

# Housing Supplementary Planning Document Consultation Statement – March 2020

1. Waverley Borough Council has prepared a Supplementary Planning Document (SPD) in relation to design and sustainability considerations in order to guide development within the borough. The SPD provides more detailed advice and guidance concerning the relevant policies within the adopted Local Plan (2018 – 2032), and once adopted will be used as a material consideration for planning applications determined within the borough.

## Purpose of the Consultation Statement

2. Part 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when adopting a Supplementary Planning Document, Local Planning Authorities (LPA) should prepare a Consultation Statement. This should include the following information:
  - (i) The persons the local planning authority consulted when preparing the supplementary planning document;
  - (ii) A summary of the main issues raised by those persons; and
  - (iii) How those issues have been addressed in the Supplementary Planning Document.

## Regulations

3. The Local Plan Regulations set out that LPAs should make the document 'available' for a minimum of four weeks. During such time, the document should be made available for inspection at the council offices and other appropriate locations, and should be published on the local planning authority website.
4. Regulation 13 states that any person may make representations about the SPD and that the representations must be made by the end of the consultation date referred to in Regulation 12.
5. As set out in Regulation 12 when seeking representations on an SPD documents must be made available in accordance with Regulation 35; which requires the Council to make documents available by taking the following steps:
  - (i) Make the document available at the principal office and other places within the area that the Council considers appropriate;
  - (ii) Publish the document on the Council's website.

## Affordable Housing SPD

6. The adopted Local Plan provides the overarching strategic policies for the provision of housing. The aim of the Affordable Housing SPD is to provide additional guidance on how the affordable housing policies in the Local Plan will be implemented. The SPD contains information on the various affordable housing products (such as rented homes, shared ownership and discounted ownership); design of affordable housing; local need; specialist housing and self-build.

## Consultation

7. The draft Housing SPD was published for public consultation between 9<sup>th</sup> November and 14<sup>th</sup> December 2018 and views were sought on the draft. A second stage of consultation took place 1<sup>st</sup> July to 12<sup>th</sup> August 2019.

## Who did we consult?

8. The Council sought the views of a sample of key consultees including developing housing associations, private developers, Parish Councils, planning officers, housing officers and councillors.

## What issues were raised?

- Housing viability calculations
- Quality and Design standards
- Space standards
- Fix-term tenancies
- Car parking standards
- Commuted sums
- Implications of Community Infrastructure Levy (CIL)
- Rent levels – reference to rent capped at Local Housing Allowance (LHA)
- Rent levels – reference to a requirement for lower or ‘social’ rent
- Shared ownership – entry level and rent on unsold enquiry
- Rural exception sites
- Affordable Housing Plan
- Compatibility with National Planning Policy Framework (NPPF) 2018
- Housing mix

## How the issues were addressed

9. Following the consultation the SPD has been amended to address the issues raised. The representations and Council’s response are set out in Appendix 1.

Appendix A – Draft Affordable Housing Supplementary Planning Document  
Final Consultation July – August 2019

Detailed comments and Waverley Borough Council's response.

<b>Comment Received from</b>	<b>Detailed Comment</b>	<b>WBC response</b>
<b>Chiddingfold Parish Council</b>	<p>This council welcomes the proposals of the SPD and the policies therein, affordable housing supply is an ongoing need that this council recognises and our residents are concerned about.</p> <p>For this reason the SPD is seen as a positive one, however the council is concerned about the option for developers to 'buy-out' of the affordable homes provisions and the impact this may have on affordable housing supply.</p> <p>This council wishes to see tight controls on the use of such options and that there will be robust enforcement of the policies proposed to ensure that anticipated affordable housing is brought forwards.</p>	<p>The Local Plan was adopted in February 2018.</p> <p>Policy AHN1: Affordable Housing on Development sites, refers specifically to this issue and will be robustly enforced.</p>
<b>Hambledon Parish Council</b>	<p>Hambledon Parish Council has for many years supported the policy of providing affordable housing and has actively sought to achieve this within the village. This policy has been endorsed by its residents and is clearly stated in the Hambledon Parish Plan.</p> <p>This has included giving careful consideration and, where appropriate, its backing to affordable housing schemes within the parish.</p> <p>It notes that a recent scheme at Orchard Farm was supported by Waverley council planning officers, and had the approval of Hambledon Parish Council, yet was rejected by Waverley members.</p> <p>Waverley Borough Council states that it will require 30 percent affordable</p>	<p>As stated policy AHN2 specifically refers to rural exception sites.</p> <p>Officers will continue to support appropriate schemes when they come forward.</p>

Comment Received from	Detailed Comment	WBC response
	<p>housing on all housing developments. This must be followed up by active and effective planning measures and enforcement by Waverley if, at a later stage, developers attempt to reduce this percentage.</p> <p>In small, rural villages like Hambledon, within the Green Belt and the Surrey Hills AONB, it is unlikely that a site suitable for housing and of such a size for the 30 per cent rule to apply, will become available.</p> <p>It is important, therefore, for Waverley officers and members to understand that it is more likely that a small site may become available which would be suitable for affordable housing only, or in the main. Orchard Farm was one such example and yet was, as already stated, rejected.</p> <p>Hambledon Parish Council notes that the new strategy, in the section dealing with Rural Exception Sites (AHN2), confirms the policy of permitting small affordable developments to be built within an AONB, subject to certain conditions. 2</p> <p>Hambledon Parish Council would like Waverley Borough Council to consider these points in the next phase of the process.</p>	
<b>Busbridge Parish Council</b>	Busbridge Parish Council have read this draft document and consider it a sensible approach so long as it features, in practice, sufficient teeth to enforce the policy.	WBC will robustly enforce all policies contained within the Local Plan.
<b>Natural England</b>	No comment	
<b>A2 Dominion Developments</b>	Firstly, it would have been useful to see the draft S106 and Nomination Agreements which are to be appended to the document, will these be circulated for comment prior to the adoption of the SPD?	Draft Section106, Nomination Agreements and Mortgagee in Possession (MIP) clause will

Comment Received from	Detailed Comment	WBC response
	<p>There is a requirement now for RP's to have Mortgagee in Possession Clauses added into Nomination Agreements as well as S106 agreements and it would be beneficial to be able to comment on the draft wording.</p> <p>In relation to the equity share which is specified at 25% - 40% of a shared ownership property, the share is dictated by what a person can afford having undertaken an affordability assessment so we feel it would be appropriate to reference equity share in line with the Homes England affordability assessment.</p> <p>We note that the document refers to the housing mix specified in the Council's SHMA which is dated 2015, it is suggested that a broader range of household size is included to offer more flexibility in the provision.</p> <p>Furthermore the document at Paragraph 72 on Page 20 refers to clusters of no more than 10, when considering smaller units clusters of no less than 15 would be preferred from a management perspective and this is considered appropriate in other Boroughs.</p>	<p>be appended to the document.</p> <p>Added</p> <p>Noted – the SHMA provides robust evidence</p> <p>The document states 'depending on the scale of development' which gives sufficient flexibility.</p>
<b>Planning Potential</b>	<p>AHN1 – include relevant extracts in SPD</p> <p>Viability</p> <p>Quality &amp; Design</p> <p>National Planning Policy Framework</p>	<p>AHN1 appended to SPD as appendix 5</p> <p>Noted</p> <p>Noted</p> <p>Noted and amended</p>
<b>Haslemere Community Land Trust</b>	<p>Our comments on the guidance are as follows:</p>	<p>Noted</p>

Comment Received from	Detailed Comment	WBC response
	<p>Paragraphs 38 &amp; 39 requires that the section 106 agreement includes provisions to ensure that affordable housing is not lost through future sale. Since property held by a Community Land Trust is subject to an asset lock, affordable dwellings held by HCLT would be safeguarded for the future.</p> <p>HCLT may be able to assist developers to ensure the provisions of paragraph 39 are achieved. Paragraph 41 requires that “the council will normally require 100% of nomination rights on all initial lettings/shared ownership...”. HCLT initiated a housing need survey in July 2018 it is possible that this has identified individuals who are not on the housing register. We believe HCLT should have nomination rights over any affordable housing that it develops.</p> <p>We note that in paragraph 52 it is acknowledged that while a CLT may not meet the criteria to be one of Waverley’s “preferred affordable housing providers” it may be considered an appropriate entity to deliver a “genuine community-led development”. We welcome this endorsement of the role CLT’s can play in affordable housing delivery.</p>	
<b>Highways England</b>	No comment	
<b>Jupe &amp; Williams</b>	The tone of the policy prioritises establishing the attainment of local housing target rather than meeting local housing needs.	The document refers to social rent, which fully meets housing need, as well as affordable rent
<b>Thakeham Homes</b>	<p>Clause 32: has the Council sought and obtained agreement from its RP partners for the form of Mortgagee in Possession (MIP) clause proposed.</p> <p>Clause 33 &amp; 34: referencing an Affordable Housing Plan in the Section 106.</p>	<p>MIP attached as appendix</p> <p>Noted – document amended</p>

Comment Received from	Detailed Comment	WBC response
	<p>Clause 37: occupation of open market units in relation to completion of AH units.</p> <p>Clause 39: maintaining affordable housing in perpetuity</p> <p>Clause 57: the percentage of shared ownership target should be increased form 30% to 40%</p>	<p>Noted – no change</p> <p>Noted – no change</p> <p>Noted – no change</p>
<b>Farnham Town Council</b>	<p>Clause 39: how is this enforced?</p> <p>Clause 40: Recycling of receipts</p> <p>Clause 47: Viability</p> <p>Clause 52: affordable housing providers</p> <p>Clause 55: Percentage of market value for affordable homes</p> <p>Clause 58: Affordable housing target of 30% on site</p> <p>Clause 68: Service and management charges</p> <p>Clause 69: Shared ownership marketing</p> <p>Clause 73: Space standards</p> <p>Clause 79: Viability</p>	<p>Through Section 106</p> <p>Noted</p> <p>Viability representations are assessed by a qualified professional body.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Considered on a case by case basis</p> <p>Noted</p> <p>Noted – national space standards</p> <p>As above</p>

Comment Received from	Detailed Comment	WBC response
	Clause 83: Viability	As above
<b>Godalming Town Council</b>	<p>Not sufficient reference to 'social rented housing'</p> <p>Specific proportion of housing should be set aside for 'social rented'</p> <p>Use of stronger language – multiple examples</p>	<p>The document refers to social rent, which fully meets housing need, as well as affordable rent. Where possible the Council will seek to maximise the percentage of social rent through Section 106 agreements, within viability constraints</p>
<b>Witley Parish Council</b>	<p>Paragraph 2: Housing Register</p> <p>AHN1: 30% affordable housing requirement</p> <p>AHN2: definition of 'closely related to'</p> <p>Clause 41: nomination rights</p> <p>Clause 43: Right to Buy agent</p> <p>Clause 55: percentage of market value for affordable homes</p> <p>Clause 57: Affordable housing target</p>	<p>The majority require rented accommodation.</p> <p>Amended to include 'minimum'</p> <p>Noted</p> <p>Noted – standard clause, no change</p> <p>Noted – Government appointed</p> <p>Noted – this is calculated on a percentage basis</p> <p>Noted – yes (question around social rent /</p>

<b>Comment Received from</b>	<b>Detailed Comment</b>	<b>WBC response</b>
	Clause 63: rent levels and affordability	locally affordable rent)  Noted – WBC will seek rent at levels not above benefit cap on larger properties
<b>Cranleigh Parish Council</b>	The Council is happy with the separate trigger points in the legal agreement for the delivery of market and affordable housing.  The Council welcomes the SPD but has concerns about the ability to monitor the loss of affordable housing as a result of right to buy and staircasing to 100%	Noted  Noted
<b>Tetlow King</b>	Amend paragraph 57 to include specific reference to the Rentplus product	Para 57 references NPPF 2019, which includes all Home Ownership products.
<b>Lyla Alleman</b>	Excellent document but a timetable for delivery of adequate numbers of affordable homes in the area is what most people wish to know about	Timetable of affordable housing delivery to be made available on the Council's website
<b>Daniel Lake</b>	Thank you for contacting me concerning AHDPD. Please note I would like to log a formal objection to the document on all counts.  The policy, like the LLP1, will do little to nothing improve the lives of people of the area. It stands only to deepen the pockets of developers who will sell to the highest bidder.  I have been a long-standing member of the Right To Build scheme of Waverley Council, in the last five years it has done nothing to help me or anyone else on that list; this policy only deepens my	This response relates to Custom and Self Build whilst the consultation document concerns the implementation of the Affordable Housing policies contained within Local Plan Part 1.  The Affordable Housing SPD

Comment Received from	Detailed Comment	WBC response
	<p>concern with the local governments wholly inadequate delivery of change to UK laws to promote the Right To Build Scheme.</p>	<p>only deals with affordable housing provision whereas custom and self-build is a separate matter and is dealt with the Local Plan Part 2 and the custom and self-build register.</p> <p>The council is assessing the requirement for a Custom and Self-build policy in relation to the development of Local Plan Part 2.</p> <p>Any subsequent consultation for the adoption of Local Plan Part 2 will provide an opportunity for comment on this particular topic. Comments noted.</p> <p>WBC believes the policy will assist affordable housing as it:</p> <ul style="list-style-type: none"> <li>(i) Sets out minimum of affordable housing required on each site</li> <li>(ii) Insists on the requirement for a viability assessment in</li> </ul>

Comment Received from	Detailed Comment	WBC response
		<p>cases where the applicant states that no affordable housing is possible</p> <p>(iii) Clarifies that rent levels must be affordable for local people.</p>