 11** : The Square Beeston Square for 100 dwellings.

A **housing trajectory** is included in Table 4 in which the Council is showing a HLS of 6,747 dwellings against a housing requirement of 6,150 dwellings. Since the adopted housing requirement is a minimum figure it should not be treated as a maximum ceiling to restrict overall HLS and prevent sustainable development from coming forward. The Council is referred to the DCLG presentation slide from the HBF Planning Conference September 2015 (see below). This slide illustrates 10 – 20% non-implementation gap together with 15 – 20% lapse rate. The slide also suggests “*the need to plan for permissions on more units than the housing start / completions ambition*”. It is acknowledged that this presentation slide shows generic percentages across England but it provides an indication of the level of flexibility within the overall HLS that the Council should be providing. The Council’s contingency of 597 dwellings (9.7%) is below the recommendations of DCLG therefore it is unlikely to provide sufficient flexibility for unforeseen circumstances.



Extract from slide presentation “DCLG Planning Update” by Ruth Stanier Director of Planning - HBF Planning Conference Sept 2015

5 Year Housing Land Supply (YHLS)

The 5 YHLS is a snap shot in time which can change very quickly. The following analysis addresses matters of principle rather than detailed site

specific analysis. The HBF's preferences for the calculation of a 5 YHLS are a Sedgefield approach to shortfalls as set out in the NPPG (ID 3-035) with a 20% buffer applied to both the annualised housing requirement and any shortfall. The Council's latest 5 YHLS calculation is set out in the SHLAA Report 2015/16. The Council has provided calculations using both a Sedgefield / Liverpool approach to shortfalls and 5% / 20% buffers. The Council is proposing Sedgefield and 20% buffer as the most appropriate. The HBF agrees with this proposal. However the Council is not applying the buffer to the shortfall. The HBF disagrees with this approach. The Council is referred to the following :-

- the Warwick Local Plan Examination Inspector's letter dated 1st June 2015 (paragraph 41) ;
- the letter dated 10th August 2015 from the Inspector examining the Amber Valley Local Plan ;
- the West Dorset Weymouth & Portland Joint Local Plan Inspector's Final Report dated 14th August 2015 (paragraphs 85 & 86) ;
- Herefordshire Local Plan Inspector's Final Report dated September 2015 (para 48) ;
- Gloucester, Cheltenham & Tewkesbury Joint Core Strategy Inspector's Interim Report dated 31st May 2016 ;
- Forest of Dean Site Allocations Plan Inspector's Interim Report dated 24 June 2016 ;
- West Somerset Local Plan Inspector's Final Report dated 14 September 2016.

The Council's 5 YHLS calculation using Sedgefield and 20% buffer is only 3.6 years which will be even lower when the buffer is applied to the shortfall as well as the requirement. The Local Plan Part 2 cannot be sound if the Council cannot demonstrate 5 YHLS on adoption of the Plan. Furthermore the 5 YHLS should be maintainable throughout the plan period. As a consequence of not having a demonstrable 5 YHLS policies for the supply of housing in the adopted ACS will also be deemed out of date.

The HBF do not comment on the merits or otherwise of individual sites therefore our representations are submitted without prejudice to any comments made by other parties on the deliverability of specific sites included in the overall HLS, 5 YHLS and housing trajectories. Both the Council's overall HLS and 5 YHLS assumes that all of the allocations in the Plan will be found sound. However, the soundness of individual allocations will be discussed throughout the course of the Examination. If any are found to be unsound these will need to be deleted from the deliverable / developable supply accordingly. It is also essential that the Council's assumptions on lead-in times, lapse rates and delivery rates for sites are realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council using historical empirical data and local knowledge.

The small site windfall allowance of 195 dwellings in the 5 YHLS is considered too high. If the windfall allowance is applied throughout 5 year period there is

a risk of double counting in the early years. It is only reasonable to include a windfall allowance in the later years of the 5 YHLS.

It is also noted that the Council has applied an 8% non-implementation allowance in the 5 YHLS but it is unclear if a similar allowance has been applied to the overall HLS.

It is obvious that further site allocations are required to provide a greater overall HLS contingency and a 5 YHLS on adoption of the Plan. Therefore to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range of demand. This approach is also advocated in the Housing White Paper because a good mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector.

The Council should also consider the allocation of developable reserve sites together with an appropriate release mechanism as recommended by the Local Plan Expert Group (LPEG). The LPEG Report proposed that *“the NPPF makes clear that local plans should be required not only to demonstrate a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement, as far as is consistent with the policies set out in the NPPF”* (para 11.4 of the LPEG Report).

If further information on HLS becomes available the HBF may wish to submit further comments in written Hearing Statements and during oral discussions at the Examination Hearing Sessions.

Development Management Policies

Policy 15 : House size, mix and choice

If the Local Plan is to be compliant with the NPPF development should not be subject to such a scale of obligations and policy burdens that viability is threatened (paras 173 & 174). The residual land value model is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on viability. Therefore it is important that the Council understands and tests the influence of all inputs on the residual land value as this determines whether or not land is released for development. The Harman Report highlighted that *“what ultimately matters for housing delivery is whether the value received by land owners is sufficient to persuade him or her to sell their land for development”*.

Bullet Points (1), (2) & (3) propose differential affordable housing provision on allocated and unallocated sites subject to viability. These are :-

- On allocated sites of 10+ dwellings in Awsworth, Bramcote, Brinsley, Stapleford & Toton and any site in the Green Belt 30% or more affordable housing provision ;
- On Kimerley allocated site 20% or more affordable housing provision ;
- On unallocated C2 & C3 sites in sub-markets of Beeston 30% or more, Eastwood 10% or more, Kimberley 20% or more & Stapleford 10% or more affordable housing provision.

The Council should be mindful that the cumulative burden of policy requirements are not set so high that the majority of sites are only deliverable if these sites are routinely rather than occasionally negotiated on the grounds of viability. The Nottingham Core Viability Update Study (September 2013) is now somewhat out of date. As set out in the NPPG (ID 12-014) *“when approaching submission if key studies are already reliant on data that is a few years old they should be updated to reflect the most recent information available”*. The adopted ACS proposed 30% on sites of 15+ dwellings. The Council has provided no new evidence to support the proposals set out in **Policy 15**. There is no up to date evidence justifying the differentials or site thresholds. It is not evidenced that lower site thresholds or C2 sites are viable. The policy is also worded such that these percentage provisions are minimums which should be deleted.

In **Bullet Point (6)** the word “size” should be deleted from the policy title and bullet point so there is no conjecture that the Council is seeking to adopt the Nationally Described Space Standard (NDSS).

Bullet Point (7) proposes that on sites of 10+ dwellings at least 10% of dwellings are Building Regulation M4(2) compliant. The Written Ministerial Statement dated 25th March 2015 stated that *“the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG”*. If the Council wishes to adopt the higher optional standards for accessible & adaptable homes the Council should only do so by applying the criteria set out in the NPPG (ID 56-005 to 56-011). All new homes are built to Building Regulation Part M standards so it is incumbent on the Council to provide a local assessment evidencing the specific case for Broxtowe which justifies the inclusion of the optional higher standard of M4(2) for accessible / adaptable homes in its Local Plan policy. If it had been the Government’s intention that evidence of an ageing population justified adoption of M4(2) then the logical solution would have been to incorporate the standard as mandatory via the Building Regulations which the Government has not done. M4(2) should only be introduced on a “need to have” rather than “nice to have” basis.

Bullet Point (8) proposes that on sites of 20+ dwellings the Council will seek at least 5% self / custom build. The HBF supports self and / or custom build in principle for its potential additional contribution to overall housing supply where this is based on a positive policy approach to increase the total amount

of new housing development and to meet an identified and quantified self-build housing need. Such positive policy responses include supporting development on small windfall sites as well as allocating more small sites. It is not evident that the Council has assessed such housing needs in its SHMA work as set out in the NPPG (ID 2a-021) whereby the Council should collate from reliable local information the local demand for people wishing to build their own homes. It is not known the number of people who have registered on the Council's Self Build Register. So there is no publically available evidence to justify the Council's proposed policy approach of seeking self-build plots on all housing sites of more than 20 dwellings. Furthermore the Council has not undertaken any viability assessment of this policy proposal. The NPPG confirms that *"different types of residential development such as those wanting to build their own homes ... are funded and delivered in different ways. This should be reflected in viability assessments"* (ID 10-009). The Council's proposal is a restrictive policy which provides no additionality to land supply but merely changes house construction from one to another type of builder. It is suggested that the Council gives further consideration to the practical workings of **Bullet Point (8)** including the implications on responsibilities under health & safety legislation, working hours, length of build programmes, etc. The Council should also refer to the East Devon Inspector's Final Report dated January 2016 which expresses reservations about the implementation difficulties associated with this sort of policy. In para 46 the Inspector states *"However, I don't see how the planning system can make developers sell land to potential rivals (and at a reasonable price)"*. If self build / custom build plots are not developed the Council has proposed no mechanism by which these dwellings may be developed thereby effectively removing these dwellings from its HLS which is unjustifiable in the current circumstances where the Council cannot demonstrate a 5 YHLS on adoption of the Local Plan Part 2.

Policy 17 : Place-making, design & amenity

Bullet Points (2) & (3) require developments of 10+ dwellings to be assessed under Building for Life 12 and to achieve a score of 9 or more greens. The HBF is supportive of the use of Building for Life 12 as best practice guidance to assist Local Planning Authorities, local communities and developers assess new housing schemes but it should not be included as a Local Plan policy requirement which obliges developers to use this tool. The use of Building for Life 12 should remain voluntary. The reference to Building for Life 12 should be removed from **Policy 17** to the supporting text. The requirement for 9 or more greens is also a misinterpretation of the use of Building for Life 12.

Policy 20 : Air quality

Bullet Point (2) is a vaguely expressed aspiration. It is doubtful if this aspect of the policy can be effectively implemented.

Policy 26 : Travel Plans

Policy 26 and its supporting text are contradictory. The policy requires submission of Travel Plans for all housing sites of 10+ dwellings but the

justification (para 26.1) states the requirement is applicable to only non-allocated sites. Even if the policy is amended to apply explicitly to non-allocated sites Travel Plans should only be required if there is an identified impact to warrant such a requirement.

Policy 27 : Local Green Space

The HBF would question if the proposed Local Green Space designation under **Bullet Point (3)** is appropriate. The area identified on the accompanying map is extensive. This designation could be construed as a re-designation as Green Belt by another name via the back door.

Policy 32 : Developer Contributions

As stated in the NPPF the use of planning obligations should only be considered if it could make unacceptable development acceptable (para 203). Furthermore planning obligations should only be sought which meet all of the tests set out in the NPPF (para 204). It should be clear that any improvements to existing facilities is related to the proposed development and it is not rectifying an existing deficiency.

If any of the above mentioned **Policies** are modified then the HBF may make further comments in Hearing Statements and orally at the Examination Hearing Sessions.

Conclusion

The purpose of the Broxtowe Local Plan Part 2 is :-

- the allocation of non-strategic sites to meet the housing requirement set out in the adopted ACS ;
- the provision and maintenance of a 5 YHLS ;
- the setting out of detailed development management policies.

The Plan is unsound (not positively prepared, unjustified, ineffective and inconsistent with national policy) because the Plan fails to :-

- provide sufficient flexibility in the overall HLS ;
- demonstrate a 5 YHLS on adoption ;
- set appropriate policy requirements in **Policies 15, 17, 20, 26, 27 & 32**.

It is hoped that these representations are helpful in informing the next stage of the Broxtowe Local Plan Part 2. If you require any further assistance or information please contact the undersigned.

Yours faithfully


Planning Manager – Local Plans

Broxtowe Part 2 Local Plan



Broxtowe
Borough
COUNCIL

Agent

Please provide your client's name	
-----------------------------------	--

Your Details

Title	
Name	
Organisation (if responding on behalf of the organisation)	BEESTON & DISTRICT CIVIC SOCIETY
Address	
Postcode	
Tel. Number	
E-mail address	

Broxtowe Borough Council
Planning & Community Development

- 3 NOV 2017

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

If you would like to be contacted by the Planning Policy Team regarding future consultations.

Please tick here ☒

Please help us save money and the environment by providing an e-mail address that correspondence can be sent to: _____

For more information including an **online response** form please visit:

www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB

For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

Document	Policy number	Page number	Policy text/ Paragraph number
Part 2 Local Plan	Policy 1: Flood Risk		
	Policy 2: Site Allocations		
	Policy 3: Main Built up Area Site Allocations		
	Policy 4: Awsworth Site Allocation		
	Policy 5: Brinsley Site Allocation		
	Policy 6: Eastwood Site Allocation		
	Policy 7: Kimberley Site Allocations		
	Policy 8: Development in the Green Belt		
	Policy 9: Retention of good quality existing employment sites		
	Policy 10: Town Centre and District Centre Uses		
	Policy 11: The Square, Beeston		
	Policy 12: Edge-of-Centre A1 Retail in Eastwood		
	Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations		
	Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road)		
	Policy 15: Housing size, mix and choice	106	1-7
	Policy 16: Gypsies and Travellers		
	Policy 17: Place-making, design and amenity		
	Policy 18: Shopfronts, signage and security measures		
	Policy 19: Pollution, Hazardous Substances and Ground Conditions		
	Policy 20: Air Quality		
	Policy 21: Unstable land		
	Policy 22: Minerals		
	Policy 23: Proposals affecting designated and non-designated heritage assets		
	Policy 24: The health impacts of development		
	Policy 25: Culture, Tourism and Sport		
	Policy 26: Travel Plans		
	Policy 27: Local Green Space		
	Policy 28: Green Infrastructure Assets		
	Policy 29: Cemetery Extensions		
	Policy 30: Landscape		
	Policy 31: Biodiversity Assets		
	Policy 32: Developer Contributions		
Policies Map			
Sustainability Appraisal			
Other (e.g. omission, evidence document etc.)			

Question 2: What is the issue with the Local Plan?

Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms)		Yes	No
2.1	Legally compliant		
2.2	Compliant with the duty to co-operate		
2.3	Sound		✓

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above

If you think this paragraph or policy of the Plan is not sound, is this because:	
It is not justified	
It is not effective	✓
It is not positively prepared	
It is not consistent with national policy	

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

Given the size and closeness of Nottingham University there should be a policy managing the proportion of HMOs.

There should be a good and balanced mix of housing across the Borough with the avoidance of high concentrations of one type. High concentrations of HMOs can have a negative impact e.g. noise nuisance, anti-social behaviour, unkempt gardens, all of which can cause problems for other residents.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. Continue on an extra sheet if necessary.

The policy should be worded to require consideration of whether a new HMO by itself or cumulatively with others will impact negatively on the character and amenity of a street or residential area. It should take into account the proximity of Halls of Residence and purpose built student accommodation.

Local character appraisals could be in place to support design policies.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

Question 5: Public Examination Attendance

If your representation is seeking a modification, do you consider it necessary to participate at the public examination?

Yes, I wish to participate at the public examination

No, I do not wish to participate at the public examination

✓

If you wish to participate at the public examination, please outline why you consider this to be necessary

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the public examination.

Guidance Note:

Please complete a **separate form** for **each representation** you wish to make.

'Legally Compliant':

If your response relates to **the way in which the plan has been prepared**, then this is likely to relate to whether it or not it is '**Legally Compliant**'. To be '**Legally Compliant**', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to **the way in which we have worked with other authorities** then this is likely to relate to the '**Duty to Co-operate**'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the **content** of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is '**justified**', '**effective**', has been '**positively prepared**', and is '**consistent with national policy**'. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- '**Justified**': This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- '**Effective**': This means that the Local Plan will deliver what it sets out to. If you think that what we are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not our Local Plan is 'effective'.
- '**Positively Prepared**': This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- '**Consistent with National Policy**': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing **policy@broxtowe.gov.uk**.



6882

3rd November 2017

Broxtowe Labour Group response to the Local Plan Part 2

Dear Steffan

I am writing in my capacity as Deputy Leader of the Labour Group in order to respond to the Local Plan Part 2 on behalf of the Labour Group of Councillors on Broxtowe Borough Council.

The Labour Group recognise the time, commitment and level of consultation that has gone into developing the current draft of the local plan, and we commend the officers involved on their efforts in relation to this important work.

The Local Plan Part 2 sets out the vision for Broxtowe for the next ten years, and during that time Broxtowe is likely to face significant changes, with demographic change, population growth and a fundamental shift in infrastructure with for example the advent of HS2. Broxtowe's residents are also likely to change the ways in which we live our lives, with the advent of new technologies and green energy. We believe that our Council must take a progressive and forward thinking approach to meeting those changes and challenges head on.

Broxtowe's Local Plan Part 2 must not only to be environmentally responsible, but also be environmentally progressive. Our commitment in Broxtowe is for 6150 homes by 2028 and when taken collectively, those homes have the ability to make a significant impact on the environment. We would therefore like to see additional commitments built into the plan in respect of new developments that ensure environmentally friendly housing development, which proactively encourages energy efficiency through the use of technologies such as solar panels, and ground source or air source heat pumps.

Over the next ten years, we have the opportunity to bring about significant change in Broxtowe in terms of becoming a proactively green borough. We believe that there are a number of adjustments to the local plan that may provide for this, including the introduction of electric charging points across the borough, a commitment to introduce a significant shift in the uptake of cycling by increasing the cycle paths available in the borough, and the allocation of land specifically for the creation of green energy - such as solar or wind energy. In addition, we recognise that fracking

2
has the potential to impact on significant swathes of Broxtowe over the next ten years. Whilst we note the key role that the County Council has to play in relation to fracking decisions, we believe that Broxtowe Borough should assert a commitment to a frack free Broxtowe in respect of the minerals policy in the Local Plan.

3.2
Green transport is also going to offer significant change in Broxtowe over the next ten years as we move towards preparing for the arrival of HS2 in Toton. We welcome HS2 and the opportunities that it will bring for jobs creation and local growth. A significant infrastructure project the size of HS2 offers an opportunity to put Broxtowe on the map, building an economic hub around the Toton Sidings station and the surrounding area. We are therefore strongly in favour of the provision for economic development and transport provision, including a Stapleford Gateway that promotes business growth in the corridor between Toton Sidings and Stapleford.

4
Further, outside of the immediate HS2 area, we are strongly supportive of the development of a freight terminal at Bennerley Washings in order to support jobs and growth in the North of the Borough as well as the South.

In addition to provision of green transport in respect of HS2, we have a clear commitment to the introduction of environmentally sound methods of transport in Broxtowe and the introduction of additional capacity to transport infrastructure in order to cope with population growth and changing demographics. We therefore advocate for a corridor of land reflecting the proposed tram route in Kimberley to be earmarked for the introduction of a new tram route in the North of the borough, joining Eastwood, Kimberley, Nuthall and Nottingham. We would also be supportive of additional bus infrastructure that joins the North and the South of the borough.

28
We believe that there should be put into place a green infrastructure corridor that extends from the HS2 site to Bramcote Woods, with a view towards creating a single extended green infrastructure corridor between the North and the South of the Borough. Such a corridor would be particularly valuable for nature preservation in terms of uninhibited movement of species. It would also provide a protected area for residents to enjoy and explore, thereby supporting our commitments to healthy lifestyles and green space preservation. Our green infrastructure sites should be enforceable in planning terms in order to secure their maximum impact.

15
In housing terms, we support a housing strategy which matches the demographic growth of Broxtowe and meets already existing shortfall in addition to those commitments required for future provision. The commitments to housing mix must be backed up by evidence drawn from housing waiting lists and population growth demographics. Faced with an aging population who are experiencing increasingly complex conditions, we would like to see strengthened commitments to the provision of dementia friendly housing and also supported living. In addition, we believe that there is a role for an increased development of Council owned social housing and we would like to see a specific commitment in the housing mix policy to this.

In terms of site allocations, whilst we broadly welcome the site allocations set out in the plan, we have some concerns that the density of development in the South of the borough will lead to significant pressures on both community and transport infrastructure and we believe this needs examining in some detail. In particular, we are concerned that there will be significant transport pressure placed on the A6005 that runs through Toton, Attenborough, Chilwell and Beeston and that capacity here will need to be considered. Likewise, we have some similar concerns surrounding the transport infrastructure capacity to support the proposed development in Awsworth in the North of the borough, and the access routes to the Chetwynd development in Chilwell in the South.

3.5
7 We strongly believe that housing should not be developed in isolation and we recognise a clear need for the provision of a wide variety of community infrastructure to support the proposed housing site allocations. This is particularly the case in the proposed developments in both Beeston Rylands, and the Chetwynd Barracks site in Chilwell, where planned developments are of a significant enough size to change the shape, dynamic and operation of the communities there. In these cases, we believe that there is a real need for the type of infrastructure that supports a community of significant size, such as shops, doctor's surgeries, green space, and places for the community to meet. In line with these principles, we also request that the 'Horse Field' in Beeston Rylands to the back of Cornwall Avenue not be included in the plan, and that Kettlebrook Lodge in Kimberley continues to be excluded from the plan in any revisions that may arise following this consultation. In addition, we would also stipulate that where community facilities do need to be moved in order to make way for proposed development, they are provided with a guaranteed site allocation and an enhanced facility to compensate the community for any loss.

3.4
3.1 We also believe that green spaces and green infrastructure have a clear role to play in any site allocation and therefore in particular reference to the site close to Bramcote Crematorium, consideration must be given to the preservation of a green corridor that runs between the North and the South of the borough. In addition, we recommend that provision be made for a network of footpaths running across the Chetwynd Barracks development.

11 Strategic development sites in the borough also offer the opportunity to bring about jobs and growth, and we welcome the commitment in the Local Plan Part 2 to develop Beeston town centre through the Phase 2 site. As part of this, we believe that there must be the clear provision of cultural and community space, including a clear expanse of public realm inclusive of a water feature similar in style to Nottingham market square. We believe that this space should extend between the current site and the church, including provision for the demolition of the current Argos block. Whilst we recognise that this development should be mixed use, we also believe that the formula for attracting homes in this critical development should

not be based on a short term gain of capital receipts. Instead, the strategy for redeveloping Beeston square should maximise economic rental revenue for the Council in future years.

10 In order to support jobs and growth in Broxtowe we believe there is a role for regeneration of all four of our town centres across the borough. We are supportive of the developments in Beeston town centre but we believe there is a role for growth in our towns also in Stapleford, Eastwood and Kimberley. We are therefore concerned at the assertion in the current version of the Local Plan Part 2 that our town centre boundaries will be constricted in order to potentially make way for new housing development at the edges of those town centres: we would advocate to keep the boundaries in their current state.

Our belief, as referenced in earlier in this response, is that housing should not be developed in isolation but in partnership with the community infrastructure already in existence, and reducing our town centre boundaries seems to go against this principle. Likewise, we believe that the current Broxtowe college site should not be sacrificed for more housing. Instead, it should be retained as a site for high quality education and training provision, or for employment provision if this is not possible. Likewise, we are aware of current plans to explore options for Beeston town hall: we believe that this community heritage asset offers more opportunity than the provision of housing, and has the potential to be used in creative ways to provide direct support for the members of community, looking towards examples of good practice such as Derby City Council's health and housing hub.

Ultimately, we believe that our Local Plan should offer the opportunity to become a forward thinking, progressive borough that is not only a centre for jobs and growth but also harnesses the opportunities of the future in terms of technological change, green energy and green transport. We believe that the policies in the Local Plan Part 2 and the respective allocation sites in Broxtowe should reflect this ambition, and should also reflect a core desire to develop not just housing, but also the communities that will live, work and thrive in those developments.

Yours sincerely,

Dawn Elliott
Deputy Leader of the Labour Group
On behalf of the Broxtowe Labour Group



Broxtowe Borough Council

Part 2 Local Plan (Publication Version)
Written Representations

On behalf of J McCann & Co (Nottingham) Ltd

November 2017

Quality Control

Project No.	P&DG/13.039			
Title	Part 2 Local Plan (Publication Version)			
Location	Broxtowe Borough Council			
File reference	13.052/Representations			
Issue	Date	Prepared By	Reviewed By	Authorised by
1	2 nd November 2017	AG	BW	BW

Contents

1	Introduction and Executive Summary	1
2	Policy 2: Site Allocations	2
3	Policy 3.4: Main Built up Area Site Allocations, Stapleford (west of Coventry Lane)	3
4	Policy 15: Housing Size, Mix and Choice	5
5	Policy 17: Place-making, Design and Amenity	7
6	Policy 32: Developer Contributions	8
7	Conclusion	9

1 Introduction and Executive Summary

- 1.1 This statement of written representations is prepared by Planning and Design Group (UK) Ltd and made on behalf of our client J McCann & Co (Nottingham) Limited in response to Broxtowe Borough Council's consultation on the emerging Part 2 Local Plan (Publication Version).
- 1.2 We welcome the opportunity to respond to this stage of consultation on the Local Plan and recognise the critical importance of establishing an appropriate, legally compliant and sound policy framework for Broxtowe at this point of Local Plan process. As such our comments are structured around relevant policy areas and focus on the soundness and legal compliance of the emerging Local Plan document.
- 1.3 These representations have direct regard to land proposed for allocation to the west of Coventry Lane for up to 240 dwellings through Policy 3.4 Stapleford (west of Coventry Lane) of the emerging Part 2 Local Plan.
- 1.4 We make these representations in the context of seeking to work with the Council both now and in the future to ensure that an effective and deliverable plan for Broxtowe is achieved.
- 1.5 In summary, we find a large number of the proposed modifications sound and warrant our support. Notwithstanding some concern about the wider trajectory of housing land supply, we fully support and welcome the allocation of land to west of Coventry Lane as a sustainable housing site. This allocation will provide enhanced land owner and developer assurance moving forward to deliver the site and in turn boost the housing supply in Stapleford and Broxtowe. This is in the interest of producing a sound and effective Local Plan which delivers on the Spatial Strategy of the adopted 2014 Aligned Core Strategy.
- 1.6 We do hold concern over certain areas of policy wording which relate particularly to the delivery and implementation of housing development. However, we consider that these concerns can be addressed by amends and additions to assure their justification and overall soundness.

2 Policy 2: Site Allocations

- 2.1 In principle Policy 2: Site Allocations is considered **sound** as it directly supports the provision of new homes against the identified need for 6,150 new dwellings in Broxtowe over the life of the Local Plan. The allocation of sites is absolutely critical in the adoption of a plan-led approach in line with paragraph 196 of the National Planning Policy Framework ('NPPF'). This is particularly whereby the designation of land for development through Local Plans provides significantly enhanced land owner and developer confidence in bringing forward sites for development.
- 2.2 As such the Part 2 Local Plan should be seen as a critical tool in supporting market confidence in housing delivery and, in turn, boosting the number of sustainable new homes delivered.

3 Policy 3.4: Main Built up Area Site Allocations, Stapleford (west of Coventry Lane)

- 3.1 The defined Main Built-up Area (MBA), which includes Stapleford and adjoins Nottingham, is designated as a very sustainable location for housing growth in the spatial hierarchy of the Aligned Core Strategy. Therefore, the MBA as a whole is allocated a distributed target to deliver 3,800 dwellings as a part of Broxtowe's overall identified housing need. The prompt delivery of these dwellings will be critical in addressing the overall need for housing in Broxtowe.
- 3.2 The need for all forms of new housing across the country is well documented and is supported in the 2012 National Planning Policy Framework ('NPPF'). It indicates that providing the housing supply to meet the needs of current and future generations is a key aspect of sustainable development and the plan making process.
- 3.3 In light of this housing need across Broxtowe and the MBA the allocation of land to the west of Coventry Lane through Policy 3.4 is considered **sound** as the site will effectively and positively contribute to the delivery of new homes.
- 3.4 We welcome the allocation and identification of the site as a sustainable allocation for the delivery of up to 240 dwellings. The site is positively identified for its ability to provide enhanced Green Infrastructure corridors, improve pedestrian and traffic flows alongside providing a tranquillity buffer between Stapleford Hill and the crematorium.
- 3.5 Policy 3.4 also states that '*this allocation has significant housing and health objective benefits with only a very minor green objective disbenefit*'. Furthermore, the Site Selection Document Main Report (2017) in support of the emerging Part 2 Local Plan identifies that the site as '*one of the most sustainable sites to be allocated when compared to reasonable alternatives*' and notes the sites excellent performance in in the Sustainability Assessment exercise.
- 3.6 We also note that the proposed trajectory of housing supply for the MBA represents, positively, a high proportion of site allocations. This includes land to the west of Coventry Lane. As such less reliance is placed on SHLAA sites which, although reflecting an indicative trajectory of housing supply, do not offer the same level of specificity and

deliverability as site allocations. We refer also in this instance to Table 4: Housing Trajectory on p.75 of the Part 2 Local Plan.

- 3.7 The Part 2 Local Plan is required to act as the delivery tool for Broxtowe's adopted spatial growth strategy and as such site allocations form an essential part of this. In all 14 housing sites are allocated in the MBA area delivering a total of 2,729 dwellings. This reflects an effective and significant 72% contribution to the 3,800 dwellings required across the MBA.
- 3.8 Site allocations act to reduce the level of more speculative development proposals and work in the interests of pursuing a robust, plan-led approach to the housing delivery. In the absence of this approach site delivery is liable of becoming more *ad hoc* in nature, which then presents the risks of ongoing shortfalls in the delivery of new dwellings.
- 3.9 The current deficit in housing land and delivery shortfall across Broxtowe makes this context and need for housing more pressing. This is highlighted in the most recent SHLAA document which states that the Council can only evidence 3.6 years' worth of housing land supply for the period April 2017 and March 2022. In addition, and to be factored into the five-year housing land supply position, is the current delivery shortfall of 956 dwellings, prompting the addition of a 20% buffer. The allocation of land to the west of Coventry Lane will therefore directly support the delivery of housing against this shortfall in turn make a significant contribution to the delivery of a sound Part 2 Local Plan.

4 Policy 15: Housing Size, Mix and Choice

- 4.1 Paragraph 8 of Policy 15 is considered **unsound** as it is unjustified in the current regulatory and evidence context. Specifically, the paragraph states that:

'For developments of more than 20 dwellings, at least 5% of provision should be in the form of serviced plots for self-build or custom-build, and/or custom-build homes by other delivery routes.'

- 4.2 Whilst the associated Self-build and Custom Housebuilding 2016 regulations have brought about requirements on Local Authorities to maintain an active register of interested parties there is no necessity to mandate a certain proportion of self or custom-build plots at a site level. Instead the register should act as a general indicator of demand for subsequent appropriate action or negotiation with relevant interested parties, supported by appropriate Local Plan policy leads.

- 4.3 In relation to this guidance states that:

'Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources... when preparing their Strategic Housing Market Assessment to understand and consider future need for this type of housing in their area.' (paragraph: 011 reference ID: 57-011-20160401)

- 4.4 Currently the Council display little clarity of understanding behind the 'at least' 5% self and custom-build policy stipulation on sites of over 20 dwellings. For example, neither the latest SHLAA or AMR documents display analysis or conclusions drawn from a publicly available register. This is as per related guidance:

'Relevant authorities are encouraged to publish, in their Authority Monitoring Report, headline data on the demand for self-build and custom housebuilding revealed by their register and other sources. This can support development opportunities for self-build and custom housebuilding by increasing awareness among landowners, builders and developers of the level and nature of demand for self-build and custom housebuilding in the local area.' (paragraph: 012 reference ID: 57-012-201707208)

- 4.5 Given the current lack of evidenced justification and the emphasis on the need to support, not mandate, self and custom-build housing where appropriate the current policy wording should be amended to assure soundness. The change is suggested below:

'For developments of more than 20 dwellings, a provision for serviced self-build or custom-build, and/or custom-build homes by other delivery routes will be supported where evidence indicates local demand to the site.'

5 Policy 17: Place-making, Design and Amenity

- 5.1 Paragraph 3 of Policy 17 is considered **unsound** on the basis that all Building for Life (BfL) material has been withdrawn for planning guidance purposes and therefore stipulated reference to BfL is not a justified. The relevant paragraph states that:

'In the case of major development on sites released from the Green Belt as part of this Local Plan, or the Aligned Core Strategy, or for any site within the Green Belt comprising 10 or more dwellings the development will be required to score 9 or more 'greens' in the Building for Life 12 or equivalent.'

- 5.2 Given the wholly unjustified nature of this paragraph we suggest its entire deletion to assure that Policy 17 is sound. Reference to wider design principles in the policy will still assure a high-quality development across Broxtowe.

6 Policy 32: Developer Contributions

- 6.1 The current nature of Policy 32 is considered **unsound** on the basis it will not be effective in its current form. Whilst the principle of developer financial contributions is entirely sound in delivering the social and environmental infrastructure required by the Local Plan, this should be based on all relevant viability information. We consider that this includes developer viability appraisals which offer a detailed insight into site and development specific viability. Therefore, providing an open position of planning contribution negotiations where appropriate.
- 6.2 Related guidance (paragraph: 004 reference ID: 10-004-20140306) outlines that the grounding principles for understanding viability should include judgements made on all available evidence and a collaborative approach is also promoted, explicitly involving developers and landowners. This is in the interests of understanding development scheme deliverability and viability in an appropriately transparent context.
- 6.3 Guidance also states that whilst viability appraisals at a site level may not always be appropriate an understanding of site specific related viability is important. Outlining that:

'Where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.' (paragraph: 016 reference ID: 10-016-20140306).

- 6.4 Therefore, in the interests of promoting a greater understanding of viability and creating a more effective policy we suggest adding reference to the submission of viability appraisals. With wording in an additional paragraph to the effect of:

'Financial contributions will be sought and established through a process of negotiation including, where appropriate, reference to a submitted viability appraisal.'

7 Conclusion

- 7.1 As outlined within this statement we consider that there are areas of the emerging Part 2 Local Plan that contain a number of sound proposals that warrant our support. Particularly in relation to current site allocations in the interests of delivering the defined Spatial Strategy and the specific allocation of land to the west of Coventry Lane through Policy 3.4.
- 7.2 However, we have highlighted where some elements of proposed planning policy are considered unsound and should be amended accordingly through the examination process. This is particularly in relation to policy areas linked the delivery and implementation of housing development. As such their amendment will be important in assuring the rapid adoption of the Part 2 Local Plan and subsequently boosting the supply of much needed housing in Broxtowe.

Planning and Design Group (UK) Limited

██████████

████████████████████

██

████████████████████

██████████████████

██

**BROXTOWE LOCAL PLAN PART 2:
PUBLICATION VERSION**

**Representations by OXALIS PLANNING on behalf of BLOOR
HOMES**

Contents

Representations:

- 1.0 Introduction**
- 2.0 Housing Delivery**
- 3.0 Land in the vicinity of the HS2 Station at Toton – Policy 3.2**
- 4.0 Approach to self-build and custom-build housing – Policy 15**
- 5.0 Policy 17: Place – Making, Design and Amenity**

Appendices:

- Appendix One : Site Location Plan and Illustrative Masterplan relating to land at Nether Green, east of Mansfield Road, Eastwood**
- Appendix Two: Proposed Site allocation Boundary for Land at Toton**
- Appendix Three: ‘Broxtowe Gateway’ vision document produced by Oxalis Planning April 2017**
- Appendix Four: ‘Broxtowe: Gateway to the East Midlands’ vision document produced by Oxalis Planning March 2014**
- Appendix Five: ‘Toton – Strategic Location for Growth’ produced by Oxalis Planning in December 2015**

1.0 Introduction

- 1.1 These representations have been prepared on behalf of Bloor Homes who have a number of land interests in Broxtowe. Bloor Homes have serious concerns about the soundness of the Plan, particularly in relation to the approach to housing and the allocation at Toton. Details of their concerns are set out in the statement below, with reference to particular policies and paragraph numbers where relevant. The statement also sets out the modifications to the Plan that are considered necessary to make it sound.

2.0 Housing Delivery

- 2.1 The NPPF requires Local Planning Authorities to plan positively to ensure the delivery of the area's 'minimum' housing requirements and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the NPPF.
- 2.2 It is unclear from Policy 2 of the proposed Plan how the Government's requirements regarding housing delivery will be met. It can be seen from the Housing Trajectory at Table 4 of the Plan that Broxtowe has a significant housing supply shortfall and a persistent history of under delivery. Within this context it is essential that the Council are able to provide certainty regarding the delivery of housing. For the reasons set out below it is considered that the Plan fails to do this and is therefore unsound.
- 2.3 In terms of a 5 year land supply the Plan does not set out how an appropriate land supply should be calculated and how this will then be met by the Plan. It is essential that the Plan, or supporting evidence, contains appropriate information to confirm that the Plan provides a 5 year land supply calculation from adoption of the Plan. The Plan will be unsound unless it can be demonstrated, based on appropriate assumptions that it will bring about a 5 year land supply position.
- 2.4 The Trajectory at Table 4 indicates that the Borough will have sufficient sites to deliver the housing requirement. Indeed it suggests a buffer exists. However Bloor Homes has significant concerns about the assumptions used to inform these figures and the cumulative effect of the uncertainty regarding the delivery of a large number of sites. Within this context Bloor Homes do not consider that the approach is sound, both because of the unrealistic assumptions on individual sites but, most importantly because of the lack of certainty regarding delivery overall.
- 2.5 The Government recognises that more needs to be done to ensure that the right numbers of houses are built. It's White Paper – Fixing Our Broken Housing Market (February 2017) is aimed at just that. The White Paper draws on and makes reference to the work undertaken by the Local Plan Experts Group (LPEG). As well as proposing a new approach to calculating housing needs, the LPEG made recommendations as to how Local Plans should be approached not only to demonstrate a five year land supply but to ensure plans deliver over the whole plan period.
- 2.6 In their Report to Government (March 2016) the LPEG state that:
- 'there needs to be a clearer and more effective mechanism for maintaining a five year land supply, at the same time as ensuring plans consider delivery over the whole plan period and incorporate sufficient flexibility to respond to rapid change' (Paragraph 11.3).*

And they recommend that plans:

'focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement' (Paragraph 11.4).

- 2.7 Because of its existing delivery problems, the scale of its shortfall and the uncertainties regarding delivery in the future, it is important that this 'sufficient Flexibility' is adopted by Broxtowe in its Local Plan Part 2. The Local Plan must be flexible enough to guarantee the delivery of the minimum number of new homes in the Plan period.
- 2.8 In simple terms this means planning for more houses so that there is sufficient flexibility now, to take account of inevitable delays to delivery on some sites and lapsed permission or non-implementation on others.
- 2.9 A 20% flexibility allowance or 20% reserve sites as suggested by the LPEG would mean Broxtowe planning for around 7380 dwellings over the Plan period, as opposed to the minimum requirement of 6250 dwellings or the current approach which indicates a potential delivery of 6747 dwellings. This additional flexibility would be some 600 or so more than the Council are currently planning for (7380 – 6747 =600). Such flexibility is the minimum that is required for the delivery of appropriate levels of housing in Broxtowe is to be secured.
- 2.10 There is a range of sites and locations where additional, sustainable development can take place. For example land at Nether Green, east of Mansfield Road, Eastwood (SHLAA ref 203) has been identified as a suitable location for growth by the Council, but the Council has concluded that the site is not needed at the present time. The land at Nether Green is well related to the urban area. It is well contained by the line of the now disused railway, which could also provide a new permanent and defensible Green Belt boundary. The site has the potential to deliver around 200 new homes together with new open space, children's play areas and areas for biodiversity enhancement. The site location together with an illustrative masterplan are shown at Appendix One.
- 2.11 The need for flexibility or the identification of 'reserve sites' is not unusual but is particularly pertinent to Broxtowe because of its historical under performance, the number of sites carried forward from the 2004 Local Plan and the uncertainty regarding the key strategic sites
- 2.12 In terms of strategic sites this uncertainty includes:
- a. Land at Boots, which although the site has permission continues to be complex with significant delivery uncertainties.
 - b. Severn Trent land which is a former sewage treatment works with associated complexities of decontamination and remediation. Housing delivery on the site is therefore highly uncertain.
 - c. Chetwynd Barracks: A current and active Ministry of Defence site. Whilst the MOD have indicated that the site may become available for redevelopment, no firm committed dates are set out and the timing of any closure is subject to change. There remains a potential for a significant delay to the closure of the site or a cancellation. Delivery is highly uncertain therefore.
 - d. Toton: Whilst planning permission exists on part of this site, that permission conflicts with the vision for the site as set out in Policy 3.2. The supporting text to this Policy is confusing and ill-conceived. It is based largely on the East Midlands HS2 Growth

Strategy Document published in September 2017. It includes the statement in relation to the vision for the Toton that

'It will also require higher densities than those currently subject of an extant Outline Planning Consent for the site and this will need careful consideration by Broxtowe Borough Council as the Local Planning Authority.' (Page 20).

Whilst this implies the potential for greater housing numbers in the long term it brings onto question the deliverability of the extant consent and housing delivery in the short to medium term.

2.13 In terms of other allocations or 'committed' sites:

- a. Land at Beeston Maltings – Policy 3.6, has been allocated since 2004. It remains a difficult and complex site and delivery is highly uncertain.
- b. Land in Awsworth includes land allocated since 2004 and although there is extant permission, delivery is not certain.
- c. Two sites in Eastwood were allocated in the 2004 Local Plan and delivery remains uncertain notwithstanding extant planning permission.
- d. Land at Walker Street, Eastwood – Policy 6.1. This forms part of a school and recreation facility. Aside from its individual merits as an allocation, the site has been allocated (although a different part of the overall school site) since 2004 with no development progressing. Given the status of the site and wider uncertainty regarding school places and the quality and quantity of sports and recreation space, the delivery of the site is highly uncertain.
- e. Land south of Kimberley including Kimberley Depot - Policy 7.1. The site is currently a refuse depot with refuse tip. It is unclear if new facilities have been found to facilitate relocation. Notwithstanding, the site will contain areas of contamination which could preclude or limit development. Delivery on the site is therefore uncertain.
- f. Land South of Eastwood Road, Kimberley – Policy 7.2. This site has been allocated since 2004. Development of the site remains complex and delivery highly uncertain.
- g. Builders Yard, Eastwood Road, Kimberley – Policy 7.3. This site has been allocated since 2004. Development on the site remains uncertain.

2.14 The uncertainty in Broxtowe stems principally from the sheer number of complex sites where the level of certainty regarding delivery is extremely low. In these circumstances there is not a sufficiently reasonable prospect that the minimum housing numbers will be achieved and the Plan is therefore unsound. The circumstances in Broxtowe are the very circumstances that have led the Local Plan Experts Group to recommend the introduction of appropriate lapse rates and a 20% reserve site allowance. To adopt the Plan in its current form would perpetuate the current and historic role the planning system has played in creating a crisis in housing through the lack of delivery of new homes.

2.15 The Plan needs to be modified to address the problems set out above. This should include:

- A critical review of the reliance on particular sites to deliver new homes;
- A significant increase in the number of new homes planned for (to at least 7380 over the Plan period) through the allocation of additional land;
- The inclusion of a five year land supply calculation and demonstration that, on adoption, the Plan will provide a suitable land supply (and the allocation of additional land to address 5 year land supply issues if necessary);

-
- The allocation of land at Mansfield Road, Eastwood, for around 200 dwellings together with the removal of the land from the Green Belt (as shown at Appendix One);
 - The allocation and removal of additional land from the Green Belt at Toton, see Appendix Two. Together with a complete re-appraisal of the approach to the development of land at Toton as set out below and shown in the vision documents at Appendices 3, 4 and 5.

3.0 Land in the vicinity of the HS2 Station at Toton – Policy 3.2

- 3.1 The Council's approach to the planning of the Toton area in response to the unique opportunity presented by HS2, the tram and the strategic highway connections, is confused and fundamentally flawed.
- 3.2 It is currently unclear from the Policy how it is envisaged that development within the Plan period (the provision of 500 houses) fits with and will not prejudice the delivery of the wider aspirations for the site set out as *'key development requirements beyond the Plan period'*. Furthermore it is unclear whether the supporting text relates to the plan period requirement or beyond plan period or both.
- 3.3 Crucially the Plan ignores the Peveril Homes Housing scheme which was recently granted consent by the Council on the majority of land west of Toton lane. It is inconceivable how the delivery of this permitted scheme is compatible with the Policy aspirations for the site set out in the Plan. It is clear that the Policy aspirations as set out in the supporting text are linked with the vision for the site set out in the East Midlands HS2 Growth Strategy (September 2017). This strategy envisages an 'innovation village' on the site, but this is located on land where there is already planning permission for a 500 unit suburban residential scheme.
- 3.4 Oxalis Planning on behalf of Bloor Homes have consistently advocated a more comprehensive and forward thinking approach to the land at Toton, including strongly opposing the consenting of the Peveril Scheme which would clearly prejudice the delivery of a more comprehensive and innovative response to the opportunity presented by HS2. These concerns were ignored and it is now clear that the approved Peveril scheme is incompatible with the vision for the site now being set out. A fundamental re-think of the Policy is required. A different response will be required depending on whether the Peveril scheme is implemented, but changes will be required to make the Plan sound in any event.
- If the Peveril scheme is not implemented, for example in order for the vision set out by the East Midlands HS2 Growth Strategy to be progressed; the Plan will need to be amended because additional land will be needed so that new homes can be delivered in the short term. The aspirations set out in the Growth Strategy in relation to the innovation village will necessarily take many years to work up given that the mix and scale is unlikely to be commercially appropriate or viable prior to the delivery of HS2. Land to the east of Toton Lane will be needed, to help to deliver new homes quickly. This land, as set out in the Oxalis vision documents can deliver homes on a more conventional basis and allow for land adjacent to the HS2 hub, west of Toton Lane, to be retained for future development more directly associated with HS2.

Or

- If the Peveril scheme is implemented, a new masterplan approach and revised vision for land at Toton would be required to take account of the committed scheme. The

committed scheme is fundamentally at odds with the Growth Strategy and it would prejudice its delivery. The strategy for the site would need to change. Additional land to the east of Toton Lane, would need to be introduced to help deliver the overarching aspirations for the site as set out in the East Midlands HS2 Growth Strategy.

- 3.5 Unless these compatibility issues can be resolved the Plan will be unsound.
- 3.6 Oxalis planning on behalf of Bloor Homes have consistently advocated a more ambitious approach to the Planning of the area around HS2, including, importantly, the inclusion within a comprehensive scheme of land to the east of Toton Lane. The constrained approach to the allocation both limits the appropriate planning of the area and ignores the context provided by existing built form, landscape and other features on the ground. The tram line is not an appropriate Green Belt or development boundary. An allocation which reflects the opportunities for development on land east of Toton Lane and north of the tram line should be made – as shown by the Plan at Appendix Two.
- 3.7 Oxalis Planning on behalf of Bloor Homes have over past 5 or so years, prepared a number of masterplan documents illustrating ways in which land at Toton could be developed. These include a 'Broxtowe Gateway vision' Document produced in April 2013 (Appendix Three); a 'Broxtowe - Gateway to the East Midlands' vision document produced in March 2014 (Appendix Four) and a 'Toton – Strategic Location for Growth' document produced in December 2015 (see Appendix Five). These three documents are appended to this submission for ease of reference and to provide details of the approach advocated by Oxalis on behalf of Bloor Homes. These documents should be read in conjunction with these representations. The fundamental principle of the vision advocated consistently by Oxalis Planning are:
- a. To produce a masterplan for the site which is focussed on the need to deliver an appropriate commercial response to the opportunities presented by HS2. The economic opportunities should be maximised and a specific response to HS2 planned;
 - b. Whilst the precise nature of the commercial development can only be determined by future market demand, the planning of the site should not, in any way, constrain the potential;
 - c. This would mean delivering housing to meet the plan period requirement on land to the east of Toton lane and reserving land to the west of Toton Lane for development directly associated with HS2.
- 3.8 The Oxalis documents include a highway solution that has been largely mirrored in the East Midlands HS2 Growth Strategy (Page 30). Fundamental to this highway strategy is a new junction onto the A52 to the north east of Bardills Island and a partial 'bypass' of the Bardills Junction. Such an approach is however incompatible with Policy 3.2 as currently set out. Policy 3.2 retains as Green Belt, land north and east of Bardills garden centre, land which would be essential for this new infrastructure. Furthermore if this new infrastructure were to be put in place the context of land to the east and west of it would change greatly and become even more appropriate for development.
- 3.9 Policy 3.2 is therefore fundamentally flawed because the area of land to be removed from the Green Belt should include land east of Toton Lane and north of the Tram line. The inclusion of this area would facilitate appropriate infrastructure works and enable a more comprehensive approach to the masterplanning of the area.

-
- 3.10 The Plan has not, in relation to the opportunity presented by HS2, been positively prepared or justified having regard to the evidence base and considering reasonable alternatives.
- 3.11 There are other aspects of the supporting text to Policy 3.2 which are flawed and inconsistent with national policy. The vision sets out ambitions for relocation of existing facilities and the delivery of extensive new community and leisure facilities. However these aspirations have not been discussed with underlying landowners and it remains wholly unclear how these components can be delivered in terms of viability and land assembly or how they would be funded.

4.0 Approach to self-build and custom-build housing – Policy 15

- 4.1 Bloor Homes object to bullet point 8 of Policy 15 which requires 5% of large sites to be delivered as self / custom build Homes. The delivery of self / custom build Homes as part of a large site creates complex delivery, design, Health and Safety and site management issues. On some sites it will also create uncertainty regarding delivery and viability. It is unclear how this requirement would be managed and delivered on the ground alongside the delivery of dwellings constructed by Bloor Homes.
- 4.2 Government Policy supports the provision of self and custom build homes. A key emphasis is on the benefit of this form of housing delivery in boosting the supply of new homes. The blunt requirement set out in Policy 15 will in no way help to boost supply, indeed for the reasons set out it may well delay or restrict supply.
- 4.3 It is considered that a more appropriate response to the Government's requirement would be to identify specific small sites which are capable of delivery as self / custom build homes and to encourage the promotion of small scale windfall sites for such purposes. This could then act to help boost the delivery of new homes.

5.0 Policy 17: Place – Making, Design and Amenity

- 5.1 Some of the criteria within this design policy are misplaced and should be removed. Criteria 1b and 1c are both spatial policies concerned with the location of development as opposed to its form. These criteria should be deleted.

Broxtowe Part 2 Local Plan



Broxtowe
Borough
COUNCIL

Agent

Please provide your client's name	Bloor Homes Ltd
-----------------------------------	-----------------

Your Details

Title	[REDACTED]
Name	[REDACTED]
Organisation (if responding on behalf of the organisation)	Oxalis Planning Ltd
Address	[REDACTED] [REDACTED] [REDACTED]
Postcode	[REDACTED]
Tel. Number	[REDACTED]
E-mail address	[REDACTED]

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

If you would like to be contacted by the Planning Policy Team regarding future consultations.

Please tick here ☒

Please help us save money and the environment by providing an e-mail address that correspondence can be sent to: [REDACTED]

For more information including an online response form please visit:

www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB

For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

Document	Policy number	Page number	Policy text/ Paragraph number
Part 2 Local Plan	Policy 1: Flood Risk		
	Policy 2: Site Allocations		Policy 2
	Policy 3: Main Built up Area Site Allocations		Policy 3
	Policy 4: Awsworth Site Allocation		Policy 4
	Policy 5: Brinsley Site Allocation		Policy 5
	Policy 6: Eastwood Site Allocation		Policy 6
	Policy 7: Kimberley Site Allocations		Policy 7
	Policy 8: Development in the Green Belt		
	Policy 9: Retention of good quality existing employment sites		
	Policy 10: Town Centre and District Centre Uses		
	Policy 11: The Square, Beeston		
	Policy 12: Edge-of-Centre A1 Retail in Eastwood		
	Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations		
	Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road)		
	Policy 15: Housing size, mix and choice		
	Policy 16: Gypsies and Travellers		
	Policy 17: Place-making, design and amenity		
	Policy 18: Shopfronts, signage and security measures		
	Policy 19: Pollution, Hazardous Substances and Ground Conditions		
	Policy 20: Air Quality		
	Policy 21: Unstable land		
	Policy 22: Minerals		
	Policy 23: Proposals affecting designated and non-designated heritage assets		
	Policy 24: The health impacts of development		
	Policy 25: Culture, Tourism and Sport		
	Policy 26: Travel Plans		
	Policy 27: Local Green Space		
	Policy 28: Green Infrastructure Assets		
	Policy 29: Cemetery Extensions		
	Policy 30: Landscape		
	Policy 31: Biodiversity Assets		
	Policy 32: Developer Contributions		
Policies Map			
Sustainability Appraisal			
Other (e.g. omission, evidence document etc.)	Yes, exclusion of sites and approach to Toton allocation.		

Question 2: What is the issue with the Local Plan?

Do you consider this paragraph or policy of the Local Plan to be: <i>(please refer to the guidance note at for an explanation of these terms)</i>		Yes	No
2.1	Legally compliant		
2.2	Compliant with the duty to co-operate		
2.3	Sound		✓

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above

If you think this paragraph or policy of the Plan is not sound, is this because:	
It is not justified	✓
It is not effective	✓
It is not positively prepared	✓
It is not consistent with national policy	✓

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Question 5: Public Examination Attendance

If your representation is seeking a modification, do you consider it necessary to participate at the public examination?

Yes, I wish to participate at the public examination

√

No, I do not wish to participate at the public examination

If you wish to participate at the public examination, please outline why you consider this to be necessary

We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the public examination.

Broxtowe Borough Council
Lawrence Avenue
Eastwood
NG16 3LD

By email to: policy@broxtowe.gov.uk

Dear Sir or Madam,

Re: Broxtowe Local Plan Part 2

Gladman Developments Ltd. (hereafter referred to as "Gladman") has considerable experience in the development industry across a number of sectors including residential and employment land. This letter provides the response of Gladman to the current consultation held by Broxtowe Borough Council (BBC) on the Local Plan Part 2 (LPP2).

The LPP2 will help to deliver housing required in Broxtowe over the plan period. To ensure this is achieved, the Plan should distribute housing to a range of sites that will distribute housing to a range of sites that will **support the Plan's strategy**, provide sustainable locations for development and ensure housing is delivered. To address situations where housing does not come forward as expected, the LPP2 should ensure that it allows for flexibility in order to ensure a five year supply of deliverable housing sites can be maintained over the course of the plan period.

Local Plan Part 1

The Local Plan Part 1 (LPP1) specifies the overall spatial strategy for growth and allocates strategic sites. As well as the spatial strategy it sets the housing requirement for the borough. Whereas the emerging LPP2 is intended to deal with non-strategic allocations and more detailed development management policies.

Local Plan Part 2

Site Allocations

In allocating sites the Council should be mindful that to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. Whilst some SUEs may have multiple outlets, in general increasing the number of sales outlets available means increasing the number of housing sites. So for any given time period, all else been equal, overall sales and build out rates are faster from 20 sites of 50 units than 10 sites of 100 units or 1 site of 1,000 units. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range

of demand. In summary a wider variety of sites in the widest possible range of locations ensures all types of house builder have access to suitable land which in turn increases housing delivery.

Five year housing land supply

The Council must ensure that it is able to demonstrate a rolling five year housing land supply over the plan **period in order to be compliant with the Framework and meet fully the needs of the Borough's communities** and support the economic prospects of the wider area. It is important that the Council uses realistic delivery rates in its housing land supply. On average, annual delivery rates should be in the region of around 30 dwellings per annum per developer acting on site.

Gladman are of the view that the housing land supply calculation for Broxtowe Borough should include a 20% buffer to take into account the previous persistent under-delivery of housing within the borough. The Council should also plan to ensure that any shortfall is made good within the first 5 years of the plan in line with the PPG¹. Based on the Council's latest 5 year housing land supply assessment (5YHLS) the Council is only able to demonstrate 3.6 years. However, the approach advocated by the Council is inappropriate, the buffer should be applied to the annual requirement after the undersupply since the start of the plan period has been added. As such, this would further reduce the Council's **housing** land supply position.

In light of the above it is evident that additional housing land is required to ensure that upon adoption of the Plan the Council is able to demonstrate a robust 5YHLS position.

Policies

Policy 15: Housing Size, Mix and Choice

The above policy seeks to impose the optional technical standards for new homes as set out in the 2015 Written Ministerial Statement. The Council should ensure that it is able to demonstrate robust evidence on viability and whether this is actually achievable across the entire plan period and its consideration on viability of the Plan as a whole in terms of delivering the above policy and what effects it may have on other elements of the policy 15 i.e. the provision of affordable housing.

Further, it is noted that the above policy also seeks to secure at least 5% of housing above 20 dwellings to be in the form of serviced plots for self-build development. In this regard, whilst the government is committed to increasing home ownership through a variety of means such as the provision of starter homes, it is important that the Council is able to demonstrate robust evidence of need which is notably lacking from the Council's **SHMA**.

Notwithstanding the above, Gladman take this opportunity to point out that the provision of starter homes should nonetheless be considered equivalent to the provision of affordable housing and not in addition to. This is quite clearly the Government's intention and is intended to be reflected through amendments to the definition of affordable housing contained in the Framework.

Policy 17: Place-making, Design and Amenity

Whilst noting the importance of design, Gladman do not consider that it is appropriate to place a mandatory **requirement on all sites of 10 or more dwellings to be required to score 9 or more 'greens' in the Building for Life 12 or equivalent**. The reason for this is that some developments may not be able to meet certain criteria simply due to their location or site characteristics. As such, this policy could have the negative consequence of stifling future development opportunities.

Policy 22: Minerals

¹ PPG Reference ID: 3-035-20140306

The above policy appears to be overly onerous and seeks to prevent development from sterilizing mineral resources to meet longer term need. Paragraph 143 of the Framework states that in preparing local plans, local planning authorities should set out policies to encourage the prior extraction of minerals, where practicable and feasible, if it necessary for non-mineral development to take place. Gladman acknowledge the importance of mineral assets, but is of the view that the local policy framework that relates to this must clearly set out that this will be suitably balance against competing development needs rather than a blanket approach that would seek to prevent the delivery of sustainable growth opportunities.

Policy 23: Proposals affecting designated and non-designated heritage assets

This policy relates to all heritage assets according to their significance. This policy should go further so that it recognises that there are two separate balancing exercises which need to be undertaken for designated and non-designated heritage assets. Paragraph 132 – 134 of the Framework relate specifically to designated heritage assets and highlight that the more important the asset the greater the weight that should be attached. Paragraph 135 of the Framework relates specifically to non-designated heritage assets and the policy test that should be applied in these instances is that a balanced judgment should be reached having regard to the scale of any harm and the significance of the heritage asset.

Policy 27: Local Green Space

Paragraph 77 of the Framework sets out the following in terms of when it is appropriate or not to designated land as Local Green Space (LGS). It states that:

“The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- Where the green space is in reasonably close proximity to the community it serves;
- Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
- Where the green area concerned is a local in character and is not an extensive tract of land.” (emphasis added)

The PPG provides further guidance on the designation of LGS and states:

“There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space Designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.” (emphasis added)

In light of the above, Gladman question the justification of introducing the LGS as defined on map 61 which appears to be an extensive tract of land and therefore does not meet the tests required by the Framework.

Conclusions

Gladman have highlighted a number of concerns through these representations. This includes the lack of non-strategic allocations and the inconsistent approach with regards to several policies with the requirements of the Framework. Gladman believe that further allocations are required to ensure the borough’s housing needs are met in full and that an appropriate trigger mechanism is required to ensure that remedial action will be taken should monitoring indicate that the Plan is not enabling the level of development that is required to meet the needs of the area.

Gladman also take this opportunity to request that we are afforded the opportunity to participate at the public hearing sessions at the Examination in Public to discuss the issues raised.

Yours faithfully,



RENTPLUS: AN AFFORDABLE MODEL

Affordable Housing Statement

AFFORDABLE HOUSING STATEMENT

Rentplus

January 2016

Authors:

Robin Tetlow MSc Dip Surv FRTPI FRICS FCIH
James Stacey BA (Hons) Dip TP MRTPI
Stephen Hinsley BA (Hons) MRTPI
Meghan Rossiter BSc (Hons) MSc MRTPI

OUR REF: G:\M15\0715-01.RPT

TETLOW KING PLANNING



www.tetlow-king.co.uk

Contents

Executive Summary

Section 1	Introduction	1
Section 2	Affordable Housing as a Material Consideration and the National Planning Policy Framework	3
Section 3	Making the Case for Diversity of Supply	16
Section 4	Rentplus: The Model	34
Section 5	Considering the Definition	36
Section 6	Recommendations	39

Bibliography

Addleshaw Goddard and BPF, (2015), *Build to Rent: Funding Britain's Rental Revolution*

CBI, (2014), *Housing Britain: Building New Homes for Growth*

Department for Communities and Local Government, (2011), *Laying the Foundations: A Housing Strategy for England*

HM Treasury, (2015), *Fixing the Foundations: Creating a More Prosperous Nation*

KPMG and Shelter, (2014), *Building the Homes We Need: A Programme for the 2015 Government*

National Housing Federation, (2014), *Home Truths 2014/15: Broken Market Broken Dreams*

NatWest, (2015), NatWest Millennials Home Buying Survey

PwC, (2015), UK Economic Outlook – UK housing market outlook: the continuing rise of Generation Rent

Shelter, (2014), *In the Mix: The Need for a Diverse Supply of New Homes*

Executive Summary

George Osborne pledged in his Autumn Statement to “*choose to build the homes that people can buy*”. The pledge to build 10,000 affordable homes to buy that will allow a tenant to save for a deposit while they rent provides explicit Government support for a new model of housing provision, enabling working households to enter the housing market with assistance not already offered.

Rentplus is a new model that seeks to provide a route to home ownership for those households aspiring to home ownership, but unable to afford to save for a mortgage. It is an affordable, privately financed alternative to the private rented sector, providing a managed route to home ownership in collaboration with housing associations. The delivery of Rentplus will be managed through S106 agreements tailored specifically to the product, and can act as a catalyst for bringing forward stalled developments.

The Government has stated its intention to diversify the form of affordable housing being delivered to meet the needs of those families aspiring to home ownership. This report confirms that the model conforms to the definitions of affordable housing, as set out in the Annex to the NPPF, by providing a hybrid product spanning affordable rent and intermediate affordable housing. As a product complementary to those models of affordable housing already being provided by housing associations, Rentplus will contribute to the NPPF’s aims of boosting housing supply and creating mixed and balanced communities.

This report describes the significant shortfall in affordable housing nationwide and the steady decline in the availability of grant funding over the past decade. Together with the rent reductions to housing associations taking effect from April 2016, it is likely that affordable housing delivery from this sector will be constrained, and so it is clear that there remains a need for further assistance in the market. This has been supported by organisations such as Shelter, which in a 2014 report on improving access to housing makes clear that public and private investment will have multiple, stabilising benefits, including reduced welfare dependency. The social benefits for

those aspiring to home ownership but unable to achieve this security whilst trapped in often prohibitively expensive private rented sector accommodation are numerous.

As housing associations come under strain from reduced public funding, rent reductions and the extension of Right to Buy this new model, which can be delivered quickly and in high volumes with no recourse to public funding, has been explicitly supported by the Government. It should be encouraged on a local level for its clear ability to make a significant contribution to improving lives and communities. The Government's proposed amendments to the definition of affordable housing in the NPPF to include rent to buy housing only confirms this.

Owing to the fixed period of tenancy at affordable rents for Rentplus dwellings before purchase, households have the ability to save for a deposit on the home they have rented. This offers a new product to those households whose needs are not already met by the market, whilst also diversifying the local housing stock and contributing to the development of mixed and balanced communities. Changes to local planning policy both generally and relative to individual sites should be prioritised to encourage early, accelerated delivery.

The Rentplus product has a wide pool of prospective households for whom saving towards a home purchase is not currently possible due to falling outside eligibility for current affordable housing stock. Rentplus should be considered a route towards a more diverse housing sector by local authorities seeking to provide mixed, balanced communities whilst reducing the number of households on the local housing register. The Rentplus model would make a valuable, NPPF-compliant contribution towards significantly boosting housing supply, and most importantly in meeting need for affordable housing without public sector funding. With full Government support, Rentplus will deliver the national aim to turn *Generation Rent* into *Generation Buy*.

Introduction

Section 1

- 1.1 **Tetlow King Planning Ltd.** has been commissioned by **Rentplus** to prepare this Affordable Housing Statement to accompany its promotion of a new affordable housing model aimed at delivering discounted rented homes to buy for people who are unable to acquire a property on the open market. This report sets out Tetlow King Planning's expertise and credentials in the field of affordable housing, and confirms our professional opinion that the Rentplus model fully meets the need for affordable housing.

Who We Are: Qualifications and Experience

- 1.2 Tetlow King Planning Ltd. is a town planning and housing consultancy, co-founded by the current Chairman, Robin Tetlow, in 1985. Over the past 30 years the company has accumulated specialist expertise in affordable housing, becoming acknowledged leaders in the field.
- 1.3 Tetlow King Planning Ltd. provides strategic and detailed advice to *inter alia* housing associations, developers, landowners and investors on numerous sites and developments located throughout the UK. The company has been retained more generically by national research organisations, such as the Joseph Rowntree Foundation, representative/trade organisations, such as the National Housing Federation, professional institutions, such as the Royal Institution of Chartered Surveyors and government/ government related organisations, such as the Housing Corporation/ Homes and Communities Agency. The company is also regularly employed by local authorities.
- 1.4 The principal individual authors of this report have provided expert evidence to courts of law, tribunals and to parliamentary committees and groups; and appeared nationwide at Regional Planning Guidance, Regional Spatial Strategy and Structure Plan examinations in public, Local Plan / Unitary Development Plan inquiries and Local Development Document public examinations.
- 1.5 The principal individual authors of this report have also provided expert evidence extensively at S77/S78 inquiries, including many relating to planning appeals and called-in applications of regional and national significance.

- 1.6 Since the inception of the National Planning Policy Framework in 2012, Tetlow King Planning's input on the need for and the provision of affordable housing as part of planning application and appeal proposals has become of even greater importance in demonstrating the social and economic benefits of developments which decision makers are obliged to weigh in the overall planning balance.

This Report

- 1.7 The report comprises six sections, setting out the national planning policy framework; the evidence calling for a more diverse affordable housing sector; the proposed affordable housing model; how we consider this fits within the planning definition of affordable housing; and our recommendations for how this can best be utilised to help meet diverse housing needs.

Affordable Housing as a Material Consideration and the National Planning Policy Framework

Section 2

Introduction

- 2.1 It is useful to put any affordable housing offer in its historic, legal and planning appeal context. This section sets out the importance of affordable housing as a material consideration, and highlights a number of relevant legal and planning appeal decisions.

Affordable Housing as a Material Consideration: Historic Context

- 2.2 The importance of affordable housing as a material consideration has long been established, originating from PPG3 (1992). A community's need for affordable housing is a material planning consideration which may properly be taken into account in formulating development plan policies; authorities may also seek to negotiate with developers for the inclusion of an element of affordable housing in new schemes and it is Government policy that this approach is appropriate on-site unless off-site provision or a financial contribution can be robustly justified. Where there is a policy as to the provision of affordable housing in the development plan, the willingness of a developer to include an element of such housing in accordance with the policy will be a material consideration. The essence, however, is **reasonable flexibility**; policies should not seek to impose a uniform quota on all developments, regardless of market or site conditions.
- 2.3 As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework (NPPF, 2012), where an adopted or approved development plan contains relevant policies an application for planning permission or an appeal should be determined in accordance with the plan unless material considerations indicate otherwise. Account can also be taken of policies in emerging development plans which are going through the statutory procedures towards adoption or approval; the weight to be attached depends upon the stage of plan preparation and the nature of representations relative to particular policies. Most adopted or approved and emerging development plans now include policies on affordable housing. Furthermore affordable housing can be regarded as a '*material*

consideration’ in its own right as per the provisions of the NPPF and other Government advice. Supplementary Planning Documents and Housing Strategies may also be ‘*material*’ subject to the level of public consultation and the extent to which they are broadly consistent with development plan policies.

Affordable Housing as a Material Consideration: Legal Context

- 2.4 The importance of affordable housing has been reflected in a number of court cases including *Mitchell v Secretary of State for the Environment and Another* (1994); *ECC Construction Limited v Secretary for the Environment and Carrick District Council* (1994); and *R v Tower of Hamlets London Borough Council, ex parte Barratt Homes Ltd* (2000). Of particular relevance is the case of *Harry Rowlinson and Lynda Rowlinson as Trustees of the Linson Construction Pension Fund v Warrington Borough Council and the Department of Transport, Local Government and the Regions* (2002).
- 2.5 In this case, the Inspector had concluded that the opportunity to provide 100 affordable dwellings to address unmet need for affordable housing across the Warrington Borough Council area provided an overriding justification for immediately releasing a substantial Greenfield site at Lymm, with a capacity for approximately 200 dwellings, on the edge of the settlement. In reaching this conclusion, the Inspector had weighed other facets of PPG3, in particular the sequential approach towards site selection. This decision was challenged by Warrington Borough Council, with the consent of the Secretary of State.
- 2.6 The High Court initially quashed the Inspector’s decision but the Court of Appeal subsequently upheld it, with leave to appeal to the House of Lords refused. Paragraph 45 of the Court of Appeal judgement concludes that the Inspector’s reasoning was perfectly clear:
- “The provision of affordable housing is a material planning consideration. His assessment was that the assessed need for affordable housing was not likely to be met in the foreseeable future and meeting it was a compelling material consideration in the proposals favour which outweighed the general principle of sequential approach to development land.”*
- 2.7 In a more recent case, of *Oadby and Wigston Borough Council v CLG and Bloor Homes Limited* (2015) the Council sought to challenge the grant of permission at appeal for up to 150 dwellings at Oadby. The Council brought the challenge on the ground that the Inspector failed in his assessment of the full objectively assessed

need for housing. The claim failed, and the application to quash the decision was dismissed on the grounds that the Inspector had not failed in his decision making. . In this case the local planning authority's Strategic Housing Market Assessment (SHMA) had confirmed that private rented sector housing is not affordable housing, however the local authority had sought to rely upon this sector for meeting the shortfall in affordable housing provision to satisfy the full objectively assessed need. The decision reinforces the principle that private rented accommodation does not fall within the definition of affordable housing.

Secretary of State appeal decision: Addlestone, Surrey

- 2.8 A number of important planning appeal decisions demonstrate that affordable housing should meet a wide range of housing needs beyond a local authority's 'Reasonable Preference' obligations, and that permanence is not a prerequisite to appropriate affordable housing provision. An example of this is set out in a Secretary of State appeal decision¹ for 350 dwellings, 100% affordable, on a greenfield site identified as suitable for housing in the Local Plan for development considered the issue of whether a suitable mix of development would be provided. Whilst the development was proposed for 100% affordable housing, the tenure mix was offered as 49% social rented and 51% intermediate affordable housing. The Inspector's Report notes that the proportions of social rented and intermediate housing were "*at odds with the proportions identified as needed in the Council's own Housing Needs Assessment*" and in local policy (paragraph 3.65). One of the issues at the heart of the appeal was therefore the Council's intention for affordable housing to be delivered that would meet their Reasonable Preference groups.
- 2.9 Reasonable Preference groups are defined as those households with high levels of assessed housing need. The law requires that reasonable preference is given to the following categories:
- People who are homeless, including those who are intentionally homeless and in priority need;
 - People who are owed a re-housing duty under the homelessness legislation, where this duty has not been discharged by an offer of suitable accommodation, which may be to a letting in the private sector;
 - People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;

¹ Appeal decision relating to Land at Franklands Drive, Addlestone ref. APP/ Q3630/A/05/1198326

- People who need to move on medical or welfare grounds, including grounds related to a disability; and
- People who need to move to a particular locality, where failure to meet that need would cause hardship to themselves or to others.

2.10 In other words they are those households in most priority need. The Housing Register is a limited source for identifying the full current need for affordable housing. The Inspector drew an important distinction between the narrow statutory duty of the Housing Department in meeting priority need, and the wider ambit of the planning system to meet the need for affordable housing. As such the number of households on the Register will only be an indication of those in priority need and who the housing department have a duty to house. But it misses thousands of households who are in need of affordable housing, a large proportion who will either be living in overcrowded conditions with other households or turning to the private rented sector and paying unaffordable market rents.

2.11 Paragraph 7.13 of the Inspector's Report on the Secretary of State appeal decision states:

"The case advanced by the Borough Council was founded on the long established experience of the Council in grappling with issues of 'housing need'. This has long been an area of concern for local authorities, initially through the active twentieth century tradition of Council House building and transformed, via the process of producing Housing Investment Programmes (HIPs), into a general concern with Social Housing and the production of local housing strategies.

The direct link between such local housing strategies and assessment of 'housing need' is made explicit within the Department of the Environment, Transport and the Regions' "Local Housing Needs Assessment: A Guide to Good Practice" (CD199). This document published in 2000 remains the source of guidance for Runnymede's January 2005 Housing Needs Assessment (CD72) carried out by Fordham Associates. However, while I recognise that this approach will have value in identifying groups most in need of assistance in realising their housing aspirations, I regard the approach as retaining a relatively narrow and unduly restrictive approach to the concept of what comes within the ambit of the term Affordable Housing."

2.12 In this case, the Inspector noted evidence that most households in the Borough aspired to home ownership but many would be unlikely to purchase for a significant

period, or not at all, remaining instead in the private rented sector. As summarised by the Inspector, such households:

“should not be confused with those who can only afford social rented or intermediate housing. Ignoring the private rented sector as part of the housing market ... not only deprives the more hard pressed household of appropriate intermediate housing, but frustrates Government’s intention to develop a ‘ladder’ up which those able to do so may ‘climb’ to full owner occupation.” (Paragraph 3.116)

- 2.13 In this case, the Inspector concluded that the scheme for 100% affordable housing would provide an acceptable mix of tenures, and that the range of house types would therefore not produce a uniformity of house types. The Inspector posed the question of whether the *“households residing in this development would be a sufficient mix of social and economic groups”* (IR7.18), taking account of the mix that would result from the particular cascade arrangement for this scheme. The total mix on the scheme, the Inspector concluded, would be:

“likely to accommodate households of differing character, such that the overall development would be accommodating a range and variety of households. Even if the mix of tenures being made available by the operation of the cascade mechanism, were to alter the balance of these tenure groups, the result would be to increase the proportion of equity sharing households and I see no reason to anticipate that there would be any unusual concentration of socially disadvantaged households.” (IR7.19)

- 2.14 The Inspector’s overall conclusions found that the scheme represented a *bona fide* 100% affordable housing scheme which would *“result in a mixed development, accommodating households of different sizes and with a variety of socio-economic characteristics”* (IR7.72). He recommended that planning permission be granted. The Secretary of State agreed with her Inspector’s conclusions, noting in particular that:

“if the mix of tenures being made available by the operation of the cascade mechanism secured in the Unilateral Undertaking were to alter the balance of the proposed tenure groups, the result would be to increase the proportion of equity sharing households. She therefore agrees with the Inspector that there is no reason to anticipate that the proposed scheme would result in any unusual concentration of socially disadvantaged households.” (DL16)

- 2.15 The appeal was allowed on this basis.

Appeal Decision: St Albans

- 2.16 An appeal decision² considered the 6 units of affordable housing offered as part of an approved scheme for 55 dwellings in St Albans. There was an issue as to whether the proposed key workers accommodation would meet the need for affordable housing in the area. The appellants proposed the freehold sale of 6 units to a housing association at 60% of market value. The housing association would then liaise with local employers and let the units to key workers at affordable rents to those with incomes below £25,000 per annum. The local authority argued that such housing would not meet priority needs. The Inspector agreed but ruled that the needs of key workers were not being addressed in the District, noting that the Council's housing evidence had not investigated the needs of key workers, and that it was legitimate to provide for the full range of housing needs, not just those with priority needs.
- 2.17 The appellants referred to the 'polarisation' that can result if only those who can afford market prices and rents, and those with priority needs for affordable housing, have access to local housing stock. The Inspector agreed that the scheme would offset that tendency, meeting the national objectives to provide for the housing needs of the whole community and to increase choice. The Inspector concluded on this point that the Council should *"aim to meet a wide range of housing needs for middle as well as low income earners"* (paragraph 19). As local housing prices are too high and private renting too expensive, the needs of key workers were not being met. The scheme would meet this need.
- 2.18 The local authority also objected to the fact that the housing would not be secured *in perpetuity* as affordable housing. The Inspector noted that the privately financed model indicated that they would be lost as affordable units at the end of 20 years. However, it was concluded that permanence was not a realistic objective for affordable housing even when a housing association is involved; it is worth quoting these paragraphs at length:
- "When a RSL uses Social Housing Grant to provide dwellings for rent, every tenant has the right to purchase by virtue of the Housing Act 1996. Every 'shared owner' has the right to 'staircase' to 100% ownership. ...*
- The Council brought no evidence to the Inquiry to support its judgment that 20 years was not a sufficiently long period of time for the provision of affordable housing on a*

² Appeal decision relating to Old Albanians Sports Ground, St Albans ref. APP/B1930/A/01/1073344

site. I consider that this is a long period in development plan terms. Also, there would be a reasonable prospect of the units being retained for affordable housing for a longer period as they would be in the hands of a RSL ... The Council argued that the scheme should be differentiated from one wherein the tenant exercised the right to buy, because that would benefit someone in housing need. However, I agree with the Appellants that the tenant exercising the right to buy would be no longer in need.

On permanence, I conclude that this is not a realistic objective for affordable housing even where a RSL is involved. I consider that the scheme, in the hands of a RSL operating under the auspices of the Housing Corporation, would offer benefits to the District for a substantial period of 20 years.” (Paragraphs 24-26)

- 2.19 The Inspector also rejected the Council’s concerns about enforceability in relation to rent control and the timing of individual sales of units, since the scheme would be run by a housing association.

National Planning Policy Framework (NPPF, 2012)

- 2.20 The National Planning Policy Framework (NPPF) is a material planning consideration, central to setting out the role of affordable housing in the planning and decision making process. The delivery of sustainable development, encompassing social, economic and environmental roles, is at the heart of the NPPF; the paragraphs below set out the key points in relation to affordable housing.
- 2.21 Fundamental to the social role is *“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations”* (paragraph 7).
- 2.22 Paragraph 8 is clear that these roles *“should not be undertaken in isolation, because they are mutually dependent”*. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly through the planning system.
- 2.23 In pursuit of sustainable development paragraph 9 notes the importance of *“widening the choice of high quality homes”*.
- 2.24 Paragraph 14 sets out a presumption in favour of sustainable development, stating:

“at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

For decision taking this means:

- *Approving development proposal that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

2.25 Paragraph 17 sets out 12 core principles which underpin both plan making and decision taking. These include that planning should:

- *“be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*
- *not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*
- *proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*
- *... actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and*

- *take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs.”*
- 2.26 There is a clear emphasis on supporting enterprise, including the statement at paragraph 19 that planning *“should not act as an impediment to sustainable growth”*, and at paragraph 21 that investment in business *“should not be over-burdened by the combined requirements of planning policy expectations”*.
- 2.27 Section 6 sets the Government’s agenda for delivering a wide choice of high quality homes. Paragraph 47 clearly sets out the Government’s aim to *“boost significantly the supply of housing”* through a number of methods. Local Planning Authorities (LPAs) should *“use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing”* and identify and update annually a five year supply of housing.
- 2.28 The NPPF is clear that delivering sufficient housing is a key consideration for LPAs; and in particular that this should widen opportunities for home ownership and create sustainable, inclusive and mixed communities. LPAs should:
- *“plan for a mix of housing based on current and future demographic trends, market trends and the needs for different groups in the community (such as but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
 - *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
 - *where they have identified that affordable housing is needed, set policies for meeting this ... and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”* (Paragraph 50)
- 2.29 The section on plan-making emphasises the need for LPAs to reflect the vision and aspirations of local communities in Local Plans (paragraph 150), and for Plans to be aspirational but realistic (paragraph 154). Opportunities should be sought to achieve the economic, social and environmental dimensions of sustainable development, and net gains across all three.
- 2.30 The NPPF is clear that LPAs should have a *“clear understanding of housing needs in their area”* by assessing *“their full housing needs”* (paragraph 159) through a

Strategic Housing Market Assessment (SHMA). This should *“identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period”*, including *“the need for all types of housing, including affordable housing.”*

- 2.31 Paragraph 173 states that Plans should be deliverable, with developments not subject to *“such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs ... [should] provide competitive returns to a willing land owner and willing developer”*.

- 2.32 The NPPF encourages a positive and proactive approach to the delivery of development through positive decision-taking. Paragraphs 186 and 187 indicate:

“Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

- 2.33 The NPPF also notes that planning conditions and obligations should be used to address unacceptable impacts or otherwise unacceptable development. Planning obligations should only be sought where they *“meet all of the following tests:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development”*

- 2.34 **Annex 2: Glossary** defines affordable housing for planning purposes as follows:

“Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as 'low cost market' housing, may not be considered as affordable housing for planning purposes."

National Planning Practice Guidance (PPG)

2.35 The Planning Practice Guidance (PPG) was first published in 2014 to complement the NPPF in providing guidance on its practical implementation. The PPG is an online-only resource divided into 47 sections. The principal section relevant to this statement is the section entitled *Housing and economic development needs assessments*.

2.36 The guidance is clear that there should be an objective and unconstrained assessment of the total housing need. It states:

"The assessment of development needs is an objective assessment of need based on facts and unbiased evidence. Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints. However, these considerations will need to be addressed when bringing evidence bases together to identify specific policies within development plans."

- 2.37 A methodological approach is set out for assessing housing need. Councils are required to take into account under-supply and worsening affordability of housing, with assessments needing to reflect past under delivery of housing. Affordability is highlighted as a key factor in assessing overall housing targets.
- 2.38 Under the heading *How should plan makers respond to market signals?* the guidance states that *“A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”*
- 2.39 It goes on to state:
- “Assessing affordability involves comparing house costs against the ability to pay. The ratio between lower quartiles house prices and the lower quartile incomes or earnings can be used to assess the relative affordability of housing. The Department for Communities and Local Government publishes quarterly the ratio of lower quartile house prices to lower quartile earnings by local authority district.”*
- 2.40 Other factors to be considered are land prices, house prices, rents, rate of development and overcrowding.
- 2.41 The Viability section of the PPG notes that Local Plans’ visions for an area should *“not undermine ambition for high quality design and wider social and environmental benefit”* (Paragraph: 001 Reference ID: 10-001-20140306).
- 2.42 The Government introduced the Starter Homes model through a new section in the PPG. This enables exception sites to come forward specifically to meet the housing needs of first time buyers through the provision of below open market value homes. This product is to be delivered on under-used or unviable industrial and commercial land not currently identified for housing. The Government encourages LPAs to make these sites exempt from affordable housing and tariff-style contributions. The introduction of this model shows the Government’s clear intention to widen the availability of home ownership through more affordable models of delivery.

Summary

- 2.43 Over the past 30 years, the need for affordable housing has been recognised as being integral to the planning system. A consistent thread has run through various policy documents, with the need now firmly stated in the NPPF and the PPG.
- 2.44 The Courts have confirmed that affordable housing is capable of being a compelling material consideration in the determination of planning applications, the weight

attached to any material consideration being at the discretion of the decision maker. As confirmed by a Secretary of State appeal decision, housing provision need not be exclusively for the benefit of those households at the extremes of need. Affordable housing such as Rentplus rent to buy will, as with the schemes referenced above, accommodate a range and variety of households of different character while freeing up existing social rented housing for those in need.

- 2.45 There is no requirement for all affordable housing to be retained *in perpetuity*. As set out in the St Albans appeal decision, it is unrealistic to expect affordable housing to be retained for a period longer than 20 years, due to the Right to Buy for social housing tenants and for shared ownership occupiers to 'staircase' to full ownership. Even though these homes are lost from the general affordable housing stock, housing associations are not required to replace each home on a one-for-one basis in the local authority area, nor to recycle receipts for future investment. The commitment by Rentplus to replace each home sold on a one-for-one basis, securing long term delivery of homes to rent to local people, will fulfil local authority duties to meet local needs whilst also diversifying the local housing stock.

Making the Case for Diversity of Supply

Section 3

Introduction

- 3.1 This section highlights those reports and statements from Government that define the case for a diversity of affordable housing supply to meet the full range of housing needs, as required by the NPPF and PPG. This encompasses reports from Government departments, including CLG and HM Treasury, leading think tanks, and respected charities such as Shelter.

Government Statements

George Osborne MP, Chancellor of the Exchequer, Autumn Statement (25 November 2015)

- 3.2 In his Autumn Statement, George Osborne verbally pledged:

*“For another of the great social failures of our age has been the failure to build enough houses. In the end Spending Reviews like this come down to choices about what your priorities are. And I am clear: **in this Spending Review, we choose to build.***

Above all, we choose to build the homes that people can buy. For there is a growing crisis of home ownership in our country.** 15 years ago, around 60% of people under 35 owned their own home, next year it's set to be just half of that. We made a start on tackling this in the last Parliament, and with schemes like our Help to Buy the number of first time buyers rose by nearly 60%. But we haven't done nearly enough yet. So it's time to do much more. **Today, we set out our bold plan to back families who aspire to buy their own home.

*First, I am doubling the housing budget. Yes, doubling it to over £2 billion per year. We will deliver, with government help, 400,000 affordable new homes by the end of the decade. **And affordable means not just affordable to rent, but affordable to buy.** That's the biggest house building programme by any government since the 1970s. Almost half of them will be our Starter Homes, sold at 20% off market value to young first time buyers. 135,000 will be our brand new Help to Buy: Shared Ownership which we announce today. We'll remove many of the restrictions on*

shared ownership – who can buy them, who can build them and who they can be sold on to.

*... So this Spending Review delivers: A doubling of the housing budget. 400,000 new homes; with extra support for London. Estates regenerated. Right to Buy rolled-out. Paid for by a tax on buy-to-lets and second homes. **Delivered by a government committed to helping working people who want to buy their own home. For we are the builders.***

3.3 Most importantly, the written statement clarifies the Government's:

*“...**Five Point Plan for housing to:***

*1. **Deliver 400,000 affordable housing starts by 2020-21, focussed on low cost home ownership. This will include:***

- ... **10,000 homes that will allow a tenant to save for a deposit while they rent.** This will be in addition to 50,000 affordable homes from existing commitments*

*The scale of this programme of house building will require all sectors to play a role in delivery. **As a result, the government will remove constraints that prevent private sector organisations from participating in delivery** of these programmes, including the constraints to bidding for government funding.” [Underlining added]*

DCLG Statement (25th November 2015)

3.4 The Department for Communities and Local Government announced as part of its settlement at the Spending Review 2015:

*“The government will double the housing budget from 2018 to 2019 to deliver at least 400,000 affordable homes [over this Parliament] including 200,000 Starter Homes, 135,000 new Help to Buy Shared Ownership homes and **10,000 Rent to Buy homes.**”*

3.5 In these statements the Government at the highest levels has set out its explicit support for the affordable Rent to Buy model being offered by Rentplus.

Impact of Social Rent Changes on the Delivery of Affordable Housing (Minister of State for Housing and Planning Brandon Lewis MP, 9 November 2015)

3.6 The Minister wrote to all local authorities to ask that a more flexible approach is taken to S106 agreements and negotiations on tenure mix. In this letter he notes that

following the announcement of rent reductions some approved or emerging schemes:

“are not being built out at the anticipated rate. Delay risks planned homes not coming forward and the ability of councils being able to demonstrate a five-year supply of deliverable housing land”.

- 3.7 Whilst the ability to renegotiate S106 agreements is already in place, the Minister has used this letter to encourage local authorities to:

“respond constructively, rapidly and positively to requests for such renegotiations and to take a pragmatic and proportionate approach to viability.”

- 3.8 The letter specifically asks that local authorities expedite negotiations where simple adjustments to tenure mix are proposed, without the need for full open book viability appraisals. In circumstances whereby the overall amount of affordable housing is proposed, the Minister is encouraging the “minimum amount of viability information necessary” to be sought. The letter also indicates that CLG will produce guidance on cascade mechanisms for S106 agreements to encourage flexible arrangements.

Greg Clark MP, Secretary of State for Communities and Local Government (5th October 2015)

- 3.9 At the Conservative Party Conference Greg Clark spoke of the need to deliver more housing for those increasingly shut out of home ownership:

“... the opportunities that our generation took for granted, have been slipping out of reach for the next generation. In the 20 years to 2012, the proportion of 25-34 year olds owning their own homes fell from 67% to 43%. The number of 20-34 year olds living with their parents increased by two thirds of a million.

...

*Most people in our country want to own their own home. For years governments have talked about affordable homes but in my view, not enough of them have been affordable homes to buy. I want us to put that right. I want us to build many more homes and I want to build homes that people can buy as well as rent. Shared ownership homes, starter homes for young people. **Now, homes for rent will always have a role. But why should signing a tenancy agreement mean signing away your aspirations to become a homeowner?***

David Cameron MP, Prime Minister, Conservative Party Conference Speech (7 October 2015)

- 3.10 The Prime Minister in his conference speech said that he wants to turn ‘Generation Rent’ into ‘Generation Buy’:

“But for me, there’s one big piece of unfinished business in our economy: housing. A Greater Britain must mean more families owning a home of their own. ... If you’ve worked hard and saved, I don’t want you just to have a roof over your head – I want you to have a roof of your own.

In the last 5 years, 600,000 new homes have been built. More than 150 people a day are moving in thanks to our Help to Buy scheme. ... 1.3 million to be given the chance to become homeowners. ... But the challenge is far, far bigger. When a generation of hardworking men and women in their 20s and 30s are waking up each morning in their childhood bedrooms – that should be a wakeup call for us. We need a national crusade to get homes built. That means banks lending, government releasing land, and yes – planning being reformed.

... Increasing home ownership means something else. For years, politicians have been talking about building what they call “affordable homes” – but the phrase was deceptive. It basically meant homes that were only available to rent. What people want are homes they can actually own. ...

*So today, I can announce a dramatic shift in housing policy in our country. Those old rules which said to developers: you can build on this site, but only if you build affordable homes for rent, we’re replacing them with new rules: you can build here, and those affordable homes can be available to buy. **Yes, from Generation Rent to Generation Buy**”*

Brandon Lewis MP, Housing Minister

- 3.11 In oral evidence delivered to the CLG Select Committee on 9th November 2015, the Housing Minister emphasised the Government’s aim to increase access to home ownership, *“whether it is rent-to-buy schemes”* or other avenues; *“all these avenues will play an important part”*.
- 3.12 On 15th December the Housing Minister answered two questions posed by Solihull MP Julian Knight on affordable rent to buy housing. The first of which asked if the Government would make rent to buy housing exempt from pay to stay proposals for higher income social tenants. The Minister responded:

“Higher income social tenants in a Rent to Buy scheme will not face increased rent under proposals for pay to stay. This is because the rent they pay is an intermediate rent which is excluded from social rent policy.”

- 3.13 A further question on whether the Government will include rent to buy housing as part of the Housing and Planning Bill’s proposed general duty on local authorities to promote the supply of Starter Homes. The Minister referred to rent to buy:

*“The Housing and Planning Bill will support our manifesto commitment to build 200,000 Starter Homes to help more young people into home ownership. **Like other valuable products which support access to home ownership, affordable rent-to-buy, can be considered by councils as part of their wider affordable housing requirements for their area.**”*

Housing and Planning Bill: Committee Stage

- 3.14 The Housing and Planning Bill includes a number of proposed reforms to both the planning system and the way in which affordable housing is managed. One of the proposed reforms is to phase out ‘tenancies for life’, removing security of tenancy by changing to fixed terms of 2 to 5 years which will not automatically be removed. Should the proposed clauses be accepted as part of the Bill, the availability of fixed term tenancies will be much reduced.
- 3.15 The Bill is currently at report stage; further amendments to the Bill were first considered in the House of Commons on 5th January 2016. Amongst these Greg Clark tabled a series of amendments confirming that private registered providers of affordable housing will not be required to charge high income social tenants specific rents, confirming that ‘pay to stay’ will not be mandatory. Consideration of the Bill continues.

Other Publications

Laying the Foundations – A Housing Strategy for England (CLG, 2011)

- 3.16 This document sets out an intention to ‘unblock’ the housing market and tackle the social and economic consequences of the failure to develop sufficient high quality homes over recent decades.
- 3.17 The problems noted in this Strategy and the methods to achieve the ‘unblocking’ include the following:

- A thriving, active but stable housing market that offers choice, flexibility and affordable housing - this is critical to England's economic and social wellbeing;
- *"The problems we face are stark"* and have been compounded by the impact of the credit crunch;
- *"Urgent action to build new homes"* is necessary as children will grow up without the opportunities to live near their family;
- *"Housing is crucial for our social mobility, health and wellbeing"*;
- *"Housing is inextricably linked to the wider health of the economy"*; and
- Fundamental to the whole approach of the strategy is communities (including prospective owners and tenants), landlords and developers working together.

3.18 The Strategy proposed an increase in the estimated output of affordable homes between 2011 and 2015 to 170,000 dwellings (from the 150,000 dwellings proposed by the previous Government).

3.19 The Strategy also sets out the support needed to deliver new homes and 'support aspiration', including ***"including encouraging new private entrants into the social housing market, and considering innovative new approaches to funding affordable housing in the medium term"***. This Strategy gives explicit support for the entry of for-profit providers into the affordable housing market. The ability to charge rents at up to 80% of market levels is encouraged to provide additional financial capacity to:

"deliver more housing than would otherwise be possible ... reducing the pressure on funding from the taxpayer ... This means that we can ... help a greater number of households experience the benefits of an affordable rented home".

3.20 The Strategy further states that the entry of for-profit providers adds to the affordable housing sector's diversity and potential financial capacity, as raised by the investment opportunity presented to institutional investors such as pension funds.

Fixing the Foundations: Creating a More Prosperous Nation

3.21 Planning reforms were announced in this document, itself following on from *Laying the Foundations*. These reforms are aimed at driving up living standards and providing a better quality of life in Britain. At paragraph 9.23 the report commits the Government to delivering affordable homes to buy, confirming this Government's

support for models of extending opportunities for affordable home ownership to many more households.

Building the Homes We Need (KPMG and Shelter, 2014)

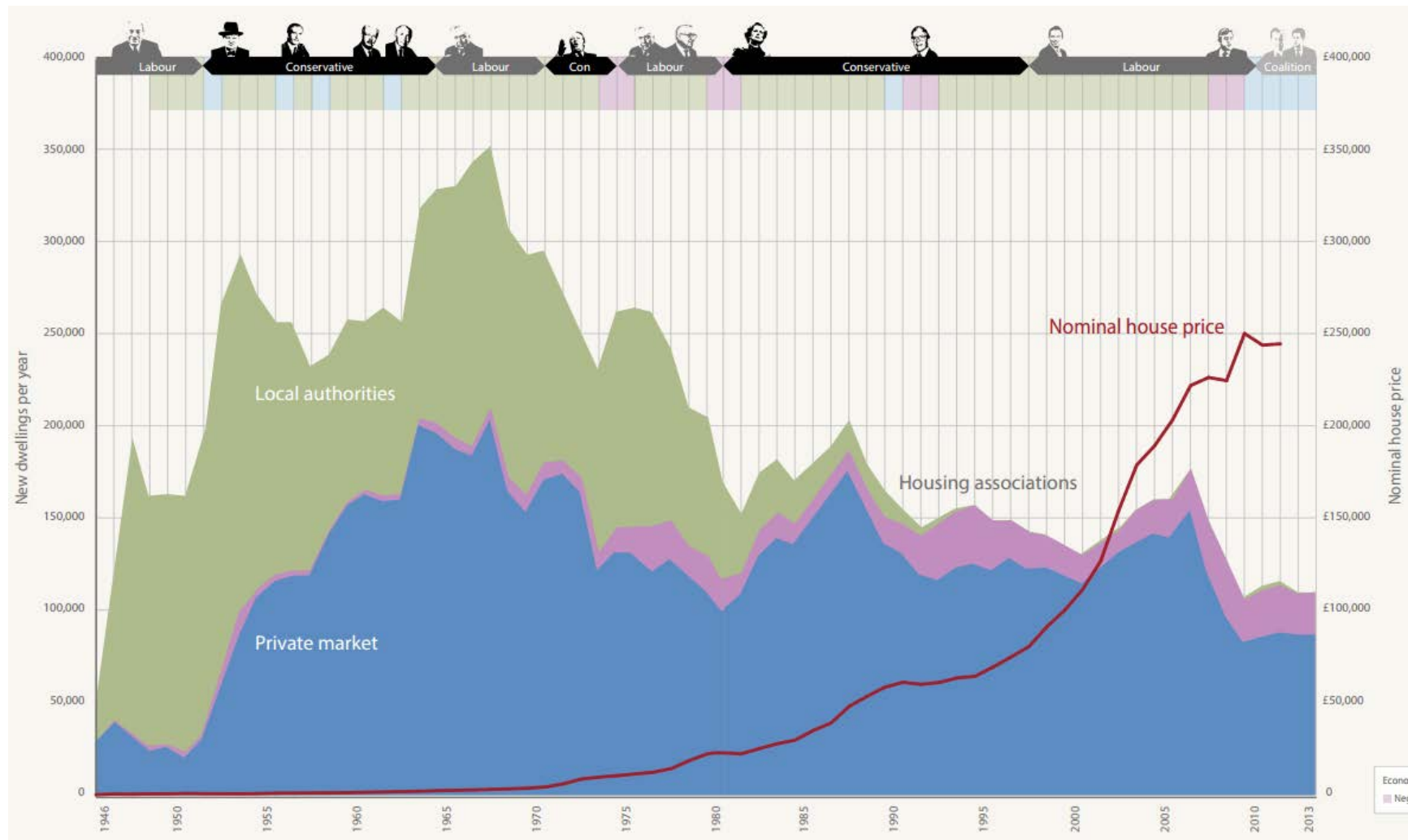
- 3.22 This report is the result of a year-long project by KPMG and Shelter to understand the housing shortage and provide advice to the Government on the housing crisis following the 2008 recession. The report starts by setting out:

“Everyone now accepts that we have a desperate housing shortage in England.

Each year we build 100,000 fewer homes than we need, adding to a shortage that has been growing for decades. What’s more, our current house building system seems incapable of delivering growth on the scale required. Growing demand means that without a step change in supply we will be locked into a spiral of increasing house prices and rents – making the current housing crisis worse”.

- 3.23 The report highlights that if firm action is not taken to build more homes there will be significant adverse consequences for the UK economy and society, including rising homelessness, stalled social mobility, declining pension saving and an ever-rising benefit bill.
- 3.24 The report includes the graph shown on the following page, displaying the levels of house building in England since 1946.

Figure 3.1: House building since 1946



Source: Shelter and KPMG, 2014

3.25 This shows four interrelated trends:

- An overall decline in house building since 1946, including two recessionary declines after 1980 and 2007;
- High levels of social housing provision by local authorities until the mid-1970s;
- The growing contribution to affordable housing provision by housing associations since the late 1980s; providing most of the new affordable housing stock but not matching anything like the previous local authority contribution; and
- The gradual increase in the nominal house price through until about 1985 which then grows significantly over the subsequent 30 years.

Home Truths 2014/15: Broken Market Broken Dreams (NHF, 2014)

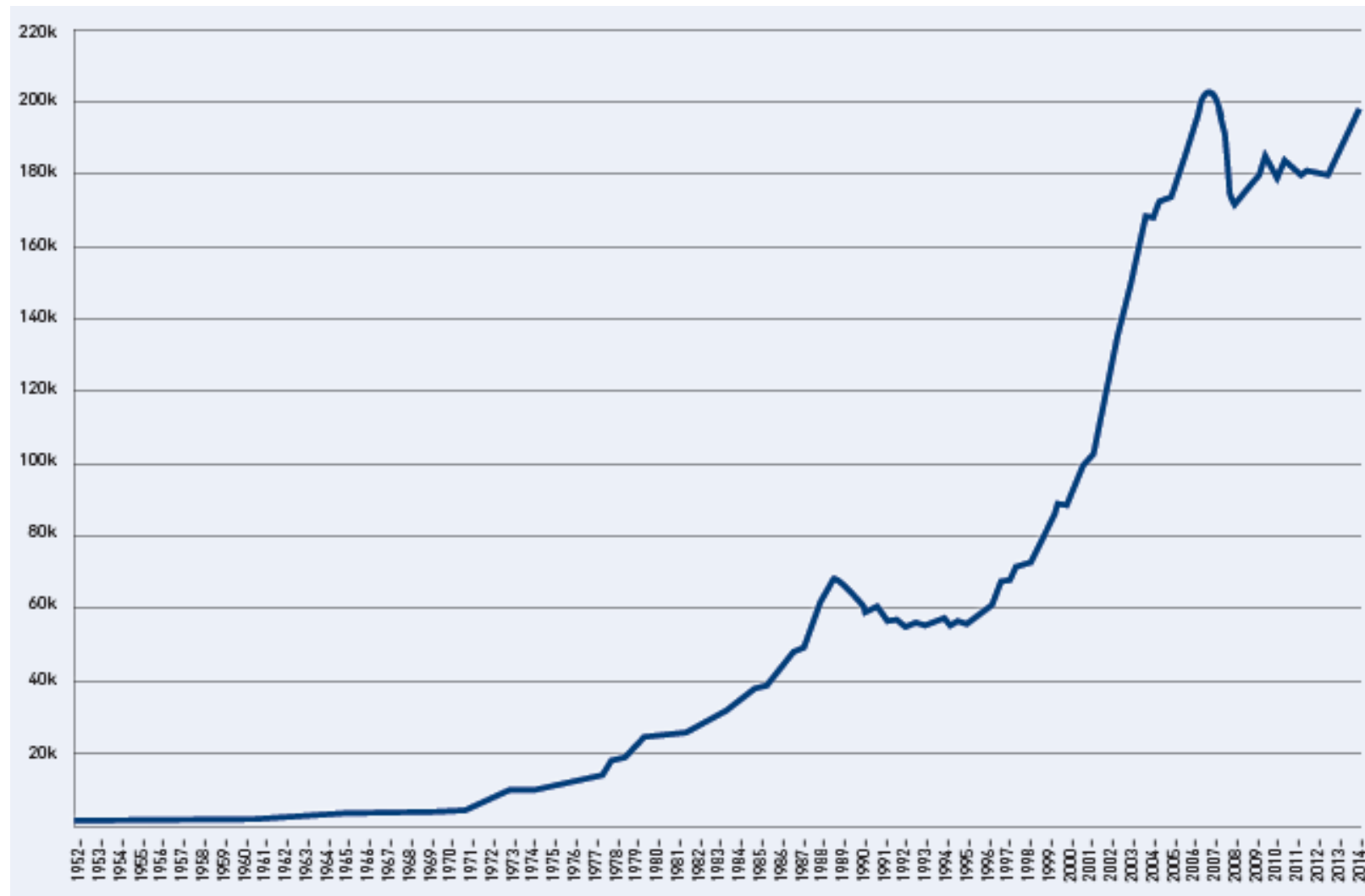
3.26 The report sets out that England is suffering a catastrophic housing crisis that has been more than a generation in the making. The number of new homes built each year is not nearly enough – to keep pace with demand another 245,000 homes per year are needed in England; currently only around half of this is built each year.

3.27 The report illustrates that house prices and private sector rents are rising ever higher, locking more people out of home ownership, as demand has outstripped supply for many years. It notes that a rising number of people are now private renters and face high costs. As well as impacting on day-to-day living, high housing costs have also previously increased the benefit bill. The number of people who claim housing benefit but are also in employment has doubled over the last six years. Increasingly, earnings do not cover all living costs and so households need assistance from the Government and the taxpayer.

3.28 The report offers alarm bells: people struggling with rent, needing housing benefit to keep a roof over their heads, being unable to be near family, unable to buy their own home or downsize to suitable and more affordable homes. This would be mitigated if more homes of all types were built at different price points in the market to meet more needs.

3.29 Demand for housing - through increasing population, decreased household size and other factors is outstripping a chronic undersupply of housing. Estimates show around 245,000 new homes are required each year to keep up with demand, and even more would be needed to clear the backlog of demand. As a result, house prices have more than doubled (after accounting for inflation) in 40 years, as illustrated by Figure 3.2, overleaf.

Figure 3.2: Nominal House Prices in the UK



Source: Home Truths 2014/15: Broken Market Broken Dreams (2014)

- 3.30 In the 1960s, a home was four and a half times the average salary and within the realms of being attainable with a reasonable deposit. As house prices have risen, wages have not been able to keep up; across the UK the average home now costs almost seven times the average salary, making home ownership largely unattainable for most young people.

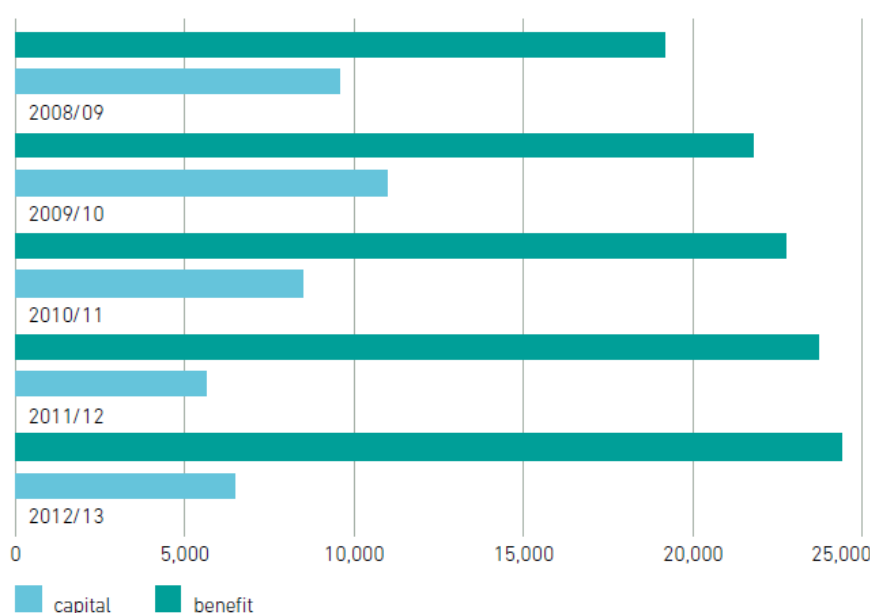
Housing Britain: Building New Homes for Growth (CBI, 2014)

- 3.31 This report states that the UK's housing market has not functioned healthily for decades, with an imbalance between the supply of new homes relative to demand being at the centre of this problem. This has created the current situation whereby half the number of houses needed every year has been built over the last decade.
- 3.32 The report notes that UK house prices have increased 54% since 2004. Housing shortages are also pushing up market rent at a time when forecasts for disposable income remain weak, putting severe strain on household finances and limiting housing choice. This demand gap has inflated the cost of buying or renting a house, making it more difficult for people to join and move within the housing market. Following the 2008 recession, from 2011 UK house prices once more began rising.
- 3.33 The report notes that the 1.8 million people on local authority waiting lists for social rented properties clearly demonstrate the strong demand for affordable housing from families up and down the country³.
- 3.34 Figure 3.3 (overleaf) shows the upward trend in levels of housing benefit paid out in recent years, compared to increasingly low levels of capital investment in boosting the housing stock. In 2013 over £24bn was spent on housing benefit in total, whilst just under £6.5bn was used for capital development⁴. Rising government spending on housing benefits is symptomatic of a housing market unaffordable for many people.

³ *Improving the Rented Housing Sector*, Department for Communities and Local Government

⁴ It should be noted that the Government has implemented rent reductions for housing associations; this may impact overall supply of affordable housing from the sector due to financial capacity being limited.

Figure 3.3: Housing Benefit and Capital Spend Comparison 2008/09 to 2012/13



Source: Housing Britain: Building New Homes for Growth (2014)

In the Mix: The Need for a Diverse Supply of New Homes (Shelter, 2014)

- 3.35 In this briefing, Shelter set out the need for a balance of tenures across the housing growth in England, following on from the KPMG and Shelter report described above, at paragraph 3.10. It emphasises the need for a balanced mix of tenures, from a diverse range of funding sources and delivery models “*involving both the private and public sectors*” in order to achieve a more resilient housing stock:

“...this diversity makes the housing system more productive over the long term by making it more resilient to fluctuations in house prices and less prone to cyclical shocks. Diversity of supply will not only help us to increase supply to 250,000 homes a year, but will help ensure that high levels of output can be sustained over time.”

- 3.36 The benefits of this diversity will not only provide longer-term benefits to the economy, but also have wider social benefits:

“England’s housing crisis has impacted different people in different ways, and no single tenure can offer the best solution for everyone. Each different type of housing plays a different role in the English housing system, catering for different preferences and needs – and we need more of all of them. Just as not everyone needs an intermediate or social rented home, not everyone will be able to afford to buy, even if total housing output is dramatically increased and house prices stabilised.”

- 3.37 Shelter note that by building a mix of housing, including intermediate homes, more people’s aspirations to home ownership can be met; a “*better alternative to private*

renting” may be provided and the “steady rise of in-work housing benefit claimants” can be halted. To achieve the upswing in delivery required (as set out in the earlier KPMG and Shelter report) to achieve a more balanced housing market, the briefing states that there should be a boost to public and private investment in affordable housing. Of the 6 recommendations set out in this briefing, one is for the Government to “explore new forms of intermediate tenure to widen access to intermediate homes, including low share shared ownership and affordable rent-to-buy homes.”

- 3.38 The briefing notes the national preference for home ownership, as set out in a prior Shelter report⁵, for reasons such as greater stability and control over the home. It also recognises that achieving a significant boost in housing supply is likely to achieve political legitimacy by *“the majority of new homes offering a route to some form of ownership”*. Research⁶ has shown that:

“66% of private rented are unable to save anything towards a deposit for purchasing their own home ... [the] net result is that fewer people can cross the widening financial gap between renting ... and market homeownership in one leap: if ownership is to be extended to more people a substantial increase in the intermediate options for people who can’t afford to buy a suitable home is needed.”

- 3.39 Without intervention, many families will continue to be trapped in the ‘insecure’ private rented sector, spending significant proportions of household income on rent. To meet the needs of those households currently priced out of accessing home ownership, Shelter suggest more affordable, intermediate homeownership solutions to be vital to helping those out of private renting and a commensurate reduction in in-work housing benefit claimants. Rent-to-buy offers one solution to these problems.

NatWest Millennials Home Buying Survey (NatWest, June 2015)

- 3.40 This Survey has shown that of those polled, 69% of young adults (aged 22-30 years old) currently either renting or living with parents believe they will not save enough for a house deposit within 5 years. 44% considered their prospects of buying a home to be more optimistic as a result of the Help to Buy scheme.

⁵ Homes for Forgotten Families (Shelter, 2013)

⁶ England’s ‘rent-trap’: just another reason housing is now a top 5 issue for voters (YouGov for Shelter, 2014)

Build to Rent: Funding Britain's Rental Revolution (Addleshaw Goddard and BPF, July 2015)

- 3.41 This report sets out an overview of the 'transformation' of the housing market in Britain over the past 15 years, in which time homeownership has steadily declined from a peak of 69% in 2001. The private rented sector has grown significantly over the same period, overtaking the social rented sector in providing homes and forecast to provide homes to one in four households by 2020:

"Growing demand for rented accommodation and the response to this demand from professional investors looks set to change the market, perhaps permanently.

... businesses are looking to create new clusters of homes for rent, as long-term investment opportunities. The result has been dubbed Build to Rent".

- 3.42 The report references research which estimates that Build to Rent could generate over £30 billion of new investment in Britain over the next five years, delivering over 150,000 homes. The report notes the 'dire' need for affordable housing, *"but this must not diminish the need for quality market-rented housing or housing for sale either".*

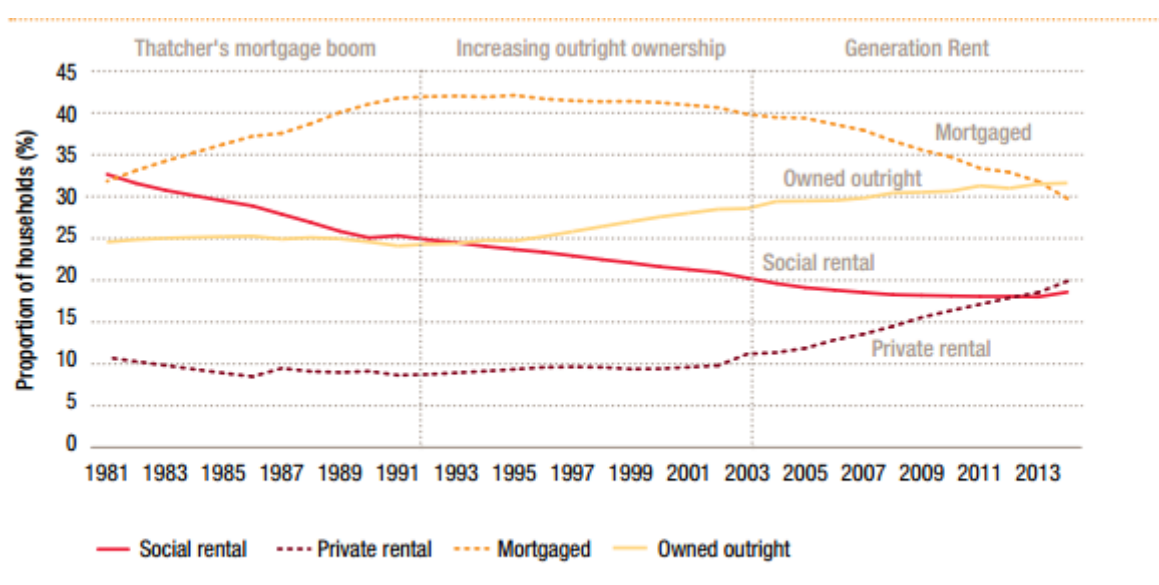
UK Economic Outlook – UK housing market outlook: the continuing rise of Generation Rent (PwC, July 2015)

- 3.43 This report notes:

"As house prices have risen and social housing supply remains constrained, the number of households in the private rented sector has more than doubled since 2001, rising from 2.3 million to 5.4 million by 2014, around 20% of the total. We project that this trend will continue with an additional 1.8 million households becoming private renters by 2025. This would take the total to 7.2 million households – almost one in four of the UK total. The trend is particularly strong in the 20-39 age group where more than half will be renting privately by 2025. The rise of 'Generation Rent' will continue."

- 3.44 The report also notes the fall in households who own a home with a mortgage (from almost 45% in 2001 to under 30%), linking this with a limited housing supply, affordability of the housing market and poor mortgage availability. This is shown in the graph, overleaf:

Figure 3.4: UK share of households by tenure type (%)



Source: PwC analysis of English Housing Survey, DCLG

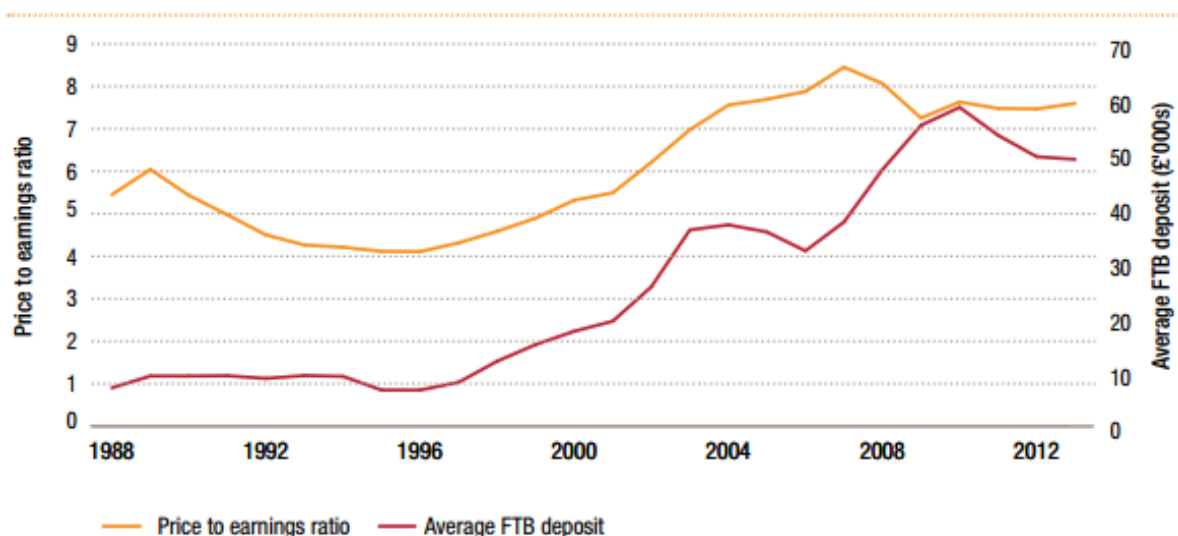
3.45 It adds:

“A significant rise in the supply of affordable housing might change this in the long run, but seems unlikely to occur fast enough to stem the rise in Generation Rent between now and 2025.

... the ability of people to use the mortgage market to make the transition from renting to owning appears to be diminishing, with younger generations having to wait longer to buy in many cases.”

3.46 The report notes that this affordability crisis, and inaccessibility for many to mortgages, stems from the *“combined effect of rising house prices and lenders withdrawing higher Loan-to-Value mortgages”*. This point is highlighted in the graph, overleaf. Average first time buyer deposits have increased almost five-fold, an increase much greater than the growth in average earnings over the same period.

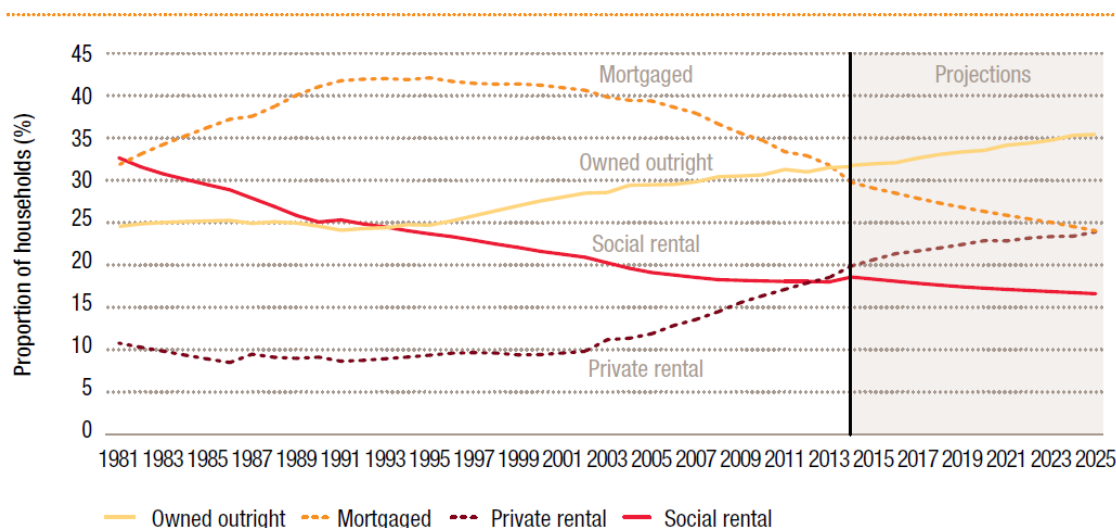
Figure 3.5: House price to earnings ratio and average first time buyer deposit, 1988-2013



Source: PwC analysis of ONS data

- 3.47 The report summarises: *“This trend threatens to lock large segments of society out of the housing market, especially those on middle or low incomes, and who live in higher priced areas”*. Forward projections for housing tenure in this report suggest that current trends will continue (see Figure 3.6, below).

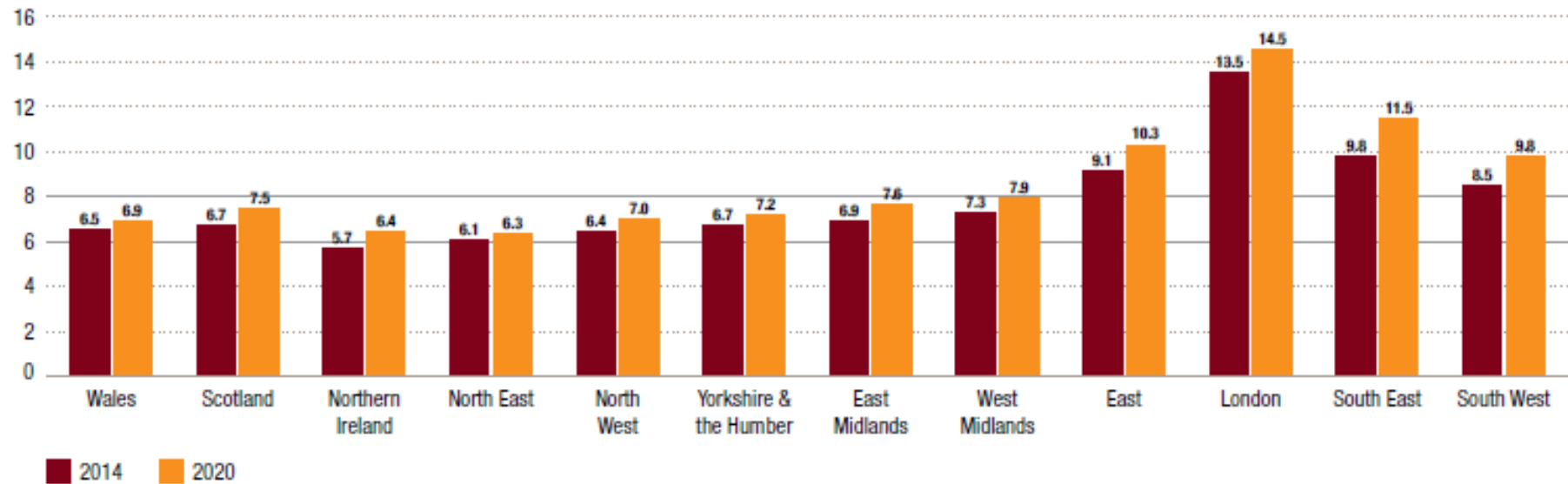
Figure 3.6: Projections for UK housing tenure, share of households



Source: PwC analysis, English Housing Survey

- 3.48 The report also sets out house price projections for the UK regions, indicating that the current difficulties of affordability across the country will continue (see overleaf).

Figure 3.7: Regional average house price to individual full-time earnings ratios



Source: ONS for 2014, PwC main scenario projections for 2020

National Housing Federation Statement (NHF, 20 August 2015)

- 3.49 The National Housing Federation's Assistant Director of Campaigns commented on the May-July 2015 quarter housing statistics released by CLG:

"Britain is in the grips of a housing crisis, and at the centre of this huge national issue is the fact that we've failed to build enough homes for a generation or more.

Today's figures are encouraging as they show housebuilding is at its highest level since 2008. However, we need to continue to increase our efforts as a nation to build the homes that are desperately needed. Last year alone we built less than half of the homes needed, pushing house prices and home ownership further out of reach for millions of families and young people.

... We want to work together to end the housing crisis and provide quality affordable homes to everyone who needs them."

Summary

- 3.50 The Chancellor of the Exchequer in his first Autumn Statement of this Parliament and the Prime Minister during PMQs announced explicit support for the development of affordable homes to buy. The recognition of affordable housing to buy in helping to resolve the nation's housing crisis follows on from a growing wealth of evidence that demonstrates a clear and pressing requirement to build more homes to meet a significant level of unmet need. The Minister for Housing and Planning, Brandon Lewis MP, has also recently expressed his support for local authorities taking a more flexible approach to negotiating tenure mix, expediting negotiations in order to speed up delivery of affordable housing.
- 3.51 The need for affordable housing is not solely met by social rented homes, which only meet the needs of the poorest. The evidence in this section highlights the ability of more affordable homeownership solutions to help households out of private renting. Those who cannot yet afford to buy on the open market because they are either trapped by poor quality and expensive private rented accommodation, or have not yet been able to leave the parental home due to the inhibitive cost of buying have had their needs recognised by this Government. The Chancellor's Statement clearly signals this Government's intention to widen opportunities for home ownership by removing barriers to private for-profit providers entering the market to deliver more affordable homes – specifically including £200m to support delivery of 10,000 Rent to Buy homes – and add to the diversity of the sector.

Rentplus: The Model

Section 4

- 4.1 The Rentplus model is aimed at providing an affordable rented home to households until such time as the occupier can afford to purchase the property. In this way it aims to assist those households who cannot currently purchase a house on the open market but who would otherwise not be considered a priority, or qualify for social or affordable rented homes.
- 4.2 The model is essentially one of rent to buy, with a five year renewable tenancy at an affordable rent, managed by a housing association. All dwellings are to be leased to Registered Providers at an affordable rent for up to 20 years; the housing association will be responsible for managing and maintaining the properties. Homes will be sold on a phased basis every 5 years; those homes not sold at year 5 will be re-let to tenants for a further 5 years.
- 4.3 Upon registering interest in a scheme households are assessed on their suitability for a 5, 10, 15 or 20 year tenancy after which it is expected that the home will be purchased at market value. At the time of purchase, the occupier will be gifted 10% of the purchase price as a deposit towards a mortgage by Rentplus.
- 4.4 Rental of the property before purchase will be at the lower of 80% open market rental (including service charge) or Local Housing Allowance (LHA). The household will be supported through the term of their tenancy by the managing housing association to save and increase the deposit to assist the mortgage application. The assured tenancy period also benefits from improving a tenant's ability to prove credit-worthiness.
- 4.5 The Rentplus model aims to improve the ability of purchasers to build a suitable deposit, as well as improving, or creating a good credit rating, by paying a reduced (affordable) rent rather than a private market rent for the duration of the tenancy (as set out at paragraph 4.4, above).
- 4.6 During the period of rental tenancy occupiers can serve notice to vacate a Rentplus unit on one month's notice. Assistance may be sought from the managing housing association to assist in re-housing.

- 4.7 The Rentplus model permits tenants to swap with other tenants who are able to bring forward an early purchase of the unit, to assist those who are unable to purchase the property at the programmed time.
- 4.8 If the property is sold within 2 years of the original occupier purchase then all or a part of the gifted deposit will be repayable to Rentplus on such disposal, subject to a maximum cap of the original sum gifted.
- 4.9 All Rentplus homes are sold after 20 years. If the occupier does not purchase the property then the housing association has the option to acquire the unit, with Rentplus providing a 10% discount on open market value to the housing association. The future use of the unit as any other NPPF compliant affordable property can then be determined by the housing association.
- 4.10 In the circumstances of neither the tenant nor housing association purchasing the property after 20 years, the property is sold on the open market and 7.5% of the net sales proceeds are paid to the Local Authority to reinvest in new affordable housing provision.
- 4.11 A Memorandum of Understanding may be entered into with each individual LPA to seek to replenish the stock of Rentplus homes on a one for one basis, retaining a proportion of the affordable housing stock in the local area.

Considering the Definition

Section 5

- 5.1 This section discusses the model's compliance with the planning definition of affordable housing as in Annex 2 of the NPPF, set out below for ease of reference:

“Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.”

- 5.2 Affordable rent and intermediate affordable are defined in the Annex as:

“Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

“Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.”

- 5.3 The Rentplus model is unusual in that it conforms to two of the three definitions of affordable housing, falling under the remit of affordable rent and intermediate for sale at different points of its lifetime. It cannot be considered a social rent product due to the rent falling outside the guideline level of the national rent regime. The definitions set out within the Annex are not prescriptive, but offer a number of different terms within which to describe various affordable tenures and products. The Rentplus model is not unique in this aspect of diverging from the more traditional social rented / intermediate affordable tenures, as there are other models of affordable tenure being delivered by private registered providers across the UK.

- 5.4 The Rentplus model is considered to be a hybrid form of affordable housing. Unlike widely understood shared ownership or shared equity products, in which an initial percentage of the home's value is purchased and rent is paid on the remaining share, Rentplus households have the opportunity to save towards the deposit before purchase of that same home. This is achieved by paying a reduced, affordable rent

during the agreed period of tenancy which is fixed (and secure) for a period of 5 years, the same as currently offered by housing associations for affordable rent units.

- 5.5 As set out in Section 4, the model fixes the rent at an affordable level, being the lower of either 80% below market rent or the Local Housing Allowance (LHA), including service charge. This is strictly in accordance with the definition of affordable rent as defined in the NPPF Annex. The model will be managed by a registered provider to households who are allocated according to local authority priorities through the local housing register or other local mechanisms (such as choice based lettings or Help to Buy agents), further bringing this into compliance with the NPPF definition of affordable rent.
- 5.6 As defined by the Annex, the sale of Rentplus properties will be in line with other intermediate affordable homes, at a cost above social rent. The purchase price will be at the level of open market value, but will effectively be discounted by 10% by the 'gifted' deposit from Rentplus. The model should also therefore be considered a low cost home for sale under the definition of intermediate affordable. This is also comparable with rented properties on which tenants can exercise the Right to Buy through existing legislation.
- 5.7 The NPPF definition includes the provision that affordable housing should *"include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision."* Such provisions are secured by the Rentplus model by direct subsidy (in the form of a 10% discount to the Housing Association and 7.5% of net proceeds payable to the local authority upon sale) for future affordable housing.
- 5.8 Where a Memorandum of Understanding (MoU) has been agreed Rentplus will, upon the sale of homes, use its best endeavours to invest in new units on a one-for-one basis. Each MoU is to be negotiated on an individual basis with each local planning authority, but is considered an integral part of the product, comparable with the recycling of receipts from shared equity units by housing associations. The recycling of funds by housing associations is not guaranteed to be reinvested within the same local authority area as the original units, whereas the Rentplus MoU provides a best endeavours commitment to deliver further affordable units on a one-for-one basis in that local authority area. This thereby raises the overall level of affordable housing that is delivered, whilst reducing the numbers on housing registers and increasing the financial investment in the creation of sustainable communities in that area.

- 5.9 Each subsequent unit delivered by Rentplus would be on the same affordable rent basis. Where a property is not purchased by the occupier, the managing housing association has the opportunity to purchase instead, retaining this as part of its stock of affordable units. Whether through direct reinvestment by Rentplus or recycling by the managing housing association, where an MoU has been agreed, this ensures the affordable housing subsidy is reinvested for the benefit of local people.

Recommendations

Section 6

We Are the Builders: Generation Rent to Generation Buy

- 6.1 The Government has announced its full, explicit support for private investors to deliver affordable Rent to Buy homes in order to extend the opportunities for home ownership to back families *“who aspire to buy their own home”*. The Chancellor of the Exchequer, George Osborne MP, in his Autumn Statement pledged to deliver *“10,000 homes that will allow a tenant to save for a deposit while they rent”, “removing constraints that prevent private sector organisations from participating in delivery”*. The Prime Minister also announced in his Party Conference speech to turn *Generation Rent* into *Generation Buy*; this Government is explicit in its support for affordable homes available as rent to buy.
- 6.2 Rentplus seeks to fulfil that role to extend a hand to those households currently unable to save for and access the open market to purchase their own home whose needs are not met by the current affordable housing sector and other home ownership initiatives.

Moving In: The Benefits of Rentplus

- 6.3 The purpose and practical detail of the Rentplus model, as described in **Section 3**, demonstrates that Rentplus has been developed as an investment product that will enable a rolling stock of homes for rent and eventual sale to complement other affordable housing products. As set out in **Section 2**, the delivery of a large quantity of affordable housing is considered highly beneficial in areas of high need. As Rentplus homes are sold on a phased basis every 5 years the model also creates its own mixed tenure development over the lifetime of the scheme. As Rentplus is a fully funded model and does not require any public subsidy to deliver homes, it will result in significant additional investment that would not otherwise be available.
- 6.4 As noted in **Section 3**, the current problems with the housing market do not meet the diverse needs of all, but are instead forcing greater welfare dependency through an increasing reliance on the private rented sector. This includes those who are in-work housing benefit claimants, for whom rent costs take up such a proportion of income that it is very difficult to save towards a house deposit. There is considerable

aspiration towards home ownership; this is recognised in Government policy and encouragement towards intermediate affordable housing delivery.

- 6.5 This is also supported by planning decisions; as set out in the Secretary of State appeal decision referred to in **Section 2**, it is important to recognise that affordable housing delivery should not be restricted to meet a narrow definition of need, providing homes only for those households with 'Reasonable Preference'. This is regarded as 'unduly restrictive', failing to recognise the needs of 'hard pressed' households for appropriate affordable housing which meets the Government's intention to enable households to *"climb' to full owner occupation"*. Households entering a scheme with a mix of house types and with the ability to save towards accessing home ownership at a flexible point in time will create a full mix of social and economic groups.
- 6.6 Those reports referenced in **Section 3** demonstrate that current affordable housing tenures do not meet the full needs of all those aspiring to ownership, principally as these rely on ready availability of savings to access shared ownership mortgages. Equally, this product will be a realistic alternative for those households who are not able to purchase their home through the Government's Starter Home Initiative, as acknowledged in the Autumn Statement. As a great number of those households would not be considered eligible for social rented homes, access to any affordable product is significantly constrained. The Rentplus model will diversify the affordable housing stock available to those households, and enable a greater number of households to access affordable housing without recourse to welfare support. This diversity of supply is a crucial factor in solving the nation's significant housing crisis.
- 6.7 The Rentplus product offers the security of rental at an affordable level whilst allowing households aspiring to home ownership the opportunity to save towards and purchase with a gifted deposit. The basis for setting and charging rent levels is guaranteed through an assured shorthold tenancy, giving added certainty to those households who may otherwise be subject to private rent level fluctuations (typically rent rises) and insecure tenancy agreements. This is a significant benefit of the model which is likely to be very attractive to those not able or desiring to access other forms of affordable housing before obtaining a mortgage. This will also remove households from the housing register, allowing local housing authorities the ability to focus greater resources on those most in need.
- 6.8 The product also offers the flexibility to alter the point of purchase on a phased basis at five year intervals, as well as the benefit of a property being managed and

maintained by a housing association throughout the period of it being a Rentplus property.

- 6.9 The product is new, and therefore not previously considered within either housing evidence documents such as SHMA or in Local Plan policies. Section 4 has set out the model's compliance with the NPPF definition of affordable housing. The NPPF seeks to encourage LPAs to plan for a range of housing to meet all needs, across market and affordable tenures, whilst the Government has made it clear that encouraging home ownership is central to the country's economic stability and social justice⁷. It is clear that mixed, sustainable communities are at the heart of planning and that planning should not seek to threaten the ambition of business, or to prevent viable schemes from bringing forward social, economic and environmental benefits.
- 6.10 By providing a rental product at the lower of 80% below market rent or at Local Housing Allowance (LHA), households are also given a hitherto-unavailable opportunity to save towards a deposit without the need to revert to parental handouts, remain living with parents in their teenage bedrooms, or possibly to live in poor quality cramped rental conditions. Not only does the Rentplus model offer households the opportunity to be able to afford to save for a deposit and the costs associated with purchasing a property, but the gifted 10% deposit effectively offers the property for sale at below-market rate at the point of purchase.
- 6.11 Certainty is also offered to local planning authorities as units are managed and maintained by a housing association, with the product only being offered to eligible households on the local housing register. Those households may otherwise fail to be offered an affordable property due to not being categorised as a high priority household. As described in **Section 3**, this situation traps a considerable number of the non-home owner population, and in particular what has become known as *Generation Rent*, in a hard to escape cycle of renting at private market rates. Unable to save any significant sum for a deposit this generation is struggling to obtain a mortgage; this has contributed to the ever-rising age at which Britons enter home ownership.
- 6.12 A further point to note is the potential for delivery on rural exception sites where a small quantity of market housing is already accepted to improve scheme viability. In rural areas affected by poor affordability the existing supply of affordable housing products would be complemented by Rentplus homes. These would further support

⁷ Here's how to build a homeowning Britain (David Cameron and George Osborne, The Times, 4 July 2015) and the Autumn Statement (HM Treasury, 25 November 2015)

the diversity of housing delivered in rural areas, contributing to the ongoing sustainability of those communities and assist those trapped by being unable to afford market housing but not high priority enough to receive social or affordable rented homes.

Plan-Making to include Rentplus

- 6.13 Local Planning Authorities are encouraged by the NPPF to significantly boost the supply of housing, including through the provision of affordable housing which is a material planning consideration, and an inherent part of planning for housing through a proper, full objective assessment of housing need. By including a proportion of Rentplus units within the mix of any scheme, the local planning authority is also given the opportunity to increase the diversity of homes on offer. Together with open market, social rented, affordable rent, and intermediate affordable units local authorities have the ability to approve schemes that fully accord with the NPPF's aim to create mixed and sustainable communities.
- 6.14 People also aspire to home ownership. This provides households with a financial stake in the local community. The specific Rentplus model, together with other forms of affordable housing, also widens local housing choice adding to a more mixed, balanced local community.
- 6.15 It is the intention of the Rentplus model to be delivered alongside other forms of affordable housing, acting as a complementary product as part of the housing mix to meet the needs of those households whose aspirations towards home ownership are not currently achievable through other intermediate affordable tenures. This can also deliver the benefit of enhancing the overall affordable housing offer and increasing the certainty of deliverability on sites where viability may be an issue. Early delivery of Rentplus homes, in volume, is a further benefit of this diversity of tenure offer.
- 6.16 Whilst the transitional nature of the product (from affordable rent to ownership) may present a difficulty for local planning authorities in defining it for the purposes of determining applications or counting for housing land supply, it should be considered a suitable method of diversifying local affordable housing offer without recourse to public funding. This also enables a greater overall level of affordable housing to be delivered both in the short term on individual sites, and in the longer term, as Rentplus stock is replaced.

- 6.17 We recommend that to incorporate the Rentplus model into the local plan, that the below text is included within an affordable housing policy. This will enable a degree of flexibility to be employed when negotiating the tenure mix on individual sites.

“The Council will seek a developer contribution of X% towards the provision of affordable housing on residential developments of X dwellings or more. The mix of affordable dwellings may be negotiated, taking into account site specific issues and viability. The mix should take into account local need for social rented and intermediate affordable tenures, including Rent to Buy models, such as Rentplus.

There will be a strong presumption in favour of the affordable homes being fully integrated within proposed development. However the Council may consider off site provision, for instance to enable other policy objectives to be met, subject to an equivalent level of developer contribution being provided. There will be a presumption in favour of cross-subsidy to enable a higher proportion of affordable housing to be provided, preferably through an element of affordable Rent to Buy, such as Rentplus, or market housing. Off site provision could be by way of direct affordable housing provision on an alternative site, or by a financial contribution which would enable provision elsewhere in the local authority area.”

Incorporating Rentplus: S106 Sites and Current Developments

- 6.18 Rentplus has been established as a specialist provider of affordable housing in the private sector. The model as described in **Section 3** is specifically designed to provide housing which is affordable to local people aspiring to home ownership. The involvement of a housing association should give the security and assurance that such homes are to be properly managed, whilst the sale of the homes provides Rentplus with a capital sum return. This enables replacement affordable housing delivery in the local authority area by Rentplus as well as a return to the local authority in the case of sale on the open market to reinvest in local affordable housing. The ability for the managing housing association to purchase the unit at a 10% discount if the occupier does not wish to purchase offers a further method of retaining an affordable unit within the local stock.
- 6.19 Other social benefits which are a material consideration in decision making include the ability of households to integrate with neighbours over a longer period before purchasing the property; the ability to renew tenancies; and swapping with other tenants at the time of purchase which offers flexibility to those not ready to purchase at the previously envisaged date.

- 6.20 As noted in **Sections 4 and 5**, upon the sale of each Rentplus property a Memorandum of Understanding, where agreed with each individual LA, will set out the basis for the replacement of those units on a one-for-one basis in that local authority area. Other forms of affordable tenure result in a loss of housing stock, such as with shared ownership in which households can 'staircase out'; where a LA has agreed a MoU, the Rentplus model would secure the replacement of units in accordance with the terms of the MoU in order to continue meeting local needs over the longer term through continued housing stock replenishment. This is an important consideration at a time when Right to Buy is being further encouraged, and established rented tenures no longer have permanence.
- 6.21 The availability of funding for the product also makes this model potentially attractive on stalled developments where this model could improve scheme viability. As the model has readily available private funding, it is also easily translated to high volume output which could assist in areas of particular need or where housing land supply could benefit from being boosted.

Conclusions and Recommendations

- 6.22 There is a significant shortfall in affordable housing nationwide and the availability of grant funding has steadily declined over the past decade. The Rentplus product has a wide pool of prospective households for whom saving towards a home purchase is not currently possible due to falling outside eligibility for current affordable housing stock. The private rented sector offers no security, and security of tenure for traditional affordable housing looks likely to be removed by changes in the Housing Bill. The fixed period of tenancy at affordable rents in Rentplus dwellings before the point of purchase offers a significant benefit to households who will have the ability to save for a deposit - on the home they have rented - for the first time. Rentplus homes will be excluded from Pay to Stay policy, offering further certainty to those households wishing to save for home ownership.
- 6.23 Rentplus therefore offers a new product to those households whose needs are not already met by the market, whilst also diversifying local housing stock and contributing to the development of mixed and balanced communities.
- 6.24 In order for Local Planning Authorities to enable those households for whom access to social rented housing is not suitable, and whose needs are not otherwise met by affordable and intermediate tenures to enter the housing market it may be necessary to review affordable housing policies in the Local Plan, or to consider revising model conditions and clauses for S106 agreements.

6.25 The Government has pledged to significantly raise the numbers of affordable homes being delivered during this Parliamentary session, and to meet the diverse needs of those in need. This includes a significant drive towards meeting families' aspirations to home ownership. The Autumn Statement included a commitment to remove constraints that prevent private sector organisations from delivering affordable homes to deliver this promise. CLG has had its housing budget doubled and will over the period of this Parliament be focused on the delivery of at least 400,000 affordable homes, including 10,000 Rent to Buy homes. As supported by the Government, the Rentplus model would make a valuable, NPPF-compliant contribution towards significantly boosting housing supply, and most importantly in meeting need for affordable housing without further recourse to public funding.

Broxtowe Part 2 Local Plan



Broxtowe
Borough
COUNCIL

Agent

Please provide your client's name	Rentplus
-----------------------------------	----------

Your Details

Title	
Name	
Organisation (if responding on behalf of the organisation)	Tetlow King Planning Ltd.
Address	
Postcode	
Tel. Number	
E-mail address	

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

If you <u>would like</u> to be contacted by the Planning Policy Team regarding future consultations.	
Please tick here	<input checked="checked" type="checkbox"/>
Please help us save money and the environment by providing an e-mail address that correspondence can be sent to: _____	

For more information including an **online response** form please visit:

www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB

For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

Document	Policy number	Page number	Policy text/ Paragraph number
Part 2 Local Plan	Policy 1: Flood Risk		
	Policy 2: Site Allocations		
	Policy 3: Main Built up Area Site Allocations		
	Policy 4: Awsworth Site Allocation		
	Policy 5: Brinsley Site Allocation		
	Policy 6: Eastwood Site Allocation		
	Policy 7: Kimberley Site Allocations		
	Policy 8: Development in the Green Belt		
	Policy 9: Retention of good quality existing employment sites		
	Policy 10: Town Centre and District Centre Uses		
	Policy 11: The Square, Beeston		
	Policy 12: Edge-of-Centre A1 Retail in Eastwood		
	Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations		
	Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road)		
	Policy 15: Housing size, mix and choice		✓ and 15.4
	Policy 16: Gypsies and Travellers		
	Policy 17: Place-making, design and amenity		
	Policy 18: Shopfronts, signage and security measures		
	Policy 19: Pollution, Hazardous Substances and Ground Conditions		
	Policy 20: Air Quality		
	Policy 21: Unstable land		
	Policy 22: Minerals		
	Policy 23: Proposals affecting designated and non-designated heritage assets		
	Policy 24: The health impacts of development		
	Policy 25: Culture, Tourism and Sport		
	Policy 26: Travel Plans		
	Policy 27: Local Green Space		
	Policy 28: Green Infrastructure Assets		
	Policy 29: Cemetery Extensions		
	Policy 30: Landscape		
	Policy 31: Biodiversity Assets		
	Policy 32: Developer Contributions		
Policies Map			
Sustainability Appraisal			
Other (e.g. omission, evidence document etc.)			

Question 2: What is the issue with the Local Plan?

Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms)		Yes	No
2.1	Legally compliant		
2.2	Compliant with the duty to co-operate		
2.3	Sound		<input checked="" type="checkbox"/>

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above

If you think this paragraph or policy of the Plan is not sound, is this because:	
It is not justified	
It is not effective	<input checked="" type="checkbox"/>
It is not positively prepared	
It is not consistent with national policy	<input checked="" type="checkbox"/>

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

Please see attached letter.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. Continue on an extra sheet if necessary.

Please see attached letter.

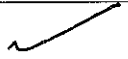
Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

Question 5: Public Examination Attendance

If your representation is seeking a modification, do you consider it necessary to participate at the public examination?

Yes, I wish to participate at the public examination

No, I do not wish to participate at the public examination



If you wish to participate at the public examination, please outline why you consider this to be necessary

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the public examination.

Guidance Note:

Please complete a **separate form** for **each representation** you wish to make.

'Legally Compliant':

If your response relates to **the way in which the plan has been prepared**, then this is likely to relate to whether it or not it is '**Legally Compliant**'. To be '**Legally Compliant**', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to **the way in which we have worked with other authorities** then this is likely to relate to the '**Duty to Co-operate**'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the **content** of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is '**justified**', '**effective**', has been '**positively prepared**', and is '**consistent with national policy**'. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- '**Justified**': This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- '**Effective**': This means that the Local Plan will deliver what it sets out to. If you think that what we are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not our Local Plan is 'effective'.
- '**Positively Prepared**': This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- '**Consistent with National Policy**': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing **policy@broxtowe.gov.uk**.



Planning Policy
Legal and Planning Services
Foster Avenue
Beeston
Nottingham
NG9 1AB

Date: 2 November 2017

Our Ref: MR M15/0715-149

By email only:
policy@broxtowe.gov.uk

Dear Sirs

RE: BROXTOWE LOCAL PLAN PART TWO 2017-2028: PUBLICATION VERSION

We represent **Rentplus**, a company providing an innovative affordable housing model that delivers affordably rented homes to buy (a 'rent to buy' model) for people who aspire to own their own home, but are currently unable to save for a mortgage deposit.

Introduction

Rentplus is delivering rent to buy housing that meets local peoples' needs and aspirations in partnership with local planning authorities and Registered Providers (further details of completed and forthcoming schemes can be viewed on their website www.rentplus-uk.com). The rent to buy homes are allocated as with other affordable housing tenures through the local choice based lettings scheme and targeted lettings plans. The Rentplus model provides homes at an affordable rent for those expecting to purchase in 5, 10, 15 or 20 years, with a 10% gifted deposit to assist purchase.

Enclosed with this consultation response is an Affordable Housing Statement by Tetlow King Planning setting out the details of the rent to buy model which is being delivered in England with support from Government. It describes the model's compliance with the NPPF definition of affordable housing and how this should be incorporated into local plans to boost supply and meet local housing needs. We ask that this be read alongside our representation as it has bearing on the Council's approach to negotiating affordable housing across the Borough.

Policy 15: Housing Size, Mix and Choice

Part 6 of this policy is well drafted to enable developers to bring forward appropriate housing proposals that respond to local needs. This should include the full range of affordable housing tenures and models, including rent to buy which has been highlighted for some time in a raft of Government consultations as one part of the solution to the affordable housing crisis. This most recently includes the Government's Housing White Paper (2017) which sets out the proposed changes to the NPPF to update the definition of affordable housing.

A wide range of circumstances mean that many households cannot save for a mortgage deposit, and being homed in a current affordable house or private rented sector accommodation no longer meets their needs or aspirations. The Government's proposals, and specifically the rent to buy model that Rentplus delivers aims to 'plug the gap' created by this problem. The Council's Housing Strategy identifies a significant need for affordable housing for many emerging and existing households who cannot afford a private rent, or who wish to own their own home but cannot do so at present.

While paragraph 15.4 identifies that an appropriate mix of housing will be agreed with the Council's planning and housing officers, it is important for the Local Plan to set out sufficiently clear policies that guide development. Policy 15 does not set out the mix for affordable housing, as indicated by the Aligned Core Strategy Policy 8, and while this enables a significant degree of flexibility for developers, the policy should indicate that the full range of affordable housing types will be encouraged, to ensure developments effectively target local housing needs. As the Government's housing policy is anticipated to change in early 2018 it is important for the Council to adapt its policies to remain

effective through flexibility and responsiveness to local and national change, to ensure it can be found sound.

The delivery of rent to buy housing reduces the pressure on other affordable housing, freeing up social rented and affordable rented housing for those with greater priority needs - one recently occupied Rentplus scheme was 30% filled by households previously living in social and affordable rented properties, releasing those homes for families in need. Residents have been delighted to finally access housing that not only meets the basic need for a good quality house but also their aspiration to own their own home - one Rentplus family has said:

"Our dream has long been to own our own home but with the high costs of renting combined with the need to save thousands of pounds for a deposit it's never been in reach for us. This model is ideal for our needs as we have the certainty of living in the home which we will one day own and the reduction in rent is making a huge difference to our lives."

To ensure Policy 15 can be found sound at examination we recommend that the policy include detail on the general expectation for a tenure split, and if no tenure split is to be defined then for the policy to be clear that single-tenure schemes for example, aimed at meeting specific local needs and improving housing diversity in areas with high tenure concentrations, are acceptable.

The supporting text should also specify that a full range of tenures is encouraged across the Borough, specifically referencing national affordable housing policy or reference to rent to buy, starter homes and build to rent as these tenures are to be formally defined in the next iteration of the NPPF. Without this we consider the policy will quickly become outdated and inconsistent with national planning policy, and ineffective in encouraging sufficient development diversity to meet local housing needs.

We would like to be notified when the Local Plan is submitted for examination and any further consultation following that, by email only to [REDACTED]. Please ensure that **Rentplus** is retained on the consultation database, with **Tetlow King Planning** listed as their agents.

Yours faithfully

[REDACTED]

[REDACTED]

For and On Behalf Of
TETLOW KING PLANNING

Enc: Affordable Housing Statement
Completed Response Form

Cc: Sue Coulson and Anthony Eke, Rentplus



3rd November 2017

Strategic Planning Team
Broxtowe Borough Council
Town Hall
Foster Avenue
Beeston
Nottinghamshire
NG9 1AB

Dear Sir/Madam,

MCCARTHY & STONE RETIREMENT LIFESTYLES LTD.

RESPONSE TO CONSULTATION ON THE BROXTOWE BOROUGH COUNCIL PUBLICATION VERSION OF THE PART 2 LOCAL PLAN

Thank you for the opportunity to comment on the consultation papers for the aforementioned document. As the market leader in the provision of sheltered housing for sale to the elderly, McCarthy and Stone Retirement Lifestyles Ltd considers that with its extensive experience in providing development of this nature it is well placed to provide informed comments on the Local Plan Proposed Submission consultation, insofar as it affects or relates to housing for the elderly.

McCarthy and Stone are concerned with several aspects of the Publication Version of The Part 2 Local Plan, particularly through its proposed review mechanism and use of a fixed land value in viability assessments which puts into jeopardy the delivery of retirement housing for the elderly. The document does not include a policy to promote the delivery of specialist accommodation for the elderly despite acknowledging that the borough is experiencing an increasingly ageing population.

The National Planning Policy Framework stipulates that the planning system should be *'supporting strong, vibrant and healthy communities'* and highlights the need to *'deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed communities. Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community... such as... older people'* (emphasis added).

The National Planning Practice Guidance reaffirms this in the guidance for assessing housing need in the plan making process entitled ***"How should the needs for all types of housing be addressed?"*** (Paragraph: 021 Reference ID: 2a-021-20140306) and a separate subsection is provided for ***"Housing for older people"***. This stipulates that *"the need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). Plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to move. This could free up houses that are under-occupied. The age profile of the population can*



THE PLANNING BUREAU LIMITED



Bournemouth • Coventry • Glasgow • Hatfield • Kettering
Manchester • Ringwood • Taunton • Woking • York

be drawn from Census data. Projections of population and households by age group should also be used. The future need for older persons housing broken down by tenure and type (e.g. Sheltered, enhanced sheltered, extra care, registered care) should be assessed and can be obtained from a number of online tool kits provided by the sector. The assessment should set out the level of need for residential institutions (use class C2). But identifying the need for particular types of general housing, such as bungalows, is equally important” (My emphasis).

The ‘Housing White Paper: Fixing our broken housing market’ clearly signals that greater consideration must be given to meeting the needs of older persons’ in Local Plans stipulating that

*‘Offering older people a better choice of accommodation can help them to live independently for longer and help reduce costs to the social care and health systems. We have already put in place a framework linking planning policy and building regulations to improve delivery of accessible housing. To ensure that there is more consistent delivery of accessible housing, **the Government is introducing a new statutory duty through the Neighbourhood Planning Bill on the Secretary of State to produce guidance for local planning authorities on how their local development documents should meet the housing needs of older and disabled people.** Guidance produced under this duty will place clearer expectations about planning to meet the needs of older people, including supporting the development of such homes near local services⁸². It will also set a clear expectation that all planning authorities should set policies using the Optional Building Regulations to bring forward an adequate supply of accessible housing to meet local need. **In addition, we will explore ways to stimulate the market to deliver new homes for older people.**’ (Para 4.42) (My emphasis).*

This is now being progressed in part through the DCLG Consultation ‘**the right homes in the right places**’. (August 17)

The Broxtowe Housing Strategy 2015-2020 notes that the Borough contains a higher proportion of older people than the national average. In line with the rest of the country, the demographic profile of the Authority is projected to age. The largest proportional increases in the older population are expected to be of the ‘frail’ elderly, those aged 85 and over, who are more likely to require specialist care and accommodation provided by Extra Care accommodation. It is therefore clear that the provision of adequate support and accommodation for the increasingly ageing demographic profile of the Borough is a significant challenge.

We note that there are no allocations for the delivery of older persons’ accommodation in Part 2 of the Local Plan, nor is there consideration of the suitability of the sites detailed for such developments.

Policy 15: Housing Size, Mix and Choice

This policy in part 7. seeks the provision of a % of units in compliance with optional Building Regulations M4(2) Whilst desirable, this may not always be practical or viable particularly in developing sites close to local facilities as required by the policy which will often be tightly constrained. Some flexibility should therefore be built into the policy. Paragraph 15.5 notes that the inclusion of this policy is necessary “*Given the relatively high proportion of elderly people in the Borough, it is important that a sufficient proportion of new housing makes appropriate provision for people with mobility issues.*” We believe that this policy will not be sufficient to meet the varied needs of the elderly people in the borough. Unless properly planned for, there is likely to be a serious shortfall in specialist accommodation for the older population in the district, which will have a knock-on effect in



meeting the housing needs of the whole area and wider policy objectives. Specialist accommodation for the elderly, such as that provided by McCarthy and Stone, will therefore have a vital role in meeting the areas housing needs and a policy should be included to meet these needs.

We would advocate that the Council takes a positive approach in seeking to provide appropriate accommodation to meet the needs of its ageing population within the Local Plan Part 2. We consider that the best approach towards meeting the diverse housing needs of older people is one that encourages both the delivery of specialist forms of accommodation such as sheltered / retirement housing (C3 Use) and Extra Care (C2 Use) accommodation.

Paragraphs 15.1-15.10

The supporting text to Policy 15 within paragraphs 15.1-15.10 as drafted explains that proposals which do not meet the 20-30% affordable housing threshold will be subject to a review mechanism. **This means that retirement housing will always be subject to the review mechanism**, in that given its specific nature and costs, it will rarely, if ever be able to provide 20-30% provision.

The effective requirement for a review mechanism from all forms of retirement housing puts the ability of the sector to compete in the land market at considerable disadvantage as it will add additional uncertainties in an already high risk sector when compared with conventional residential developers that it will be competing with for land. This puts into considerable jeopardy the delivery of the required retirement housing in order to:

1. Address the Critical need identified in the NPPG
2. Meet the identified need for specialist accommodation for older persons in Broxtowe.

Including an 'overage clause' in the form of a review on a form of development that is, by necessity, predominantly single phase. This is contrary to both the RICS Guidance and undermines the basis of viability being considered in today's circumstances and competitive returns as envisaged by the NPPF. It is submitted that including such a review is not a viable option for the Council as it would clearly conflict with towards addressing the specialist housing needs of older people.

Para 15.3 states:

"The Council does not consider it appropriate for an appraisal to apply a fixed land value as an input which is based on a price paid for land or an aspirational sum sought by a landowner."

This approach, where it expects land transactions to proceed without any uplift is completely unreflective of the market. Site value is a critically important component in the financial model in order to assess whether a proposed development delivers a viable return.

Paragraph 014 of the PPG states:

"Central to the consideration of viability is the assessment of land or site value. The most appropriate way to assess land or site value will vary but there are common principles which should be reflected."



In all cases, estimated land or site value should:

- *reflect emerging policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge;*
- *provide a competitive return to willing developers and land owners (including equity resulting from those building their own homes); and*
- *be informed by comparable, market-based evidence wherever possible. Where transacted bids are significantly above the market norm, they should not be used as part of this exercise."*

Paragraph 015 of the PPG states:

"The National Planning Policy Framework states that viability should consider "competitive returns to a willing landowner and willing developer to enable the development to be deliverable." This return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible.

A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy."

It is therefore submitted that the Plan Part 2 is unsound due to the inclusion of a fixed land value which is contrary to National Planning Policy Guidance. If this this wording is to continue to submission stage, we would be willing to oppose this position at Local Plan Part 2 examination.

We would like to highlight the advice provide in the *Housing in Later Life: Planning Ahead for Specialist Housing for Older People toolkit*. This toolkit was developed by a consortium of private and public organisations with an interest in housing for the elderly and encourages a joined up approach to planning, housing and social care policy both in the collection of evidence and the development of specialist accommodation for the elderly. A copy of this document has been appended for your convenience. Whilst we appreciate that no one planning approach will be appropriate for all areas, an example policy is provided that, we hope, will provide a useful reference for the Council:

"The Council will encourage the provision of specialist housing for older people across all tenures in sustainable locations.

The Council aims to ensure that older people are able to secure and sustain independence in a home appropriate to their circumstances and to actively encourage developers to build new homes to the 'Lifetime Homes' standard so that they can be readily adapted to meet the needs of those with disabilities and the elderly as well as assisting independent living at home.

The Council will, through the identification of sites, allowing for windfall developments, and / or granting of planning consents in sustainable locations, provide for the development of retirement accommodation, residential care homes, close care, Extra Care and assisted care housing and Continuing Care Retirement Communities."

Specialist accommodation for the elderly also usually provides an element of care and communal



THE PLANNING BUREAU LIMITED



*Bournemouth • Coventry • Glasgow • Hatfield • Kettering
Manchester • Ringwood • Taunton • Woking • York*

facilities at an additional cost to the developer. This requires a critical mass of residents in order to be feasible and small scale developments of specialist housing for the elderly could not be realistically asked to provide or maintain such facilities. It is therefore unlikely to expect the provision of specialist accommodation for the elderly to be met piecemeal in general needs housing developments.

Well located and designed specialist housing for older home owners is a highly sustainable form of housing. Given the critical need for older persons accommodation in Broxtowe there should be a presumption in favour of sustainable housing and in particular specialist housing which is being proposed on suitable sites. It is recommended that greater weight is attached to this approach alongside the desire to release residential land within strategic allocations or indeed a separate policy within the document to cover the housing need for the ageing population. This accommodation will come from a number of sources both public and private and with varying levels of care and shelter provision enabling individual people to remain in their own home with independence and security.

The review mechanism proposed in paragraphs 15.1-15.10 would jeopardise the delivery of specialist accommodation for the elderly and therefore should be removed from the Local Plan Part 2. It is submitted that the Plan Part 2 is unsound due to the inclusion of a fixed land value which is contrary to National Planning Policy Guidance. As aforementioned, we would wish to attend the Local Plan Part 2 Examination if this wording is continued as this will be an issue on all suitable development sites for retirement housing and will make the sector less competitive in the land market against alternative uses. This is significant given the identified 'critical' (PPG) need for the delivery of specialised accommodation for older persons.

I trust that the above comments will be considered in the evolution of any emerging consultation document and that we will continue to be invited to comment as the document progresses.

Yours faithfully

[Redacted signature block]

[Redacted signature block]
[Redacted signature block]
[Redacted signature block]
[Redacted signature block]

Broxtowe Part 2 Local Plan



Broxtowe
Borough
COUNCIL

Agent

Please provide your client's name

Your Details

Title	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other:
Name	MARION WALLWORK
Organisation (if responding on behalf of the organisation)	
Address	[REDACTED]
Postcode	[REDACTED]
Tel. Number	[REDACTED]
E-mail address	[REDACTED]

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

If you would like to be contacted by the Planning Policy Team regarding future consultations.

Please tick here



Please help us save money and the environment by providing an e-mail address that correspondence can be sent to: _____

For more information including an **online response** form please visit:

www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB

For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

Document	Policy number	Page number	Policy text/ Paragraph number
Part 2 Local Plan	Policy 1: Flood Risk		
	Policy 2: Site Allocations		
	Policy 3: Main Built up Area Site Allocations		
	Policy 4: Awsworth Site Allocation		
	Policy 5: Brinsley Site Allocation		
	Policy 6: Eastwood Site Allocation		
	Policy 7: Kimberley Site Allocations		
	Policy 8: Development in the Green Belt		✓
	Policy 9: Retention of good quality existing employment sites		
	Policy 10: Town Centre and District Centre Uses		
	Policy 11: The Square, Beeston		
	Policy 12: Edge-of-Centre A1 Retail in Eastwood		
	Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations		
	Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road)		
	Policy 15: Housing size, mix and choice		✓
	Policy 16: Gypsies and Travellers		
	Policy 17: Place-making, design and amenity		
	Policy 18: Shopfronts, signage and security measures		✓
	Policy 19: Pollution, Hazardous Substances and Ground Conditions		✓
	Policy 20: Air Quality		
	Policy 21: Unstable land		
	Policy 22: Minerals		
	Policy 23: Proposals affecting designated and non-designated heritage assets		
	Policy 24: The health impacts of development		
	Policy 25: Culture, Tourism and Sport		
	Policy 26: Travel Plans		
	Policy 27: Local Green Space		✓
	Policy 28: Green Infrastructure Assets		
	Policy 29: Cemetery Extensions		
	Policy 30: Landscape		
	Policy 31: Biodiversity Assets		
	Policy 32: Developer Contributions		
Policies Map			
Sustainability Appraisal			
Other (e.g. omission, evidence document etc.)			

Question 2: What is the issue with the Local Plan?

Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms)		Yes	No
2.1	Legally compliant		
2.2	Compliant with the duty to co-operate		
2.3	Sound		

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above

If you think this paragraph or policy of the Plan is not sound, is this because:	
It is not justified	
It is not effective	
It is not positively prepared	
It is not consistent with national policy	

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. Continue on an extra sheet if necessary.

Policy 18

I do not believe there should be any more building on Green Belt sites. New building should be on brown field sites.

Policy 18

There should be much stricter controls on shop fronts, fascias, and advertisements

Policy 27

All existing local green space should be protected. And new building developments should always include green space and tree planting

Policy 15

Housing development needs to include social housing

Policy 19

Fracking should not be allowed because of inherent dangers in ground stability and in water contamination.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

Question 5: Public Examination Attendance

If your representation is seeking a modification, do you consider it necessary to participate at the public examination?

Yes, I wish to participate at the public examination

No, I do not wish to participate at the public examination

If you wish to participate at the public examination, please outline why you consider this to be necessary

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the public examination.

Guidance Note:

Please complete a **separate form** for **each representation** you wish to make.

'Legally Compliant':

If your response relates to the way in which the plan has been prepared, then this is likely to relate to whether it or not it is 'Legally Compliant'. To be 'Legally Compliant', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to the way in which we have worked with other authorities then this is likely to relate to the 'Duty to Co-operate'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the content of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is 'Sound'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is '**justified**', '**effective**', has been '**positively prepared**', and is '**consistent with national policy**'. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- '**Justified**': This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- '**Effective**': This means that the Local Plan will deliver what it sets out to. If you think that what we are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not our Local Plan is 'effective'.
- '**Positively Prepared**': This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- '**Consistent with National Policy**': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing [**policy@broxtowe.gov.uk**](mailto:policy@broxtowe.gov.uk).

Don't check
not write

POLICY 15
10.6 - 10.7

Broxtowe Part 2 Local Plan



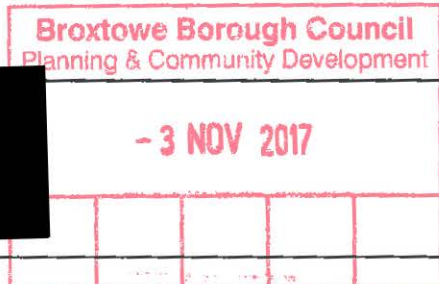
Broxtowe
Borough
COUNCIL

Agent

Please provide your client's name	
-----------------------------------	--

Your Details

Title	Mr	Mrs	Miss	Ms	Other:
Name	DAVID PEARSON				
Organisation (If responding on behalf of the organisation)					
Address					
Postcode					
Tel. Number					
E-mail address					



Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

If you <u>would like</u> to be contacted by the Planning Policy Team regarding future consultations.	
Please tick here	<input checked="" type="checkbox"/>
Please help us save money and the environment by providing your correspondence can be sent to: [redacted]	

For more information including an **online response** form please visit:

www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB

For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

Document	Policy number	Page number	Policy text/ Paragraph number
Part 2 Local Plan	Policy 1: Flood Risk		
	Policy 2: Site Allocations		
	Policy 3: Main Built up Area Site Allocations		
	Policy 4: Awwsworth Site Allocation		
	Policy 5: Brinsley Site Allocation		
	Policy 6: Eastwood Site Allocation		
	Policy 7: Kimberley Site Allocations		
	Policy 8: Development in the Green Belt		
	Policy 9: Retention of good quality existing employment sites		
	Policy 10: Town Centre and District Centre Uses		
	Policy 11: The Square, Beeston		
	Policy 12: Edge-of-Centre A1 Retail in Eastwood		
	Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations		
	Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road)		
	Policy 15: Housing size, mix and choice	106-107	Para 3
	Policy 16: Gypsies and Travellers		
	Policy 17: Place-making, design and amenity		
	Policy 18: Shopfronts, signage and security measures		
	Policy 19: Pollution, Hazardous Substances and Ground Conditions		
	Policy 20: Air Quality		
	Policy 21: Unstable land		
	Policy 22: Minerals		
	Policy 23: Proposals affecting designated and non-designated heritage assets		
	Policy 24: The health impacts of development		
	Policy 25: Culture, Tourism and Sport		
	Policy 26: Travel Plans		
	Policy 27: Local Green Space		
	Policy 28: Green Infrastructure Assets		
	Policy 29: Cemetery Extensions		
	Policy 30: Landscape		
	Policy 31: Biodiversity Assets		
	Policy 32: Developer Contributions		
Policies Map			
Sustainability Appraisal			
Other (e.g. omission, evidence document etc.)			

Question 2: What is the issue with the Local Plan?

Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms)		Yes	No
2.1	Legally compliant		
2.2	Compliant with the duty to co-operate		<input checked="" type="checkbox"/>
2.3	Sound		<input checked="" type="checkbox"/>

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above

If you think this paragraph or policy of the Plan is not sound, is this because:	
It is not justified	<input checked="" type="checkbox"/>
It is not effective	<input checked="" type="checkbox"/>
It is not positively prepared	<input checked="" type="checkbox"/>
It is not consistent with national policy	

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

Policy 15: Para 3

There is no justification for the variation of percentages in the various submarkets
 Beeston 30% or more. Much of this could be down to Beeston Central being classified as deprived but much of this is down to student accommodation from the universities; not due to overall deprivation in Beeston as a whole.
 Stapleford submarket at 10% is ridiculous; although I suspect Bramcote, which is ~~not~~ relatively affluent being included. Stapleford has two wards that are classified as seriously deprived (Stapleford North & Stapleford South West.) So there is a need for affordable housing in the area & a figure of 10% does not reflect this & therefore Para. 6 is not consistent with the previous statements re. residents needs.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. Continue on an extra sheet if necessary.

The suggested modifications are as follows:-

1) A unified approach across the Borough of Broxtowe rather than a variation across the various submarkets

and/or.

2) Subdividing these various submarkets (which are quite wide and could show considerable variations depending on the area) into what can be accessed on the specified areas i.e. clearly defining the areas and specifying what is needed ~~and~~ relative to residents needs.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

Question 5: Public Examination Attendance

If your representation is seeking a modification, do you consider it necessary to participate at the public examination?

Yes, I wish to participate at the public examination



No, I do not wish to participate at the public examination

If you wish to participate at the public examination, please outline why you consider this to be necessary

I wish to participate at the public examination in order that I can highlight the residents of Stapleford's concerns with regard to the "anomalous" percentages within the defined submarkets. & to ensure these percentages on new, unallocated sites meet the requirements of the residents in the particular area.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the public examination.

