

**Summary of consultations received to Dudley MBC's  
draft Affordable Housing Supplementary Planning  
Document (SPD) (November 2005) and the Council's  
proposed responses to the consultations**

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<b>Main issues raised by consultee:</b>	<b>Council's proposed response to objection:</b>	<b>Proposed modifications:</b>	<b>Reasons for change:</b>
<p><b>Issue 1</b> The Council's draft Affordable Housing Supplementary Planning Document (SPD) has been prepared at a time of changing Government guidance and a new emerging planning framework with regards to affordable housing, being introduced by draft Planning Policy Statement 3 (draft PPS 3) (2005) "Housing" and ahead of the Council's own updated Housing Needs Survey, which is due to be completed in early 2006. The objector considers that the draft Affordable Housing SPD is relying on out-of-date, local Affordable</p>	<p>It is recognised that the draft Affordable Housing Supplementary Planning Document (SPD) has been completed at a time close to when there is changing and emerging Government planning guidance being introduced by draft Planning Policy Statement 3 (draft PPS 3) (2005) "Housing" and when a new emerging Dudley Borough Housing Needs Survey is due to be completed within 2006. However, the Council's view is that it has had to proceed with its draft Affordable Housing SPD given the critical importance and fundamental urgency of affordable housing issues within the Dudley Metropolitan Borough. Within the Dudley Metropolitan Borough, affordable housing remains a fundamental and key priority requiring urgent action. This is why the Council has proceeded ahead with the draft SPD. After the emerging Dudley Metropolitan Borough Housing Needs Survey has been completed within 2006 (and after the adoption of new national planning guidance on housing), in the future, the Council will carefully consider and review any changes which may be required to the Affordable Housing SPD to reflect any changed or new circumstances. The Council will, if necessary, complete a partial review of the Affordable Housing SPD where this is required. In addition, it is important to note that revisions to our understanding of housing needs in the Dudley Metropolitan Borough will also be taken into account during negotiations with</p>	<p>No change</p>	

<p>Housing Needs Survey information and a long out-of-date evidence base which is some seven years old. The objector considers that the Council's Housing Needs Survey information is subsequently not robust and does not reflect current circumstances within the Dudley Metropolitan Borough. The objector considers that the prematurity of the document could render it dated before it is even adopted and considers that the Supplementary Planning Document (SPD) is inconsistent with the latest government guidance on affordable housing and should be amended to take into account of emerging draft Planning Policy Statement 3 (draft PPS 3) (2005) "Housing."</p>	<p>developers at the detailed planning application stage.</p> <p>The Council considers that the draft Affordable Housing SPD has been prepared in accordance with national planning guidance set out in Planning Policy Guidance Note 3 (PPG 3) (2000) "Housing" and advice in Circular 06/98 "Planning and Affordable Housing." Draft Planning Policy Statement 3 (draft PPS 3) (2005) "Housing" is still in an emerging draft format and may be subject to further changes and revisions given its current emerging draft status. It is the Council's view therefore that, whilst consideration has been given to draft PPS3, the draft Affordable Housing SPD cannot be based on this emerging national planning guidance until it is fully adopted as it may change in the meantime.</p> <p>Nevertheless, Policy H5 of the adopted Unitary Development Plan (2005) on Affordable Housing, on which this SPD is based, allows for changes in National Policy including the emerging draft PPS3 by stating  <i>"The Council will seek the provision of 1,440 units of affordable housing, on suitable housing sites <b>above the thresholds set out in the most recent Government advice.</b>"</i></p>		
<p><b>Issue 2</b> The Objector considers that</p>	<p>The draft Affordable Housing Supplementary Planning Document (SPD) has been prepared in full accordance with Regional</p>	<p>No Change</p>	

<p>under Section 3 “Policy Context” of the draft SPD, no reference is made to the Housing Market Areas and Affordability work that has been undertaken at a Regional level in consultation with Local Authorities and other stakeholders, including the House Builders Federation (HBF). The Objector therefore further considers that Section 3 – Policy context, needs to be completely re-worked in light of this Policy vacuum and the approach of the SPD be re-considered in the light of that Regional work.</p>	<p>Planning Guidance for the West Midlands (RPG 11) (June 2004) (now formed into Regional Spatial Strategy (RSS)) which was and still is the most up-to-date approved regional planning guidance for the West Midlands. However, at this time the Council does not consider that Section 3 of the draft Affordable Housing SPD should be re-worked as suggested by the objector. This is because this SPD underpins the Unitary Development Plan (2005) and does not seek to introduce new policy. The Housing Market Area work will inform future reviews of policy and affordable housing provision in the Borough.</p>		
<p><b>Issue 3</b> The objector considers that within Section 4 of the draft SPD no reference is made to evidence gathered since the adoption of the West Midlands Regional Spatial Strategy (RSS) last year.</p>	<p>The total housing requirement (in accordance with the June 2004 Regional Planning Guidance for the West Midlands, now Regional Spatial Strategy (RSS)) covers the period up until the year 2021. The draft Affordable Housing SPD has been drafted in accordance with RSS which was and still is the most up-to-date approved regional planning guidance for the West Midlands.</p>	<p><b>Amend wording within paragraph 4.2 of the draft SPD, by replacing the word “total” with the wording “minima”</b> in line with RSS Policy CF3 (Levels and distribution of housing</p>	<p>To be in accordance with Regional Spatial Strategy (RSS) Policy CF3</p>

<p>The Objector also considers that Section 4 of the draft SPD wrongly refers to the “total requirement” for housing until 2001 (Para 4.2 of the SPD). Policy CF3 (Levels and distribution of housing development) of the Regional Spatial Strategy (RSS) is clear that for Major Urban Areas (MUA) like Dudley, the rates of annual provision are <u>minima</u>.</p>		<p>development) in paragraph 4.2 of the SPD. <b>The sentence will now state that: “...This sets out a <del>total</del> minima housing requirement up until the year 2021 which goes beyond the lifespan of the Council’s Adopted UDP (October 2005)...”</b></p>	<p>(Levels and distribution of housing development).</p>
<p><b>Issue 4</b> The Objector considers that Section 4 of the SPD focuses on need with no clear details regarding supply of affordable housing. The draft SPD is therefore not transparent in the supply of affordable housing coming forward through commitments, and how that affects the 1,368 dwellings claimed to be the overall affordable housing</p>	<p>Detailed matters involving the housing figures and supply levels of affordable housing units within the Dudley Metropolitan Borough are not a matter to be addressed within this draft Affordable Housing SPD, but in the Council’s view, is a matter to be addressed under Chapter 7 (Housing) of the Council’s Adopted Unitary Development Plan (UDP) (October 2005). Furthermore, it is important to note that the wider housing figures (encompassing affordable housing) have been through two rounds of public consultation as part of the Council’s earlier Development Plan review and have been carefully tested at a Public Local Inquiry into the Unitary Development Plan (UDP) review held in 2002 and 2003. The Inspector’s report into this Unitary Development Plan (UDP) review was published in January 2004. The Housing figures are addressed in Section 14</p>	<p>No Change</p>	

<p>shortfall. In addition, the draft SPD does not address past performance. Whilst figures in Appendix 1 show that in 2003, the Council sought the provision of 1,440 affordable units and now in 2005, seeks the provision of 1,368 affordable units, there are no indicators to suggest what proportion those 72 units (1,440 – 1,368) represent of the overall provision. On the basis that the document claims some 1,368 affordable housing units remain to be provided, the annual provision of just 36 per annum for the last two years does not bode well. Objector is therefore concerned that affordable housing is now being sought with more restrictions being placed through this SPD, to make up for previous shortcomings. Without</p>	<p>(objections to Housing policies) of the Inspector's report (pages 148 to 194).</p> <p>The Council considers that the purpose of the draft Affordable Housing SPD is to provide further additional detail in relation to the Council's Adopted UDP (Policy H5 "Affordable Housing"). This is in accordance with paragraphs 2.42 to 2.44 of national planning guidance set out in Planning Policy Statement 12 (PPS 12) (2004) "Local Development Frameworks," The Council does not consider that new, more onerous or inflexible restrictions and conditions are being placed upon a developer as a result of this draft Affordable Housing SPD.</p> <p>The Council considers that the draft Affordable Housing SPD has been based on the most up-to-date housing needs survey information available for Dudley, which is the 1998 Housing Needs Survey and the Re-Analysis Housing Needs Survey completed in 2002. A new emerging 2006 Housing Needs Survey is currently being completed. After completion the Council will consider adjusting the Affordable Housing SPD to take on board any new housing needs information which may later emerge as a result of the 2006 survey. However, given the pressing urgency and fundamental need to address affordable housing issues within the Borough, the Council has had to proceed with the draft Affordable Housing SPD before this emerging Housing Needs Survey has reported and at a time when a new emerging planning framework is being introduced by draft Planning Policy Statement 3 (draft PPS 3). It is important to note however that emerging draft PPS 3 further reinforces the need to ensure that a wide choice of housing types are available for both affordable and</p>		
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<p>clear data provided to show that the Council is actually working to secure affordable housing to meet its policy aims, the objector has concerns that the draft Affordable Housing SPD document will begin to gather strength and impose inflexible conditions on future applications. With some 1,022 gross completions in 2003-2005, of which only 72 were either social rented or low cost, representing some 7% of the overall provision, the objector does not believe that there is an “excellent track record” as referred to later in the SPD (Para 8.6).</p>	<p>market housing, to meet the needs of all members of the community and to help deliver the key objective of creating mixed and balanced communities.</p> <p>In addition, it is important to note that revisions to the Council’s understanding of housing needs in the Dudley Metropolitan Borough will also be taken into account during negotiations with developers at the detailed planning application stage.</p>		
<p><b>Issue 5</b> The Objector considers that the new approach to affordable housing being advocated by the emerging guidance in draft PPS 3 “Housing” is one of sub</p>	<p>The Council considers that the draft Affordable Housing SPD has been based on the most up-to-date housing needs survey information available for Dudley, which is the 1998 Housing Needs Survey and the Re-Analysis Housing Needs Survey completed in 2002. A new emerging 2006 Housing Needs Survey is currently being completed for the Borough. After this emerging Housing Needs Survey has reported the Council will consider</p>	No Change	

<p>regional Housing Market Assessments which are far more encompassing than a traditional “Housing Needs Survey” and the objector would urge the Council to consider has their survey been prepared to be robust and take on board the Housing Markets Assessment Guidance produced by the Office of the Deputy Prime Minister (ODPM) in December 2005.</p>	<p>adjusting the Affordable Housing SPD to take on board any new housing needs survey information which may later emerge as a result of the new 2006 survey and act accordingly. However, given the pressing urgency and fundamental need to address affordable housing issues within the Borough, the Council has had to proceed with the SPD before this new emerging 2006 Housing Needs Survey has reported and at a time when a new emerging planning framework is being introduced by draft Planning Policy Statement 3 (draft PPS 3) “Housing”. The Council’s view is that the draft Affordable Housing SPD has been prepared in accordance with national planning guidance set out in Planning Policy Guidance Note 3 (PPG 3) (2000) “Housing” and advice in Circular 06/98 “Planning and Affordable Housing.” Draft Planning Policy Statement 3 (draft PPS 3) (2005) “Housing” is still in an emerging draft format and may be subject to further changes and revisions given its current emerging draft status. Nevertheless, Policy H5 of the adopted Unitary Development Plan (2005) on Affordable Housing, on which this SPD is based, allows for changes in National Policy including the emerging draft PPS3 by stating  <i>“The Council will seek the provision of 1,440 units of affordable housing, on suitable housing sites <b>above the thresholds set out in the most recent Government advice.</b>”</i></p>		
<p><b>Issue 6</b>  Section 4.5 of the draft SPD states that “low cost market housing cannot meet any significant housing need” and yet in</p>	<p>It is the Council’s view that the draft Affordable Housing SPD has been based on the most up-to-date housing needs survey information available for Dudley, which is the 1998 Housing Needs Survey and the Re-Analysis Housing Needs Survey completed in 2002. A new emerging 2006 Housing Needs Survey is currently being completed for the Borough. After it has been</p>	<p>No Change</p>	



<p>section 7.6, it is stated that “low cost market housing can have a role, but it is only limited”. The objector considers that this is a contradiction that needs to be addressed, and can only be done so with up-to-date information. The Objector further considers that the reliance in section 4.5 proportions of rented and shared ownership tenures as a proportion of overall affordable provision is also of concern. They are used later in the document (section 7.2) to place expectations on developers. The proportional splits between tenures suggested in Section 7.2 are therefore considered both onerous and are not supported by robust evidence.</p>	<p>completed, the Council will consider adjusting the Affordable Housing SPD to take on board any new housing needs information which may later emerge as a result of the 2006 survey. However, given the pressing urgency and fundamental need to address affordable housing issues within the Dudley Metropolitan Borough, the Council has had to proceed with the SPD before the new emerging 2006 Survey has reported, and at a time when a new emerging planning framework is being introduced by draft Planning Policy Statement 3 (draft PPS 3) “Housing.” In addition, it is important to note that revisions to our understanding of housing needs in the Dudley Metropolitan Borough will also be taken into account during negotiations with developers at the detailed planning application stage.</p> <p>The draft Affordable Housing SPD has been prepared in accordance with national planning guidance set out in Circular 06/98 “Planning and Affordable Housing” and Planning Policy Guidance Note 3 (2000) “Housing” which is now under review as part of emerging draft Planning Policy Statement 3 (draft PPS 3) “Housing.” The Council’s view is that draft PPS 3 is still in an emerging draft format and may be subject to further changes and revisions given its current emerging draft status. Whilst consideration has been given to draft PPS3, the draft Affordable Housing SPD cannot be based on this emerging guidance until it has been fully adopted. Nevertheless, Policy H5 of the adopted Unitary Development Plan (2005) on Affordable Housing, on which this SPD is based, allows for changes in National Policy including the emerging draft PPS3 by stating  <i>“The Council will seek the provision of 1,440 units of affordable housing, on suitable housing sites <b>above the thresholds set out</b></i></p>		
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	<i><b>in the most recent Government advice.”</b></i>		
<b>Issue 7</b> The Objector has concerns that the definition of what defines “affordable” will be through the Dudley Housing Partnership (DHP), referred to in section 5.4 of the draft SPD. The objector considers that this process should be inclusive and transparent and not restricted to the Council, Registered Social Landlords (RSLs) and the Housing Corporation, when the majority of affordable housing in the area is provided via the private sector through legal agreements.	The Council’s view on this issue is that a transparent and inclusive process exists when progressing affordable housing issues within the Borough. Certainly, the Council has a list of Preferred Partner Registered Social Landlords (RSLs) who it works closely with, however, the Council considers that other RSL’s, Housing Associations, and development partners who are not featured on the preferred partner list are in no way excluded from the process. The Council considers that other Registered Social Landlords (RSL’s), Housing Associations and development partners still have an important and active role to play in helping to deliver affordable housing schemes within the Borough. To this end, the Council already does actively work with other RSL’s and Housing Associations who are not on the Council’s Preferred Partner RSL list. In terms of developing the definition of what defines “affordable” other RSL’s are free to participate in this process and are certainly not excluded, and the Council welcomes the input and suggestions of other RSL’s outside the Council’s Preferred Partner list and recognise that they have a part to play in the process.	No Change	
<b>Issue 8</b> The objector is concerned that the ongoing monitoring of what constitutes affordability, and the	Focusing on paragraph 5.5 of the draft Affordable Housing SPD and the objectors suggestion that this paragraph ignores the “Role of Housing Supply” in response the Council accepts the suggestion made and therefore proposes to add text to paragraph 5.5 of the draft SPD	Amend draft Affordable Housing SPD by inserting an additional new sentence within paragraph 5.5 following	

<p>indicators of needs suggested in section 5.5 of the draft SPD, ignore the role of housing supply.</p>		<p>the existing Affordable Housing SPD wording "...and so issues such as acceptable rent levels in relation to local incomes...": After these words, insert new additional wording: <b>"and the role of housing supply"</b> . Sentence will therefore read: "...and so issues such as acceptable rent levels in relation to local incomes <b>and the role of housing supply</b> will need to be monitored."</p>	
<p><b>Issue 9</b> The Objector considers that the reference in section 6.5 (formerly 6.4) to developers being able to take account of costs such as contamination and other "abnormal costs" at the time a site is purchased should be removed. The objector considers that these costs do affect the</p>	<p>The Council does not consider that the developer will be disadvantaged by the draft SPD. The Council's view is that in circumstances where there are exceptional remediation costs which are preventing a sale of the site for housing then a reduced provision for affordable housing can be considered. This issue can be considered at the Development Control Planning Application stage. Furthermore, as reinforced within paragraph 6.5 (formerly 6.4) of the draft SPD, the Council considers that the mere presence of contamination or other "abnormal" site costs will not necessarily lead to a reduced provision for affordable housing as in most cases the price paid by a developer for the land will reflect any remediation, demolition and other costs</p>	<p>No Change</p>	

<p>viability of a proposal and are not always apparent when an option for a site is entered into. It is at this options stage that costs are negotiated and agreed with landowners. This is further hindered by the changes imposed by local authorities as a range of financial contributions is drawn up. Indeed, the draft Affordable Housing SPD refers at section 6.2 to the annual updating of precise needs, and therefore a developer's costs could well change from year to year as the Council changes its requirements and yet the agreement with a landowner also signed and sealed based on earlier "needs" identified by the Council.</p>	<p>associated with redevelopment of the site. Only where exceptional remediation costs are preventing the regeneration of the site for housing will a reduced provision be considered.</p>		
<p><b>Issue 10</b> Section 6.8 (formerly 6.7) of the draft Affordable Housing SPD states that</p>	<p>Focusing on paragraph 6.8 (formerly 6.7) of the draft Affordable Housing SPD, the comments suggested by the objector are accepted in relation to use of the wording "...The Council will require..."</p>	<p>The Council proposes to replace the last sentence of paragraph 6.8 (formerly 6.7) with a</p>	

<p>“The Council will therefore require...” with respect of affordable housing in Town Centres and Public Transport Nodes. The objector has concerns to this reference and does not consider that government guidance states affordable housing is “required” and rather it is sought or negotiated where there is a demonstrable need. The objector considers that the text should be amended accordingly. Furthermore, the objector considers that the draft Affordable Housing SPD is not clear on defining “Public Transport Nodes” and thus “when a site might be affected.”</p>	<p>Focusing on the objector’s concerns relating to clarification of the term “public transport nodes,” the Council accepts that additional clarification could be provided within the draft Affordable Housing SPD to clarify this term.</p> <p>The Council considers that the remainder of its position, set out within paragraph 6.8 (formerly 6.7) of the draft Affordable Housing SPD is clear and does not therefore propose to make any further changes to this paragraph and section apart from those identified in the adjacent column.</p>	<p>new sentence: <b>“Where a particular site meets the affordable housing policy size thresholds, (in accordance with the latest Government advice), the Council will pursue innovative and integrated on-site Affordable Housing solutions in these locations.”</b></p> <p>In order to add additional clarification, the Council proposes to include the additional text after this wording: <b>“Public transport nodes are places which are focal points where there is good access to good quality public transport”.</b></p>	
<p><b>Issue 11</b> The objector considers that clarification is required in relation to Section 7.4 which refers to “the scale of</p>	<p>The “scale of contributions” referred to in paragraph 7.4 of the draft Affordable Housing SPD relate to the total percentage level of affordable housing provision being sought on a particular proposal site and the fact that the “scale of contributions” (e.g. the amount and type of affordable housing provision being provided)</p>	<p>No Change</p>	

<p>contributions” and considers that it is not clear what contributions are being referred to here.</p>	<p>may vary depending on the particular circumstances of an individual proposal site.</p> <p>To clarify this issue further, in respect of site suitability, the presence of land contamination or other “abnormal” site costs, in some exceptional circumstances, may lead to a reduced amount of affordable housing provision being provided on a particular proposal site. Additionally, there may already be an over-supply and abundance of a particular type of existing affordable housing provision adjacent to the proposal site which may then alter the required mix of affordable housing provision being sought by the Council. For example, an over-abundance of adjacent existing Council social-rented accommodation may lead to a greater proportion of shared ownership or other affordable housing provision being sought by the Council. The Council tailors its approach in order to meet the overriding localised housing need that exists within each particular geographic part of the Borough.</p> <p>In addition to the housing needs information and evidence base provided by the Council’s 1998 Housing Needs Survey and the 2002 Housing Needs Survey Re-Analysis, revisions to our understanding of housing needs in the Dudley Metropolitan Borough are also taken into account during negotiations with developers at the detailed planning application stage. Every proposal site is carefully assessed on its own unique set of circumstances and its own individual planning merits, on a site-by-site and case-by-case basis, when determining the provision of affordable housing.</p> <p>The above aspects are supported in paragraph 16 (under</p>		
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	Delivering affordable housing) of national planning guidance set out in Planning Policy Guidance Note 3 (PPG 3) (2000) "Housing." The guidance states that: "Decisions about the amount and types of affordable housing to be provided in individual proposals should reflect local housing need and individual site suitability and be a matter for agreement between parties. Local planning authorities and developers should be reasonably flexible in deciding the types of affordable housing most appropriate to a particular site. The objective should be to ensure that the affordable housing secured will contribute to satisfying local housing needs as demonstrated by a rigorous assessment."		
<b>Issue 12</b> The Objector considers that whilst the local authority may have partner RSL's with whom they have a working relationship, Section 5 of the draft Affordable Housing SPD appears to exclude other RSL's and affordable housing providers from operating in their area.	The Council operates a transparent and fully inclusive process when progressing affordable housing issues within the Dudley Metropolitan Borough. Certainly, the Council has a list of nominated or Preferred Partner Registered Social Landlords (RSLs) who it works closely with, however, the Council considers that other RSL's and Housing Associations who are not featured on the Preferred Partner list are in no way excluded from the process. The Council considers that other Registered Social Landlords (RSL's), Housing Associations, and other development partners still have an important and active role to play in helping to deliver affordable housing within the Borough. To this end, it is considered that other RSLs and affordable housing providers are in no way excluded from the process.	No Change	
<b>Issue 13</b> The Objector considers that	<b>Proposed response to Issues 13 and 14</b> The Council's policy approach set out within the draft Affordable	No Change	

<p>until the Council has a robust Housing Market Assessment in place and an up to date housing needs survey, the Council are flawed in their preference of on-site provision for affordable housing and that such housing should be social rented with a limited proportion of shared ownership as stated in Section 7.6 of the draft SPD.</p> <p><b>Issue 14</b> The objector considers that Section 7.9 places further restrictions on the development industry, suggesting that the Council is only willing to accept an off-site contribution in lieu of the priority to secure an on-site contribution for social rented housing. The objector further considers that the Council has no justification in excluding</p>	<p>Housing SPD reinforces the importance and priority for on-site affordable housing provision and is also supported and reinforced within national planning guidance set out in Planning Policy Guidance Note 3 (PPG 3) (2000) "Housing". A key planning objective of the Government, reinforced within both PPG 3 and the emerging draft Planning Policy Statement 3 (draft PPS 3) is the importance of creating mixed, balanced and inclusive communities which offer a choice of housing (including affordable housing) in order to help achieve sustainable development. Securing an appropriate level of on-site affordable housing provision is fundamental to this aim in order to help deliver the Government's key broader planning objectives relating to the provision of affordable housing. Paragraph 10 of PPG 3 confirms that: "...The Government believes that it is important to help create mixed and inclusive communities, which offer a choice of housing and lifestyle...Local planning authorities should encourage the development of mixed and balanced communities: they should ensure that new housing developments help to secure a better social mix by avoiding the creation of large areas of housing of similar characteristics." This approach is reinforced further in paragraph 28 in emerging draft PPS 3 which states that: "The presumption is that affordable housing should be provided on the application site so that it contributes towards achieving the objective of creating more mixed communities and avoids the concentration of deprivation...."</p> <p>The reason why paragraph 7.9 of the draft Affordable Housing SPD focuses on social-rented housing as opposed to Shared Ownership housing is because, in line with local needs survey information provided by the 1998 Housing Needs Survey and the</p>	<p>No Change</p>	
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<p>shared ownership housing from this equation, which in its earlier definition, Council states is also an affordable tenure.</p>	<p>2002 Housing Needs Survey Re-Analysis, the social rented sub tenure is identified to meet the substantial element of housing need (25% is recommended) within the Borough. This aspect is reinforced in paragraph 4.5 of the draft Affordable Housing SPD as well as within the supporting text to Adopted UDP (October 2005) Policy H5 "Affordable Housing."</p> <p>Responding further to the concerns raised in respect of this issue, after the new emerging Dudley Metropolitan Borough Housing Needs Survey has been completed within 2006, in the future, the Council will carefully consider and review any changes which may be required to the Affordable Housing SPD so that it reflects any changed or new circumstances in relation to local housing needs within the Borough, and, at a time where resources allow, the Council will complete a partial review of the Affordable Housing SPD where this is required. In addition, it is important to note that revisions to our understanding of housing needs in the Dudley Metropolitan Borough will also be taken into account during negotiations with developers at the detailed planning application stage.</p>		
<p><b>Issue 15</b> The objector considers that the reference in section 7.9 of the draft Affordable Housing SPD to social rented housing being developed to "Lifetime Homes standards" is unduly restrictive and such</p>	<p>The Council considers that supporting the provision of Lifetime Homes by requiring standards to be adopted in Social Rented Housing is a fundamental issue for helping achieve sustainability within Dudley. It is recognised by the Council that Lifetime Homes play a key role in supporting community cohesion as they enable existing dwellings to be readily adapted (e.g. inclusion of stair lifts, special adapted fittings for disabled people, support rails, etc) for people with disabilities and physical impairment who would otherwise be forced to leave their community because their</p>	<p>Amend draft Affordable Housing SPD by inserting an additional new sentence within paragraph 7.11 following the existing Affordable Housing SPD wording "The Council supports the provision of Lifetime</p>	

<p>matters are more appropriately dealt with through the Building Regulations.</p>	<p>existing home was unsuitable for their special living requirements. Recognising the interests and needs of all members of the community, including people with disabilities, is key for achieving equality and promoting sustainability, and for achieving mixed and balanced communities - the approach reinforced and promoted in national planning guidance on housing. However, it is important to note that there is not a blanket presumption for Lifetime Homes in all Social Rented Housing. Every proposal site is carefully assessed on its own unique set of individual circumstances, on its own individual planning merits, on a site-by-site, case-by-case basis, according to the overriding localised needs within each particular area, and whether there are any exceptional circumstances present.</p>	<p>Homes by requiring standards to be adopted in Social Rented Housing.”: After this sentence, insert new additional wording:  <b>“Each proposal site is carefully assessed on its own unique set of individual circumstances, on its own individual planning merits, on a site-by-site, case-by-case basis according to what the needs are within each particular local area. Where there is a demonstrated need for Lifetime Homes, then the Council will normally pursue Lifetime Homes Standards unless there are exceptional circumstances present justifying otherwise.”</b></p>	
<p><b>Issue 16</b> The objector considers that</p>	<p><b>Proposed response to issues 16 &amp; 17</b> Focusing on paragraph 8.1 of the draft Affordable Housing SPD</p>	<p>No Change</p>	

<p>the reference to affordable housing being “required” in section 8.1 is presumptuous and should be amended to reflect that affordable housing is negotiated where a proposal triggers a policy threshold and a clear demonstrable need is evident.</p> <p><b>Issue 17</b> The objector considers that the Council fails to refer to the supply of affordable housing through existing commitments, pipeline schemes, re-lets and reducing vacancy levels in Section 8.2</p>	<p>and the objectors concerns relating to the use of the wording “require” within the existing sentence: “When residential developments are proposed within Dudley that require an element of affordable housing ...” On this occasion, the Council does not consider that there is a need to remove the existing wording. The sentence merely refers to where the Council has recognised that a residential development has an affordable housing requirement in accordance with the adopted Unitary Development Plan as well as national and regional planning policies and guidance. In such circumstances the SPD urges developers that consultation with Dudley MBC Planning and Housing Officers commences at the earliest opportunity prior to the submission of any planning application.</p> <p>The Council does not consider that there is a need to modify paragraph 8.2 of the draft Affordable Housing SPD by referring to the “supply of affordable housing through existing commitments, pipeline schemes, re-lets, and reducing vacancy levels.” The Council considers that paragraph 8.2 remains clear in its approach and does not consider it necessary to adjust this paragraph.</p>	No Change	
<p><b>Issue 18</b> The objector considers that the Council should not be involved in determining the phasing of affordable housing provision on site as set out in Section 8.4 of the draft SPD. The objector</p>	<p>The Council considers that it is appropriate to address matters such as “the phasing of on-site affordable housing provision” as part of planning contributions which is referred to under Section 8 (Planning discussions and contributions) of the draft Affordable Housing SPD. Some degree of control is a standard condition within Section 106 agreements.</p>	No Change	

<p>further considers that the logistics of site development should be left to the house builder and can be dependent on many factors some outside the house builder's direct control.</p>			
<p><b>Issue 19</b> The objector considers that the standards that will be applied to affordable housing units as set out in Section 8 of the draft Affordable Housing SPD is a matter for Building Regulations and including it within the planning application process will only seek to delay the decision making process.</p>	<p>The Council's view is that it is appropriate to address matters such as the standards that will be applied to the construction of those affordable housing units as part of planning contributions. A fundamental aim is to ensure that the appropriate type of affordable housing provision is provided, in the right location, on qualifying sites (e.g. sites of 25 dwellings or more or sites of 1 hectare or more in size at present or in accordance with the latest Government advice) in order to help meet identified local affordable housing needs present within the Borough. The Council does not consider it will be unduly restrictive on the developer or will result in delay to the decision making process, as this matter remains an important issue which needs to be addressed at the earliest possible time.</p>	No Change	
<p><b>Issue 20</b> The objector considers that reference to Registered Social Landlords (RSL's) and other agencies should not be tied into planning</p>	<p>In relation to this objection, the Council does not consider that it is inappropriate, onerous, or unduly restrictive to include details of RSL's, Housing Associations, and other agencies and development partners within planning contributions. Providing such information, in the Council's view, reinforces transparency and accountability in the affordable housing decision making</p>	No Change	

<p>contributions. For example, the RSL or agency could change which would introduce a new set of different and additional affordable housing requirements on the house builder. This would be an issue which would be outside the control of the house builder and such restrictions could delay the implementation of a new development.</p>	<p>process in accordance with national guidance paragraph 20 set out in Planning Policy Guidance Note 3 (PPG 3) (2000) "Housing". Once matters relating to affordable housing have been confirmed within the final approved planning agreement, it would not be possible for the Council to present and introduce a new and additional set of different affordable housing requirements to the developer, as suggested by the objector. The Council therefore does not consider that there is any basis for the objector's concerns in relation to this issue.</p>		
<p><b>Issue 21</b> The objector considers that the draft SPD should explicitly include the expected number of dwellings to come forward on allocated housing sites up to 2011 and, if those numbers, using 30% affordable, will enable the Council to meet its total affordable housing requirement – especially as the draft SPD states in</p>	<p><b>Proposed response to issues 21 &amp; 22</b> The Adopted Unitary Development Plan (UDP) (October 2005) (Policy H5: Affordable Housing) and the emerging draft Affordable Housing SPD (Paragraph 7.1) are not intended to state how many affordable houses are expected to come forward on allocated sites up to 2011. Instead they refer to a <u>target</u> of 1,440 affordable units that the Council will seek to obtain from 2003 to the end of the plan period in 2011. To this end the Council propose to amend reference to this figure as a "target" rather than a "requirement".</p> <p>It is anticipated that completions from windfall sites and conversions will contribute towards achieving the above target as well as the affordable completions that will come through from</p>	<p><b>The Council proposes to replace the existing word "requirement" in the heading to paragraph 7.1 to the word "target".</b></p>	

<p>paragraph 7.0 that the requirement for affordable housing will vary from site to site.</p> <p><b>Issue 22</b> The objector considers that the Council should have a different lower affordable housing threshold for Wards with under 10,000 properties.</p>	<p>allocated sites. A windfall site is a site that is not specifically allocated for development in a development plan, but which unexpectedly becomes available for development during the lifetime of the plan. Given the unexpected nature of windfall development it would not be possible to set out with certainty the total number of affordable housing units that the Council would expect to come forward to the end of the plan period.</p> <p>Policy H5 (Affordable Housing) of Dudley MBC's Adopted Unitary Development Plan (UDP) states that Dudley MBC will seek the provision of affordable housing on suitable sites above the thresholds set out in the most recent Government advice, notably Circular 06/98 "Planning and Affordable Housing" and Planning Policy Guidance Note 3 (PPG 3) (2000) "Housing." Emerging draft Planning Policy Statement 3 (draft PPS 3) (2005) "Housing" which will eventually replace PPG 3 states that the indicative national minimum threshold is likely to be 15 dwellings or 0.5 hectares, but local planning authorities may set a different threshold or series of thresholds where this can be justified. In determining the minimum site-size threshold (and any higher thresholds), local planning authorities will need to take into account the level of affordable housing to be sought, site viability, the impact on the delivery of housing provision, and the objective of creating mixed and sustainable communities.</p> <p>Once draft PPS 3 is fully adopted and replaces PPG 3 as explained above, providing that its contents in respect of affordable housing thresholds are not altered in the meantime, it will become the latest Government advice on affordable housing. Therefore, according to the wording of Policy H5 in the adopted</p>	<p>No Change</p>	
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	<p>UDP, the affordable housing thresholds contained in PPS3 will become the ones followed by Dudley MBC.</p> <p>As an urban metropolitan borough with a legacy of heavy manufacturing uses the Council is very aware of land contamination and viability issues. As such, due to the need to stimulate area regeneration and due to the high costs of developing some former industrial land for housing purposes given the often high clean-up costs involved, Dudley MBC considers that, in such cases, negotiation of the proportion of affordable housing to be agreed can be made.</p>		
<p><b>Issue 23</b></p> <p>The objector considers that unless some form of occupancy restriction (e.g. age restriction) is placed on a development then the “right to buy” will encroach on the type of resident using a property. Needs to be more stringent (e.g. imposition of age restriction for example) in order to prevent abuse of the system by the “right to buy” market which would threaten and prevent those identified in most need of affordable housing</p>	<p>When affordable housing dwellings have been provided on-site as part of a wider housing development in accordance with Adopted UDP (October 2005) Policy H5 “Affordable Housing”, the Council (in close co-operation with Registered Social Landlords / Housing Associations) has very strict requirements and guidelines in terms of who can live within individual dedicated affordable housing accommodation. Under the implementation section of Policy H5 in the adopted UDP, it states that the affordable housing policy is implemented “...Through the Development Control process, including the use of planning obligations and suitable planning conditions to control occupancy.” Whilst the objectors concerns are recognised by the Council, Council policy is clear that suitable planning conditions would be used to control occupancy which directly addresses the concerns raised. The Council considers that its existing policy approach detailed above is sufficiently robust and therefore does not consider that there is a need for it to modify the draft Affordable Housing SPD.</p>	No Change	

accommodation within a particular geographic area of the Borough from accessing individual on-site affordable housing accommodation.			
<b>Issue 24</b> The objector considers that, as the development of social housing is likely to be mixed with properties which are for sale on the general housing market, “a flexible approach to parking standards” may lead to encroachment and cause overflow parking on neighbouring residential streets.	<p>In paragraph 6.9 (formerly 6.8) of the draft SPD, the Council considers that a flexible approach to car parking standards for affordable housing schemes is required within town, district or local centre sites. This is due to the limited site areas often coming forward within existing centres (in terms of the limited overall site size) and given that sites are often tightly constrained by surrounding existing built development. On some town, district or local centre sites extensive resident car parking areas are therefore often not feasible or indeed workable. The Council therefore requires a flexible approach as opportunities for providing new affordable housing provision within existing centres may otherwise be lost in some instances. This approach accords with and is reinforced by national planning guidance on housing, set out in Planning Policy Guidance Note 3 (PPG 3) (2000) “Housing”. For example, paragraph 50 states that: “Local planning authorities should facilitate mixed-use development by: encouraging more housing, including affordable housing, in town centres by, for example, converting space above shops....adopting flexible planning standards for car parking and density which facilitate such developments”.</p> <p>Supporting and reinforcing the Council's position further, paragraph 60 (under the heading “reviewing parking standards”)</p>	No Change	



	<p>of PPG 3 stresses that: “Car parking standards for housing have become increasingly demanding and have been applied too rigidly, often as minimum standards. Developers should not be required to provide more car parking than they or potential occupiers might want, nor to provide off-street parking when there is no need, particularly in urban areas where public transport is available or where there is a demand for car-free housing. Parking policies should be framed with good design in mind, recognising that car ownership varies with income, age, household type, and the type of housing and its location...”</p> <p>It is important to note that on every proposal site, at the Development Control Planning Application stage, the Council works very closely with Dudley MBC Highway Engineers in order to ensure that there is no adverse impact as a result of the proposal in respect of highway safety issues, with regard to resident car parking provision and highway access.</p>		
<p><b>Issue 25</b> The objector considers that the principle of adopting a flexible approach to car parking is fine providing the policy guidance within national planning guidance in Planning Policy Guidance Note 13 (PPG 13) “Transport” is followed.</p>	<p>Agree with objector and propose to amend the draft Affordable Housing SPD to make this clearer.</p>	<p><b>Amend last sentence of paragraph (6.9 formerly 6.8) to read as follows:</b></p> <p><b>“In order to facilitate housing provision generally and affordable housing provision in particular, the Council will look for increased densities</b></p>	

		and will adopt a flexible approach to parking standards provided that maximum parking standards are not exceeded.”	
<p><b>Issue 26</b> The objector considers that within paragraph 7.2 of the draft SPD there is an unrealistically high level of social rented units specified. Only 5 % shared ownership will result in limited open market attraction to a particular development. A more appropriate level would be 50% with overall more units allocated to social affordable use.</p> <p><b>Issue 27</b> The objector considers that too much emphasis has been taken by the Council on social rented units and not enough on the wider</p>	<p><b>Proposed response to issues 26 &amp; 27</b> The policy threshold levels relating to social rented units and shared ownership units referred to by the objector are related to the most up-to-date Housing Needs Survey for the Dudley Metropolitan Borough conducted in 1998 and the Housing Needs Survey Re-Analysis 2002. Furthermore, as reinforced within paragraph 7.3 of the draft Affordable Housing SPD, the precise house types sought will be determined through discussion between Planning and Housing Departments, and individual developers at the planning application or pre-application stage.</p> <p>Given that the thresholds are based on the most up-to-date Housing Needs Survey information for Dudley, the Council does not consider it appropriate at this time to modify its approach set out in the draft SPD as the Council has to base its evidence and policy approach on the most up-to-date and robust information available. The position will be re-assessed after the new emerging 2006 Dudley Metropolitan Borough Housing Needs Survey has been completed. Furthermore, it is important to note that revisions to our understanding of housing needs in the Dudley Metropolitan Borough will also be taken into account during negotiations with developers at the detailed planning</p>	<p>No Change</p> <p>No Change</p>	

scheme including the low cost options.	application or pre-application stage.		
<b>Issue 28</b> The objector considers that within paragraph 7.2 of the SPD, the Council should replace the word “expect” with “seek” to comply with government guidance.	The comments suggested by the objector are accepted.	The Council proposes to amend the heading wording (at paragraph 7.0) to the draft SPD which currently states “What is expected from a developer” and <b>replace with the following new wording “What is sought from a developer.”</b>  In addition, the Council proposes to replace existing text in paragraph 7.2 of the draft SPD which currently states “In general terms, the Borough Council will expect....” <b>with the new text stating “In general the Borough Council will seek”</b>	
<b>Issue 29</b>	<b>Proposed response to Issues 29 and 30</b>	No Change	

<p>The objector considers that within paragraph 7.2 of the draft SPD the allocation of 25% for social rented is too high and should be part apportioned to shared ownership which allows and encourages home ownership which is better in the long term to occupiers. By providing social rented this is preventing social mobility and discourages taking pride in one's area.</p> <p><b>Issue 30</b></p> <p>The objector considers that the lack of need for low cost discount and shared ownership housing within the draft Affordable Housing SPD should be backed up by evidence.</p>	<p>The tenures referred to are those set out in the supporting text to Dudley MBC's Adopted Unitary Development Plan (UDP) (October 2005) Policy H5 "Affordable Housing." The role of Supplementary Planning Documents is merely to expand or supplement the policies in the existing relevant development plan document or a saved policy in a development plan.</p> <p>Paragraph 7.2 of the draft SPD has already considered such issues raised by the objector in that it states a percentage figure for a shared ownership component.</p> <p>Paragraph 7.2 opens by stating: "In general terms..." This can reasonably be interpreted as indicating that the stated social rented and shared ownership percentages are in certain instances a starting point from which negotiations can then take place between the developer and the Council. This reflects the Council's general approach to consider each development proposal on its merits on a site by site basis.</p> <p>Paragraph 4.5 of the draft SPD describes the conclusions of the 1998 Housing Needs Survey on the lack of/ limited need for low cost discount and shared ownership housing. The draft SPD has been based on the most up-to-date housing needs survey information available for Dudley, which is the 1998 Housing Needs Survey and the Re-Analysis Housing Needs Survey completed in 2002. A new emerging 2006 Housing Needs Survey is currently being completed for the Dudley Metropolitan Borough. After the new emerging Survey has been completed, the Council will consider adjusting the Affordable Housing SPD to take on board any new housing needs information which may emerge. <b>It</b></p>	<p>No Change</p>	
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	is important to note that revisions to our understanding of housing needs in the Dudley Metropolitan Borough will also be taken into account during negotiations with developers at the detailed planning application stage.		
<b>Issue 31</b> The objector considers that reference should be made to Planning Policy Guidance Note 25 (PPG 25) "Development and Flood Risk" and the need to assess flood risk of potential affordable housing sites. The objector also considers that reference should be made to Planning Policy Statement 23 (PPS 23) "Planning and Pollution Control" and the need to assess the level of risk and need for ground investigations on brownfield sites that may be affected by contamination.	The draft Affordable Housing SPD expands on policies in the Council's Adopted Unitary Development Plan (UDP) (October 2005), in this case, Policy H5 "Affordable Housing." The UDP is the statutory development plan for the Borough and contains policies governing the use of land. It contains policies relating to flood risk (Policy EP4), water protection (Policy EP3), derelict land (Policy UR8), contaminated land (Policy UR9) and unstable land (Policy UR10). In line with advice reinforced in national planning guidance set out in Planning Policy Statement 12 (PPS12) (2004) "Local Development Frameworks" the Council's view is that it is not the role of a Supplementary Planning Document to repeat policies in higher plans. The objector can be reassured that all of these policies will be considered in any development proposals whether or not they include affordable housing.	No Change	
<b>Issue 32</b> The objector considers that flood risk should be	As the principal guidance underpinning the draft Affordable Housing SPD is the Dudley MBC Adopted Unitary Development Plan (October 2005), specifically Policy H5 'Affordable Housing',	<b>Include flood risk under the local concern of Quality of</b>	

included under the local concern of Quality of the Environment in the Sustainability Appraisal.	in order to ensure consistency of appraisal, the objectives identified to test the sustainability appraisal of the SPD are the same that were used to assess the sustainability of the Dudley MBC Adopted UDP and its policies. However, the Council recognise that flood risk is a key concern and therefore propose to add this to the draft Affordable Housing SPD Sustainability Appraisal.	<b>the Environment in the draft Affordable Housing SPD Sustainability Appraisal.</b>	
<p><b>Issue 33</b> Objector considers that Section 3 of the draft SPD makes no reference to Circular 06/98 "Planning and Affordable Housing" or updated draft policy guidance such as 'Planning for Mixed Communities' set out within emerging draft Planning Policy Statement 3 (draft PPS 3) (2005) "Housing."</p> <p><b>Issue 34</b> The objector considers that Section 8 of the draft SPD makes no reference to Circular 5/05 'Planning Obligations' and the relevant tests for requiring obligations or alternative</p>	<p><b>Proposed Council response to issues 33 &amp; 34</b> The Council accepts that it has not made reference to Circular 06/98 "Planning and Affordable Housing" in the draft SPD – this being on the basis that the circular will shortly be superseded (along with Planning Policy Guidance Note 3 (PPG 3) (2000) "Housing") when emerging draft Planning Policy Statement 3 (draft PPS3) "Housing" comes into force. Until this time, the Council will continue to take Circular 06/98 and PPG 3 into consideration as a matter of course.</p> <p>The Council would agree with the objector's view that the Council's draft SPD (and specifically Section 8) should make reference to Circular 5/05 Planning Obligations. Annex B paragraph B3 of this circular describes planning obligations (or Section 106 agreements') as a private agreement negotiated between local planning authorities and developers, intended to make acceptable that development which would otherwise be unacceptable in planning terms. The paragraph gives examples of such obligations – including 'requiring that a given proportion of housing is affordable'.</p>	<p>To insert additional text to the bottom of paragraph 8.4 of the draft SPD to read:</p> <p><b>"Annex B paragraph B3 of Government Circular 5/2005 'Planning Obligations' describes planning obligations (often referred to as section 106 agreements) as private agreements negotiated between local planning authorities and developers - intended to make acceptable that development which would otherwise be unacceptable in</b></p>	

means of ensuring affordable housing.		planning terms. Dudley MBC often makes use of such legally binding agreements in order to address issues such as those listed above. Circular 5/2005 gives guidance and examples in terms of when and how planning obligations can be used.”	
<b>Issue 35</b> The objector considers that “ordinary people” are having a problem reading and understanding the Council’s draft Affordable Housing SPD. The Objector stated that “my caravan site warden gave up after the first heading.”	<p>A key requirement of this draft Affordable Housing SPD document is that the guidance given is as clear as possible to members of the public. Therefore, every effort has been made to avoid the use of jargon wherever possible and where technical terms have been used explanations have been given.</p> <p>Should any members of the public or businesses have difficulty in interpreting the guidance they are encouraged to use the contact details at the start of the SPD guidance to get in touch with the relevant officers who would then be glad to answer any queries they may have relating to the guidance.</p>	No Change	
<b>Issue 36</b> The objector considers that the draft SPD is unclear as to whether it only applies to	The guidance has been formulated to supplement and provide additional detail in relation to the Council’s Adopted Unitary Development Plan (UDP) (October 2005) Policy H5 “Affordable Housing”. Policy H5 applies to all proposals for residential	No Change	

<p>new dwellings. The objector asks whether caravan sites or flat conversions or a change of use from commercial to residential are considered?</p>	<p>development, within the C3 Use Class, which trigger the thresholds specified and are consistent with paragraph 10 of Circular 06/98 “Planning and Affordable Housing” (i.e. sites with 25 dwellings or more or residential sites of 1 hectare or more). Residential development can be taken to include new build completions and conversions to residential (either from existing residential use or from commercial use).</p> <p>The Office of the Deputy Prime Minister (ODPM) draft consultation paper titled “Planning for Gypsy and Traveller Sites” (December 2005) reinforces the importance of Local Planning Authorities discussing with Gypsies and travellers and their representative bodies, their accommodation needs in order to ensure that their views are taken into account particularly when local planning authorities are preparing their development plan documents (DPDs). The Council recognises the fundamental importance of achieving wide-ranging public consultation as part of this draft Affordable Housing SPD and the need to reach “hard to reach groups” within the consultation, such as the gypsy’s and traveller community. To this end, in line with the emerging ODPM guidance referred to above, the Council has made special efforts to include locally-based gypsy and traveller sites based within the Dudley Metropolitan Borough and nationally based gypsy and traveller representative bodies and organisations within the consultation for the draft SPD. A full list of who has been consulted can be found within the Council’s “Statement of Community Involvement for the draft SPD) (November 2005)”. </p> <p>Gypsy and traveller accommodation issues are more appropriately addressed within a specific policy within the</p>		
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	Council's Adopted Unitary Development Plan (UDP) (October 2005), notably Policy H7 "Travellers Accommodation."		
<b>Issue 37</b> The objector considers that the draft SPD should advise that the provision of affordable housing will result in a cost to be taken into account in negotiating land options/ purchase.	Agree with objectors comments. Paragraph 6.5 (formerly 6.4) of the draft SPD states that "the purchase price of the site should also have regard to the Affordable Housing requirement and all other relevant Adopted Unitary Development Plan (UDP) policies. Only where exceptional remediation costs prevent a sale of the site on the open market or otherwise restricting the reuse of the site for housing will a reduced provision be considered." The Council considers that this meets the objector's requirements.	No Change	
<b>Issue 38</b> The objector considers that the status of the draft Affordable Housing SPD as a material consideration should be reinforced	The Council agrees that a sentence explaining the status of the Affordable Housing SPD as a material consideration in the determination of planning applications should be included.	Amend last sentence in paragraph 1.1 to read as follows: <b>"The Affordable Housing Supplementary Planning Document (SPD) itself is a separate document. It will complement Policy H5 'Affordable Housing' of the Council's Adopted Unitary Development Plan (UDP) (October 2005) (see Appendix 1) and will be a material</b>	

		consideration in the determination of planning applications.”	
<p><b>Issue 39</b></p> <p>The objector considers that an integrated Housing Market and Needs Assessment should be undertaken to recognise the marked variations in the housing market throughout Dudley. The ‘one size fits all’ approach is not appropriate and the blanket 30% figure should be replaced with a more flexible approach.</p>	<p>Dudley MBC has already commissioned a new 2006 Housing Needs and Demand Study. This work incorporates much of the new guidance from the Office of the Deputy Prime Minister (ODPM) but does not include a Housing Market Assessment. Indeed, given that the ODPM good practice guidance is still in emerging draft form and that emerging draft Planning Policy Statement 3 (draft PPS 3) advises local authorities to undertake sub-regional housing market and land availability assessments, Dudley MBC accepts that an integrated Housing Market and Needs Assessment will need to be undertaken to recognise the market variations in the housing market through Dudley, but that this would be premature at this stage, given that PPS 3 is still an emerging draft format and may therefore be subject to further additional changes and revisions shortly. Dudley MBC has been working closely with neighbouring local authorities as part of the Black Country Study and as part of the move towards sub-regional housing market and land availability assessments, Dudley MBC will investigate undertaking such an assessment in liaison with our sub-regional partners at the appropriate time.</p> <p>The Council considers that the draft Affordable Housing SPD has been prepared in accordance with guidance set out in Planning Policy Guidance Note 3 (PPG 3) (2000) “Housing”, Circular 06/98 “Planning and Affordable Housing”, and Regional Planning Guidance. As previously stated, draft PPS 3 is still in an emerging draft format and may be subject to further changes and revisions.</p>	No Change	

	<p>Although consideration was given to draft PPS3 when being put together, the draft Affordable Housing SPD cannot be fully based on this emerging guidance.</p> <p>Focusing on the objectors suggestion that the 'one size fits all' approach is not appropriate and the blanket 30% figure should be replaced with a more flexible approach, this issue was considered by the Inspector during his consideration of Adopted Unitary Development Plan (UDP) (October 2005) Policy H5 "Affordable Housing" during the UDP Public Local Inquiry. The Inspector found that: "there is clearly an identified need for affordable housing to be provided on suitable housing sites. I find that an acceptable approach in obtaining this provision would be for the Council to set an indicative target for each suitable site (30%) and then indicate the criteria that would be considered when assessing the exact amount on individual sites that would be required. The 30% target sought by the Council on suitable sites is justified by the proven housing need for affordable housing in the area. The figure is shown to be only an indicative target, by the inclusion of the last sentence of paragraph 2 of the Policy, which states that "the Council will secure affordable housing provision through negotiations with housing providers and other Council departments".</p> <p>The second half of the Policy contains a range of criteria, which can be used to assess the suitability of a site to provide affordable housing, and the amount of housing that should be reasonably sought. The criteria incorporate elements recognised within Planning Policy Guidance Note 3 and Circular 06/98 "Planning and Affordable Housing" as being part of the</p>		
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	<p>consideration when determining the amount of affordable housing that should be provided on sites. The inclusion of these criteria adds a sufficient degree of flexibility to the 30% target figure, without being too prescriptive. It will allow the Council, developers, and other interested parties to assess the amount of affordable housing that would be acceptable for each individual site, and allow for local needs and aspects to be considered. The 30% target should be the minimum percentage that should be sought unless there are clear constraints or factors that would indicate that a lower percentage is acceptable. The wording of the Policy in this respect is acceptable, as it indicates that the Council will be seeking 30% “unless other factors determine otherwise.”</p> <p>The Affordable Housing SPD underpins and provides additional detail in relation to Policy H5 (Affordable Housing) of the Council’s Adopted UDP and the Council considers that the policy is reasonably flexible to address the objectors concerns. Finally, notwithstanding the above points made, in the Council’s view, it would not be appropriate to adjust the 30% threshold figure set out in Adopted UDP (2005) Policy H5 “Affordable Housing” as suggested by the objector, as this would be setting a new policy approach and framework. This would be contrary to national planning guidance set out in Planning Policy Statement 12 (PPS 12) “Local Development Frameworks”. Paragraphs 2.42 to 2.44 of the Statement state that it is not the role of Supplementary Planning Documents to set new policy or introduce a new policy framework. The role of SPDs is merely to expand or supplement the policies in the existing relevant development plan document (DPD) or a saved policy in a development plan.</p>		
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<p><b>Issue 40</b></p> <p>The objector considers that the threshold of seeking affordable housing on developments of 25 or more dwellings or greater than 1 hectare needs to be clearly justified in the context of emerging draft Planning Policy Statement 3 (draft PPS3) (2005) "Housing" which sets a lower threshold and in the context of differences in the housing market and associated need in the Dudley Metropolitan Borough.</p>	<p>Adopted Unitary Development Plan (UDP) (October 2005) Policy H5 "Affordable Housing" states that Dudley MBC will seek the provision of affordable housing on suitable sites <b>above the thresholds set out in the most recent Government advice.</b></p> <p>In this case, the guidance is Office of the Deputy Prime Minister (ODPM) Circular 06/98 "Planning and Affordable Housing" which maintains that: "...In preparing plan policies for affordable housing, assessing the suitability of sites to be identified in the plan and any sites that may come forward not allocated in the plan, the following criteria should be taken into account: site size, suitability and the economics of provision:</p> <p>It will be inappropriate to seek any affordable housing on some sites.</p> <p>In practice the policy should only be applied to suitable sites, namely; housing developments of 25 or more dwellings or residential sites of 1 hectare or more, irrespective of the number of dwellings;..."</p> <p>However, as the Objector points out, emerging draft Planning Policy Statement 3 (draft PPS3) (2005) "Housing" states that the indicative national minimum threshold is 15 dwellings, but local planning authorities may set a different threshold or series of thresholds where this can be justified. In determining the minimum site-size threshold (and any higher thresholds), local planning authorities will need to take into account the level of affordable housing to be sought, site viability, the impact on the delivery of housing provision, and the objective of creating mixed and sustainable communities.</p>	<p>Add an additional paragraph 6.4 to the SPD to read:</p> <p><b>"Adopted UDP (October 2005) Policy H5 (Affordable Housing) states that these policy thresholds will be in accordance with the latest national planning guidance. It is therefore anticipated that these figures may change when draft Planning Policy Statement 3 (draft PPS3) "Housing" supersedes PPG 3 to fall in line with the thresholds which will appear in the final adopted version of PPS3 if different from those in PPG3."</b></p>	<p>To emphasise the flexibility of Policy H5 in the adopted UDP which allows for changes in the affordable housing thresholds within the latest Government advice.</p>
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	<p>Once PPS3 is fully adopted, providing that its contents in respect of affordable housing thresholds are not altered in the meantime, it will become the latest Government advice on affordable housing. Therefore, according to the wording of Policy H5 in the adopted UDP, the affordable housing thresholds contained in PPS3 will become the ones followed by Dudley MBC.</p> <p><b>To emphasise this flexibility within Policy H5 an additional paragraph 6.4 has therefore been added to the SPD.</b></p> <p>As an urban metropolitan borough with a legacy of heavy manufacturing uses the Council is very aware of land contamination and viability issues. As such, due to the need to stimulate area regeneration and due to the high costs of developing some former industrial land for housing purposes given the often high clean-up costs involved, Dudley MBC considers that, in such cases, negotiation of the proportion of affordable housing to be agreed can be made.</p>		
<p><b>Issue 41</b> The objector considers that more details of the timing/phasing of affordable housing within schemes should be given in paragraph 7.5 of the draft SPD.</p>	<p>The detailed timing/ phasing of affordable housing within schemes is a matter for negotiation between the local authority and the developer. The Council nevertheless agrees that some guidance on this issue would be useful in the draft Affordable Housing SPD to state that the construction and occupation of the affordable housing units will normally be controlled in relation to the construction and release of the rest of the site. This will be put into the document at paragraph 8.5.</p>	<p>Amend draft SPD by inserting a new sentence at the end of paragraph 8.5:</p> <p><b>“The construction and occupation of the affordable housing units will normally be controlled in relation to the construction</b></p>	

		<b>and release of the rest of the site.”</b>	
<b>Issue 42</b> The objector considers that standard Section 106 clauses should be included within the draft Affordable Housing SPD	It is the Council’s view that it would not be appropriate or necessary to include standard Section 106 (S106) Affordable Housing clauses within the draft SPD given that S106 Affordable Housing clauses often vary considerably and are closely tailored to the individual unique set of circumstances present for each proposal site, on a site-by-site basis. The use and content of Affordable Housing S106 clauses is a matter to be addressed at the planning application stage by Development Control and the Council’s Legal Department, not within this particular draft Affordable Housing SPD. On this basis, it is considered that the Affordable Housing SPD would not be the appropriate vehicle to address this particular issue.	No Change	
<b>Issue 43</b> The objector considers that the draft Affordable Housing SPD should not attempt to introduce a level of prescription that would not have survived the Local Plan process and to introduce new policies. The objector also considers that the draft Affordable Housing SPD does not conform with national planning guidance set out	The Council considers that the draft Affordable Housing Supplementary Planning Document (SPD) (November 2005) has been prepared in full accordance with advice set out in Planning Policy Guidance Note 3 “Housing”, Circular 06/98 “Planning and Affordable Housing”, Regional Planning Guidance (RPG 11 (June 2004) now RSS) and national planning guidance set out in paragraphs 2.42 to 2.44 of Planning Policy Statement 12 (PPS 12) (2004) “Local Development Frameworks.” PPS 12 (2004) are all clear that it is not the role of Supplementary Planning Documents (SPDs) to set new policy or introduce a new policy framework. The role of SPDs is merely to expand or supplement the policies in the existing relevant development plan document (DPD) or a saved policy in a development plan.	No Change	

<p>in Planning Policy Statement Note 12 (PPS 12) (2004) “Local Development Frameworks” which instructs “...it must be consistent with national and regional planning policies as well as the policies set out in the development plan documents contained in the LDF...”</p>	<p>The Council does not consider that the Affordable Housing SPD has introduced new policies or a level of prescription which is inconsistent with, or exceeds requirements in the Adopted Unitary Development Plan (UDP) (October 2005) Policy H5 “Affordable Housing” or which conflicts with Planning Policy Statement 12 (PPS 12) (2004) “Local Development Frameworks” advice. The draft Affordable Housing SPD supports and provides further additional detail in relation to Adopted UDP Policy H5 “Affordable Housing.”</p>		
<p><b>Issue 44</b> The objector considers that the draft Affordable Housing SPD attempts to redefine affordable housing by imposing restrictive tenure mixes and to move away from the definition in the adopted plan. The Council can therefore be seen to be attempting to circumvent the tenure neutrality that is imposed by Office of the Deputy Prime Minister (ODPM) guidance set out in Circular</p>	<p>It is the Council’s view that the draft Affordable Housing SPD has been prepared in full accordance with Regional Planning Guidance (RPG 11 (June 2004) now RSS), Circular 06/98 “Planning and affordable housing” advice, national planning guidance set out in Planning Policy Guidance Note 3 (PPG 3) (2000) “Housing” and Planning Policy Statement 12 (PPS 12) (2004) “Local Development Frameworks” guidance – most notably paragraphs 2.42 to 2.44 of Planning Policy Statement 12 (PPS 12) (2004) “Local Development Frameworks” which focus exclusively on Supplementary Planning Document (SPD) preparation. PPS 12 confirms that it is not the role of Supplementary Planning Documents (SPDs) to set new policy or introduce a new policy framework. The role of SPDs is merely to expand or supplement the policies in the existing relevant development plan document (DPD) or a saved policy in a development plan, in this case, Adopted Unitary Development</p>	<p>No Change</p>	



06/98 "Planning and Affordable Housing."	<p>Plan (UDP) (October 2005) Policy H5 "Affordable Housing".</p> <p>The Council does not consider that the draft Affordable Housing SPD moves away from the definitions in the Council's Adopted Unitary Development Plan (UDP) (October 2005) Policy H5 "Affordable Housing", or introduces new policies or a level of prescription which is inconsistent with, or exceeds requirements in Policy H5 or which conflicts with PPS 12 advice.</p> <p>Focusing on affordable housing need issues and tenures the Council's view is that the draft Affordable Housing SPD has been prepared in line with and has been based on the most up-to-date housing needs survey information available for Dudley, which is the 1998 Housing Needs Survey and the Re-Analysis Survey completed in 2002. A new 2006 Housing Needs Survey is currently being completed for the Dudley Metropolitan Borough. After the new Survey has been completed, the Council will consider adjusting the Affordable Housing SPD to take on board any new housing needs information which may later emerge as a result.</p>		
<p><b>Issue 45</b></p> <p>The objector considers that references to 'target rents' conflict with Office of the Deputy Prime Minister (ODPM) advice in Circular 06/98 "Planning and Affordable Housing" and Planning Policy Guidance Note 3 (PPG 3) (2000)</p>	<p>The objector refers to "target rents" and considers that that this conflicts with Circular 06/98 "Planning and affordable housing" national planning advice. In response to this suggestion, the word "target" is referred to within paragraph 4.5 of the draft Affordable Housing SPD and relates to local needs issues connected to shared ownership dwellings. The evidence base on localised housing needs information and issues within the Dudley Metropolitan Borough has been carefully informed, supported and reinforced by the Council's most up-to-date Housing Needs Study conducted in 1998 and the Housing Needs Survey Re-Analysis</p>	No Change	

<p>“Housing” and should be withdrawn.</p>	<p>completed in 2002. The Council does not support the objector’s suggestion that the SPD conflicts with Circular 06/98 advice on this issue and considers that it has been prepared carefully and fully in accordance with Circular 06/98 advice.</p>		
<p><b>Issue 46</b> The objector considers that there is no locus in planning guidance for a local planning authority to determine land values nor the transfer cost of dwellings to a 3<sup>rd</sup> party. In this regard, the objector considers that it is of particular concern that the Council are advising planning applicants they must provide Registered Social Landlord accommodation but may not rely upon Social Housing Grant. Circular 6/98 confirms that public subsidy should be taken into consideration during</p>	<p>The Council considers that the role and purpose of the draft Affordable Housing SPD is not to determine land values as suggested by the objector. The purpose and role is to complement and provide additional detail in relation to Dudley MBC’s Adopted Unitary Development Plan (UDP) (October 2005) Policy H5 “Affordable Housing.” The role is also to provide additional advice and guidance to developers, landowners, Registered Social Landlords (RSLs), Housing Associations and other agencies as to how they can help meet housing need in Dudley.</p> <p>In response to the objector’s suggestion that the type and proportion of affordable housing sought should be flexible in response to the availability of public subsidy, the Council is clear in its view that, as reinforced in paragraph 7.10 of the draft Affordable Housing SPD, under normal circumstances, no grant will be made available on schemes covered by the affordable housing policy (Adopted UDP (October 2005) Policy H5 “Affordable Housing”). However, there may be circumstances where, for example, some schemes may include “special needs” housing that may require extra financial support, or where funding can be used to assist the viability of schemes to meet identified housing needs.</p>	<p>No Change</p>	

<p>negotiations. The type and proportion of affordable housing sought should be flexible in response to the availability of public subsidy.</p>			
<p><b>Issue 47</b> The objector considers that the local authority should enter into negotiations regarding the type of provision and, if it is agreed by both parties that it is preferable to sell dwellings to a Registered Social Landlord (RSL), the number of dwellings should be adjusted to match the funding available. The objector considers that the Council are attempting to secure funding rather than supplement adopted land use policies and this is not a legitimate use of Supplementary Planning Documents.</p>	<p>The Council welcomes the suggestion that it should enter into negotiations regarding the type of affordable housing provision sought. In response, the Council already does encourage this approach within the draft Affordable Housing SPD. For example, paragraph 8.1 of the SPD is clear that: "When residential developments are proposed within Dudley that require an element of affordable housing, developers should make sure that early consultation with Planning and Housing Officers will commence prior to the submission of the planning application. Developers are advised to contact Council officers as early as possible in their preparation of residential schemes. Prospective developers are encouraged, in the first instance, to contact the Development Control officer responsible for the area in which their site lies." Paragraph 6.2 of the draft SPD reinforces this aspect further, confirming that: "...Housing officers, in consultation with Dudley Housing Partnership (DHP), will also identify the type of affordable housing sought in a particular area. This will then underpin the negotiations carried out with developers in accordance with Adopted Unitary Development Plan (UDP) (October 2005) Policy H5 "Affordable Housing."</p> <p>The Council does not support the suggestion that the Council is attempting to secure funding rather than supplement adopted</p>	<p>No Change</p>	

	land use policies. The Council considers that its position is clear on this issue - the purpose and role of the draft Affordable Housing SPD, in accordance with paragraphs 2.42 to 2.44 of national planning guidance set out in Planning Policy Statement 12 (PPS 12) (2004) "Local Development Frameworks" is to complement and provide additional detail in relation to Dudley MBC Adopted Unitary Development Plan (UDP) (October 2005) Policy H5 "Affordable Housing." The role of the Affordable Housing SPD being to provide additional advice and guidance to developers, landowners, Registered Social Landlords (RSLs), Housing Associations and other agencies as to how they can help meet housing need in Dudley.		
<b>Issue 48</b> The objector considers that the draft Affordable Housing SPD should avoid prescription of development partners in accordance with Office of the Deputy Prime Minister (ODPM) guidance set out in Circular 06/98 "Planning and Affordable Housing." The objector further considers that the draft Affordable Housing SPD should confirm that it is not necessary to involve a Registered Social Landlord (RSL) in the	It is the Council's view that the involvement of development partners such as Registered Social Landlords (RSL's) is clear and transparent and not restricted to Preferred Partner RSLs. The Council considers that it already does operate a transparent, accountable and inclusive process when progressing affordable housing issues within the Dudley Metropolitan Borough. Certainly, the Council has a list of Preferred Partner Registered Social Landlords (RSLs) who it works closely with through the Dudley Housing Partnership (DHP) and the Joint Commissioning Partners group (JCP). However, other RSL's and Housing Associations who are not featured on the preferred partner list are in no way excluded from the process and still have an important and active role to play in helping to deliver affordable housing within the Dudley Metropolitan Borough. To this end, the Council already does actively work with other RSL's, Housing Associations and other development partners who are not on the Council's Preferred Partner RSL list. The Council does not	No Change	

provision of affordable housing.	believe that there is any conflict with Circular 06/98 "Planning and Affordable Housing" advice in relation to its existing policy approach and the way in which it involves RSL's and other development partners when securing the provision of affordable housing. The policy approach is stated in paragraph 7.5 of the draft SPD, "...The Housing department will be able to nominate an appropriate Registered Social landlord (RSL) who may be in a position to manage new properties as plans come forward."		
<p><b>Issue 49</b></p> <p>The objector considers that the Council has no powers to impose standards of construction on a scheme and therefore all reference to scheme development standards and Lifetime Homes should be deleted unless affordable housing is being provided with the benefit of Social Housing Grant.</p>	<p>The Council does not agree with the objector's suggestion that all reference to scheme development standards and Lifetime Homes should be deleted unless affordable housing is being provided with the benefit of Social Housing Grant. The Council considers its position on this issue is clear, as reinforced in paragraph 8.2 of the draft Affordable Housing SPD, all affordable housing schemes will need to comply with the Council's latest minimum standards (these standards are available from the Council's Housing Directorate) for social rented housing. Otherwise, in the Council's view, there is a risk that some schemes could come forward in the future which were not of the suitable required minimum standards, or the right type required, or were sub-standard and insufficient in terms of their quality. This would undermine and jeopardise the Council's policy approach for securing the right type of affordable housing provision, of the appropriate minimum standards, fit for purpose, in the right location, to address and meet local affordable housing needs within the Dudley Metropolitan Borough.</p> <p>The Council considers that supporting the provision of Lifetime Homes by requiring standards to be adopted in Social Rented</p>	<p>Amend draft Affordable Housing SPD by inserting an additional new sentence within paragraph 7.11 following the existing wording "The Council supports the provision of Lifetime Homes by requiring standards to be adopted in Social Rented Housing.": After this sentence, insert new additional wording: <b>"Each proposal site is carefully assessed on its own unique set of individual circumstances, on its own individual planning merits, on a</b></p>	

	<p>Housing is a fundamental issue for helping achieve sustainability within Dudley. It is recognised by the Council that Lifetime Homes play a key role in supporting community cohesion as they enable existing dwellings to be readily adapted (e.g. inclusion of stair lifts, special adapted fittings for disabled people, support rails, etc) for people with disabilities and physical impairment who would otherwise be forced to leave their community because their existing home was unsuitable for their special living requirements. Recognising the interests and needs of all members of the community, including the disabled, is key for achieving equality and promoting sustainability, and for achieving mixed and balanced communities - the approach reinforced and promoted in national planning guidance on housing. However, it is important to note that there is not a blanket presumption for Lifetime Homes in all Social Rented Housing. Every proposal site is carefully assessed on its own unique set of individual circumstances. Given the concerns raised by the objector, the Council proposes to include additional clarification text to paragraph 7.11 of the draft Affordable Housing SPD.</p>	<p><b>site-by-site, case-by-case basis according to what the needs are within each particular local area. Where there is a demonstrated need for Lifetime Homes, then the Council will normally pursue Lifetime Homes Standards unless there are exceptional circumstances present justifying otherwise.”</b></p>	
<p><b>Issue 50</b> The objector considers that the draft Affordable Housing SPD does not allow for the use of cascade mechanisms in direct contradiction of existing and emerging Government national planning guidance.</p>	<p>In response to the suggestions made, the Council considers that the draft Affordable Housing SPD (and the policy thresholds contained within the draft SPD) have been prepared in accordance with and carefully based upon the Council's Adopted Unitary Development Plan (UDP) (October 2005) Policy H5 (Affordable Housing), and a range of national planning guidance set out in Planning Policy Guidance Note 3 (PPG 3) (2000) "Housing" and Circular 06/98 "Planning and Affordable Housing". In addition, the Council considers that the draft Affordable Housing SPD accords with Planning Policy Statement 12 (PPS</p>	<p>No Change</p>	

	<p>12) (2004) “Local Development Frameworks” (most notably PPS 12 paragraphs 2.42 to 2.44 which concentrate on SPD preparation), and with Regional Planning Guidance (RPG 11 (June 2004) now RSS). Consideration has also been given to draft Planning Policy Statement 3 (draft PPS 3) (2005) “Housing”, which is still in an emerging draft format and may be subject to further changes and revisions.</p> <p>Finally, in relation to housing need information and the evidence base used, the Council considers that it has used the most up-to-date housing needs survey information available for the Dudley Metropolitan Borough, which is the 1998 Housing Needs Survey and the Re-Analysis Survey completed in 2002. A new emerging Housing Needs Survey is currently being completed for the Dudley Borough after which the Council will consider adjusting the Affordable Housing SPD to take on board any new housing needs survey information which may later emerge.</p>		
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