

Open

Cabinet

Agenda

6pm
Tuesday, 22nd July 2014
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Cabinet

The Cabinet Members and their responsibilities:-

Councillor M J Hart	Leader of the Council & Strategy
Councillor N J Desmond	Deputy Leader & Resources and Transformation
Councillor J-P Campion	Planning and Economic Regeneration
Councillor H E Dyke	Operational Services
Councillor A Hingley	Health, Well-Being and Housing

Scrutiny of Decisions of the Cabinet

The Council has one Scrutiny Committee that has power to investigate policy issues and question members of the Cabinet who have special responsibility for a particular area of the Council's activities. The Cabinet also considers recommendations from this Committee.

In accordance with Section 10 of the Council's Constitution, Overview and Scrutiny Procedure Rules, and Standing Order 2.4 of Section 7, any item on this agenda may be scrutinised by the Scrutiny Committee if it is "called in" by the Chairman or Vice-Chairman of the Overview & Scrutiny Committee and any other three non-Cabinet members.

The deadline for "calling in" Cabinet decisions is 5pm on 1st August 2014.

Councillors wishing to "call in" a decision on this agenda should contact Sue Saunders, Committee and Electoral Services Officer, Wyre Forest House, Finepoint Way, Kidderminster. Telephone: 01562 732733 or email susan.saunders@wyreforestdc.gov.uk

Urgent Key Decisions

If the Cabinet needs to take an urgent key decision, the consent of the Scrutiny Committee Chairman must be obtained. If the Scrutiny Committee Chairman is unable to act the Chairman of the Council or in his/her absence the Vice-Chairman of the Council, must give consent. Such decisions will not be the subject to the call in procedure.

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of this constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

For further information

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Sue Saunders, Committee and Electoral Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732733 or email susan.saunders@wyreforestdc.gov.uk

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If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

If you have any queries regarding this, please speak with the Council's Legal Officer at the meeting.

Wyre Forest District Council

Cabinet

Tuesday, 22nd July 2014

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
3.	Minutes To confirm as a correct record the Minutes of the meeting held on the 13th May 2014.	7
4.	CALL INS a verbal update will be given on any decisions which have been "called in" since the last meeting of the Cabinet.	
5.	Items Requiring Urgent Attention To consider any item which, in the opinion of the Chairman requires consideration at the meeting as a matter of urgency.	
6.	Public Participation In accordance with the Council's Scheme for Public Speaking at Meetings of Full Council/Cabinet, to allow members of the public to present petitions, ask questions, or make statements, details of which have been received by 12 noon on Monday 14 th July 2014. (See front cover for contact details).	
7.	Leader of the Council	
7.1	Leader's Announcements	

8. Support you to live in clean, green and safe communities		
	Councillor A T Hingley	
8.1	Housing Allocation Policy To receive a report from the Director of Economic Prosperity and Place which outlines the results from the consultation process and agree the new Allocations Policy. To also consider the recommendations from the Overview & Scrutiny Committee at its meeting on 3 rd July 2014. <i>The appendices to this report have been circulated electronically and a public inspection copy if available on request. (See front cover for details.)</i>	10
8.2	Affordable Housing Supplementary Planning Document - Adoption To receive a report from the Director of Economic Prosperity and Place which informs Members of representations made in response to consultation on the Draft Affordable Housing SPD and seeks endorsement of the District Council's responses to these and also of the amended SPD for adoption. To also consider the recommendations from the Local Plans Review Panel at its meeting on 8 th July 2014. <i>The appendices to this report have been circulated electronically and a public inspection copy if available on request. (See front cover for details.)</i>	15
8.3	Chaddesley Corbett Neighbourhood Plan – Examiner's Report To receive a report from the Director of Economic Prosperity and Place which provides members with an update on the Chaddesley Corbett Neighbourhood Plan. To also consider the recommendations from the Local Plans Review Panel at its meeting on 8 th July 2014. <i>The appendices to this report have been circulated electronically and a public inspection copy if available on request. (See front cover for details.)</i>	20
8.4	Use of Compulsory Purchase Powers on land in Lower Mill Street, Kidderminster To receive a report from the Director of Economic Prosperity and Place which seeks authority for the Council to use its compulsory purchase powers.	25

9. Recommendations from Committees		
9.1	Overview and Scrutiny Committee, 3rd July 2014 <ul style="list-style-type: none"> Climate Change Update 	39

10.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
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11.	Exclusion of the Press and Public To consider passing the following resolution: “That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.	
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Part 2

Not open to the Press and Public

12. Support you to contribute to a successful local economy		
12.1	Councillor J-P Champion Maximising the Value of Council Property Assets To receive a report from the Director of Economic Prosperity and Place which asks Cabinet to agree the business case set out through the Medium Term Financial Strategy for the development of some of the Council's property assets to support housing growth and economic regeneration. To also consider the recommendations from the Overview & Scrutiny Committee at its meeting on 10 th July 2014.	-
12.2	Councillor J-P Champion Disposal of Land To receive a report from the Director of Economic Prosperity and Place which asks Cabinet to agree the disposal of land in Kidderminster.	-
12.3	Councillor J-P Champion Disposal of Land To receive a report from the Director of Economic Prosperity and Place which asks Cabinet to agree the disposal of land in Kidderminster.	-
13.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

**WYRE FOREST DISTRICT COUNCIL
CABINET**

**COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER
13TH MAY 2014 (6.00 PM)**

Present:

Councillors: M J Hart (Chairman), J-P Campion, N J Desmond, I Hardiman and A T Hingley.

Observers:

Councillors H E Dyke and M Price.

CAB.75 Apologies for Absence

There were no apologies for absence.

CAB.76 Declarations of Interests by Members

No declarations of interest were made.

CAB.77 Minutes

Decision: The minutes of the Cabinet meeting held on 22nd April 2014 be confirmed as a correct record and signed by the Chairman.

CAB.78 Call Ins

No decisions had been called in since the last Cabinet meeting.

CAB.79 Items Requiring Urgent Attention

There were no items requiring urgent attention.

CAB.80 Leader's Announcements

The Leader welcomed members of the public to the meeting.

CAB.81 Enforced Sale Policy

A report was considered from the Director of Economic Prosperity and Place which asked Cabinet to approve the Enforced Sale Policy. Cabinet also considered the recommendations from the Overview & Scrutiny Committee meeting on 1st May 2014.

Members agreed that there were properties in the Wyre Forest area that would benefit from the approval of this policy and be bought back into use.

Decision:

- 1. The enforced sale policy set out in the appendix of the report to Cabinet be approved.**
- 2. Delegated authority be granted to the Solicitor to the Council in consultation with the Strategic Housing Services Manager to determine which cases are suitable for action under the policy.**

CAB.82 Community Housing Group – Appointment to Tenant Services Committee

A report was considered from the Director of Economic Prosperity and Place that asked Cabinet to note the discussion that took place at the meeting of the Overview & Scrutiny Committee on 3rd April 2014 and asked the Leader of the Council to respond to the letter of 11th April 2014, from the Chairman of the Tenant Services Committee/Central Tenants' Forum.

Councillors H E Dyke and M Price arrived at the meeting at this point, (18.08pm).

The Leader of the Council confirmed he would confirm by letter the decision of the Cabinet.

Decision:

- 1. The discussion that took place and the recommendation of the Overview & Scrutiny Committee at their meeting on 3rd April 2014 be noted.**
- 2. The Leader of the Council responds to the letter of 11th April 2014, from the Chairman of the Tenant Services Committee/Central Tenants' Forum, acknowledging that the agreement of Council is not required for them to change the way in which tenants become members of their Tenant Services Committee (TSC).**

CAB.83 Recommendations from Committees

Overview & Scrutiny Committee, 1st May 2014

Decision:

The Cabinet noted the Committee's recommendations on Blue Badge Review Panel.

- 1. A publicity campaign via the Media Team be produced to promote the correct use of permits and to help prevent public misconception of the scheme.**
- 2. The Benefits Fraud Hotline telephone number be published and guarantee of anonymity.**

- 3. The continued efforts by the Kidderminster Hub and Worcestershire County Council to improve the application process and streamlining of issuing permits be endorsed.**
- 4. The Civil Enforcement Officers continue with the work they are doing to combat misuse of permits.**

The meeting closed at 6.13 pm.

WYRE FOREST DISTRICT COUNCIL**CABINET**
22ND JULY 2014**Housing Allocations Policy**

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	Stronger Communities
CORPORATE PLAN PRIORITY:	Support you to live in clean, green and safe communities
CABINET MEMBER:	Councillor A T Hingley
RESPONSIBLE OFFICER:	Kate Bailey, Ext. 2560 Kate.bailey@wyreforestdc.gov.uk
CONTACT OFFICER:	Kate Bailey, Ext. 2560 Kate.bailey@wyreforestdc.gov.uk
APPENDICES:	Appendix 1: Current and Future Changes Appendix 2: New Allocations Policy <i>The appendices to this report have been circulated electronically and a public inspection copy if available on request. (See front cover for details.)</i>

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to outline the results from the consultation process and agree the new Allocations Policy.

2. RECOMMENDATION

The Cabinet is asked to DECIDE that:

- 2.1 The new allocations policy, attached at appendix 2, be adopted.**

3. BACKGROUND

- 3.1 Housing authorities are required by s.166A of the Housing Act 1996 to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating social housing accommodation and they must allocate in accordance with that scheme.
- 3.2 The allocations law provisions of the Localism Act 2011 came into force in England on 18th June 2012 amending Part 6 s169 of the Housing Act 1996. The objectives behind these amendments are to:
- Enable housing authorities to better manage their housing waiting list by giving them the power to determine which applicants qualify for an allocation of social

housing. Authorities are now able to operate a more focused list which better reflects local circumstances. These changes can help to manage unrealistic expectations by excluding people who have little or no prospect of being allocated accommodation.

- Make it easier for existing social tenants to move.
- Maintain the protection provided by the Statutory Reasonable Preference Criteria – ensuring that priority for social housing is given to those in greatest need.

3.3 Part VI Housing Act 1996 specified five categories of applicant who must be awarded 'reasonable preference' and this remains unchanged by the Localism Act 2011 and these are:

- people who are homeless
- those owed homeless duties
- people occupying insanitary or overcrowded housing or other unsatisfactory housing conditions
- People who need to move on medical or welfare grounds
- People who need to move to a particular locality within the local authority district, where failure to meet that need would cause hardship to themselves or others.

3.4 Housing Authorities may only allocate accommodation to people who are defined as 'qualifying persons' (s.160ZA (6)(a)) with the exception for members of the Armed and Reserve Forces. For any classes of persons who do not "qualify" for social housing, we will consider any exceptional circumstances.

3.5 The Allocation of Housing (Qualification Criteria for armed forces)(England) Regulations 2012 and the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 set out how local authorities should respond to the housing needs of ex servicemen.

3.6 A new code of guidance has been written replacing all previous guidance on social housing allocations: 'Allocation of accommodation: guidance for local housing authorities in England.

4. KEY ISSUES

4.1 The Localism Act and subsequent consultation paper on "Providing Social Housing for Local People" focuses on the need to provide housing for local people and to categories of household that the local stakeholders, Members and residents think are important as well as housing the reasonable preference groups. The new allocations policy seeks to encompass these points.

4.2 Consultation was carried out throughout March and April 2014 with members of the public through the Home Choice Plus (HC+) and Council websites. A special stakeholder meeting was also held for all the Registered Provider (RP) partners who use the allocations policy and HC+ system and 10 different RPs attended. In total we received 650 survey responses in addition to the RP responses on the day of the meeting.

- 4.3 The consultation responses received were broadly supportive of the changes particularly around local connection and housing need. In essence this now means the following;
- 4.3.1 Only those people with a connection to the partnership will be allowed to join the housing register. Primarily this will be applicants who already live or work in the partnership area or who have a close family member living here.
 - 4.3.2 Only those people with a recognized housing need will be allowed to join the housing register. This will include a wider set of households than reasonable preference categories to ensure we still include households seeking shared ownership / sheltered housing on the list.
 - 4.3.3 Additional waiting time (6 months) will be given to those in employment, education or training, those volunteering, those acting a “carer” and members of the armed forces.
 - 4.3.4 We will assess overcrowding in the same way that Housing Benefit assess bedroom eligibility e.g. two children of opposite sex requiring a separate bedroom at 10 years old.
- 4.4 There was an additional request received from one of the Local Authority partners to extend the local connection criteria for accessing the Housing Register (for households who have lived for 3 out of the last 5 years to also be allowed on the list) and this has been supported by all the Local Authority officers and it is now proposed that this is incorporated into the Allocations Policy.
- 4.5 Stakeholders raised issues around Equalities legislation, Local Connection eligibility and concerns that more work was likely to be undertaken as a result of the process as more checking would need to be done at offer stage. One of the RPs that attended is already operating a similar policy elsewhere and didn't feel that the additional work would be too onerous.
- 4.6 The comments from both the stakeholder event and survey have been considered and a new allocations policy developed. The key changes from the existing allocations policy and the new allocations policy are shown in the table Appendix One to this report.

5. FINANCIAL IMPLICATIONS

- 5.1 The IT system (and allocations policy) is currently shared with Bromsgrove DC, Stratford DC, Malvern DC, Worcester CC and Wychavon DC. Any decision taken to not agree the changes to the allocations policy would mean that we would need to look at commissioning an alternative Information Technology (IT) system and policy. This would have cost implications for the council and a further report would need to be brought back to Cabinet to discuss this.
- 5.2 The costs of any amendments to the system required as a result of these proposed changes to the allocations policy shown in the report will be covered by the residual budget held by Wychavon District Council (on behalf of all the councils) for the original implementation of the system.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Council are required to operate a Housing Register and various other related requirements through the Housing Act 1996, various statutory instruments and the Code of Guidance. To satisfy the requirements of act we have undertaken consultation before proposing these changes.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 We will review the Equalities Impact Assessment undertaken by Bromsgrove DC on behalf of all of the Councils before making final changes to the policy to ensure that the new policy does not affect the protected characteristic groups.

8. RISK MANAGEMENT

- 8.1 If any one of the Councils in the partnership doesn't accept the proposed changes to the allocations policy then they will be required to leave the partnership and will have to develop an alternative policy / IT package. This will have financial implications both for the Council leaving the partnership and those that remain as license and maintenance costs are based on having 6 participating partners in the sub-regional partnership.

9. CONCLUSION

- 9.1 The new allocations policy has been widely supported by consultees and supports some of the Council's wider objectives about encouraging people into employment, education, training and volunteering opportunities whilst still protecting the most vulnerable.

10. CONSULTEES

- 10.1 The allocations policy has been viewed by Members, Registered Providers and the general public and all were given an opportunity to comment through an electronic survey or during meetings.

11. BACKGROUND PAPERS

- 11.1 The consultation responses will be published on the Home Choice Plus website.

Appendix One - Allocations Policy Changes

Current allocations policy	Proposed allocations policy	Survey responses / comments
<p>Local Connection:</p> <p>No current restrictions on local connection as we operate an open waiting list. However banding is driven by whether you have a connection to a District or not.</p> <p>This means we register households from outside the partnership who have no likelihood of being rehoused by us.</p>	<p>Local Connection:</p> <p>Applicants must have a 2 year local connection to the Home Choice Plus Partnership area, have a close family member who has resided here for 5 years, have resided 3 out of the last 5 years or have been in permanent paid employment in the Partnership area for six months.</p> <p>Those applicants who have a local connection to Wyre Forest, under the 1996 Housing Act, will still have a higher banding than those without a connection to the district. This will ensure those applicants with a connection to Wyre Forest will have preference over those without. There will be some exceptions to the local connection qualification criteria, for example ex service personnel.</p> <p>Persons with no local connection to the Partnership: Applicants who do not have a 2 year local connection to the Partnership will not be eligible to join Home Choice Plus. The exceptions to the local connection criteria are as follows:</p> <ul style="list-style-type: none"> • Households accepted as homeless and one of the Local Authorities 	<p>79% of respondents were in favour of this change.</p> <p>One of the Councils requested that we consider 3 out of the last five years previous residency to assist them with policies around s106 sites and rural housing schemes.</p>

	<p>has accepted a full duty to them under the Housing Act 1996 (as amended by Homelessness Act 2002) which has not yet been discharged.</p> <ul style="list-style-type: none">• One of the Local Authorities are satisfied that the applicant needs to live in the area to provide on-going, regular and significant care and support to a relative and friend who lives in the area and their application is supported by the local Adult or Childrens Services team.• One of the Local Authorities (or its agent) have agreed to rehouse the applicant under a reciprocal agreement with their current landlord or local authority• Rehousing or relocation into the Local Authority area is accepted by the Local Authority (or its agent) as being essential due to public protection issues or for other exceptional reasons. <p>In addition, Members of the UK armed forces stationed abroad will be considered as living in the United Kingdom for the purposes of applying for social housing</p>	
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Agenda Item No. 8.1
Appendix 1

<p>No Housing Need:</p> <p>The current waiting list is open to all regardless of whether they have a housing need or not. This means we register a large number of people who aren't assessed as having a housing need that is likely to result in rehousing (e.g. Bronze Plus)</p>	<p>No Housing Need:</p> <p>These applicants will not be eligible to join the housing register. This will apply where an applicant is not an existing tenant seeking a transfer, eligible for sheltered housing or a household interested in low cost home ownership, and is deemed to have no housing need.</p>	<p>61% of respondents supported this change. Of those that didn't many were asking for groups to be included that already are and won't be affected by the change.</p> <p>As these households will not be allowed to register we will need to ensure they are aware of their rights to request a review of the decision and ensure they can access Housing Options. We will deliver this through access to the Enhanced Housing Options system, access to information and the existing service within the Hub.</p>
<p>Reduced Banding:</p> <p>Households with an income, of more than £60,000 will be placed into the reduced banding.</p>	<p>Reduced Banding:</p> <p>Households with an income, of more than £35,000 will be placed into the reduced banding unless they are in receipt of means tested benefits. This will ensure those applicants who do not have the means to access housing in the private sector will have preference.</p>	<p>75% of respondents supported this change</p> <p>The financial resources of an armed forces applicant will be disregarded where it is a lump sum that was received as compensation for an injury or disability sustained on active service.</p>
<p>Bedroom Standard:</p> <p>The current policy says that a family are overcrowded if they have two children that are sharing of opposite sex, when the older child reaches 8</p>	<p>Bedroom Standard:</p> <p>The current policy says that a family are overcrowded if they have two children that are sharing of opposite sex, when the older child reaches 10</p>	<p>52% of respondents were in favour of this change. Although this was a lower % in support we believe the bedroom standard has to be changed to fall in line with the way that housing benefit assessments of a household's bedroom requirements are made or we will get the situation of people being affected by the underoccupation tax</p>

Agenda Item No. 8.1
Appendix 1

		as soon as they are rehoused. If there were some exceptional circumstances around requiring an additional bedroom these could be taken into consideration providing affordability wasn't an issue..
Applicants in Employment Not currently recognised	Applicants in employment Where applicants meet the required hours in employment for working tax credits thresholds and have been in employment for six out of the last nine months.	58% of respondents supported this change.
Applicants Volunteering Not currently recognised	Applicants volunteering Applicants volunteering for a minimum of 20 hours per month and for a continuous period of at least six months, at the point of application, at review and the same at the point of offer will be given additional preference. Volunteering must be for a not for profit organisation registered with the charity commission or otherwise recognised by the Local Authority (or their agent).	41% of respondents supported this change and 40% opposed. We feel that supporting volunteers is still important and would wish to carry on with this policy change.
Applicants in Education and Training Not currently recognised	Applicants in Education and Training This applies to applicants, who have been studying or training, which includes attending higher and further education or by accessing a vocational course of study or engaging in a programme of work related courses. This must be for a	40% of respondents supported this change and 42% opposed. We feel that supporting applicants who are in education and training is still important as it supports wider economic growth and regeneration objectives and would wish to carry on with this policy change.

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Appendix 1

	continuous period of at least six months, up to the point of application and the same at point of offer. Training which is compulsory in order to qualify for out of work benefits will not be taken into account in awarding this additional preference.	
Applicants who are full time carers Not currently recognised.	Applicants who are full time carers This applies to applicants who are unable to satisfy the criteria outlined above, but who care for someone on a full time basis for a period of six months (due to disability or frailty) will also qualify for the additional preference.	68% of respondents supported this change.
Bronze and Bronze Plus Currently applicants can remain on the waiting list for two years without bidding	Bronze and Bronze Plus Applicants can remain on the waiting list for one year without bidding	75% of respondents supported this change.



Allocation Scheme



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HOME CHOICE PLUS PARTNERSHIP

List of partners

Local Authorities

Bromsgrove District Council, Malvern Hills District Council, Stratford-on-Avon District Council, Worcester City Council, Wychavon District Council, Wyre Forest District Council

Housing Associations

Advance Housing Association, Anchor Trust, Beth Johnson Housing Group, Bournville Village Trust, Bromford Group, Bromsgrove District Housing Trust, Cottsway Housing Association, Festival Housing, Fosseyway Housing, Fry Housing Trust, Gloucestershire Housing Association, Hanover Housing Group, Housing 21, Jephson Housing Association, Marches Housing Association, Mercian Housing, Midland Heart Ltd, Nexus Housing (West Midlands), Orbit Heart of England, Pershore Alms Houses, Rooftop Housing Group, Sanctuary Housing Association, Servite Housing Association, South Shropshire Housing Association, Stonham Housing Association, Warwickshire Rural Housing Association, Waterloo Housing Association, Worcester Community Housing, Wyre Forest Community Housing, Wyre Forest Sheltered Housing.

Version 6 16/06/2014

Wyre Forest
District Council

Bromsgrove
District Council

Worcester City
Council

Stratford-on Avon
District Council

Malvern Hills District
Council

Wychavon
District Council

Glossary of terms

Term	Definition
Affordable housing	housing let at a social or affordable rent or a low cost home ownership property let to a specified eligible household whose needs are not met in the market. Also known as social housing
Allocation	an offer of housing from a Housing Association or Local Authority either directly or via a nomination from a Local Authority
Band start date	the date the household is awarded the banding applicable to their housing need
Banding/bands	the prioritisation of households on the housing register based on their housing need
Bid	Households' expression of interest in an available / vacant property
Direct matching	an allocation outside of the Home Choice Policy/Scheme. Please see the policy for more details.
Home Choice Plus Allocations Policy / Allocations policy	the policy document that determines how housing is allocated to households
Home Choice Plus Partnership	A group of local authorities operating the same Allocation Scheme (known as "the partnership")
Home Choice Plus Scheme / Allocations Scheme	the scheme including the software, the policy and the processes involved for allocating housing to households
Homelessness	The legal definition of homelessness in the Housing Act 1996 Part VII is that a person is homeless if they have no accommodation available to them in the UK or anywhere which would be reasonable for them to continue to occupy. They would also be homeless if they have accommodation but are not able to gain access to it, or if it is a moveable structure but they have nowhere to place it. A person is threatened with homelessness if they are likely to become homeless within the next 28 days.
Housing Association	for the purposes of this Scheme also includes Registered Providers and refers to social housing providers regulated by the Homes and Communities Agency
Housing Register	a database/list of households who have applied for affordable housing
Local Authority Agents	organisations that act on behalf of the Local Authority in relation to the Housing Register and Homelessness, under a contractual arrangement usually Housing Associations
Local connection	a household's connection to a local area or authority including residency, family connections and employment
Persons from abroad	people subject to immigration control and any other persons from abroad where the secretary of state makes regulations

Qualification Criteria	To join the Housing Register the applicant must meet the eligible qualification criteria including connection to the Partnership, Housing Need and Unacceptable Behaviour
Reasonable preference	categories of housing need which are defined by the Housing Act 1996, Part Six that are required to be included in an allocations policy
Registration / Effective date	the date of registration of the Housing Application
Shared Ownership	Affordable housing option where the applicant parts buys and part rents a property. The Registered Provider owns the remaining share of the property.
Statutorily homeless	This term describes those households who have made a homeless application to a Home Choice Plus local authority or its agent and where the full homeless duty has been accepted. This means the household has been determined to be eligible, homeless, in priority need, unintentionally homeless and having a local connection and has been issued with a written decision which confirms this.
Weekly bidding cycle	the period of time available for households to place bids on properties they are interested in

1. Introduction

Home Choice Plus is a scheme used to advertise and/or allocate social rented, low cost home ownership and privately rented properties which has been agreed by the Home Choice Plus Partnership (the Partnership) and operates in the same way across a number of Local Authority areas including;

- **Bromsgrove District Council**
- **Malvern Hills District Council**
- **Stratford-on-Avon District Council**
- **Worcester City Council**
- **Wychavon District Council**
- **Wyre Forest District Council**

Within the Home Choice Plus Scheme is an **allocation policy** which outlines how the Partnership will prioritise households on the Housing Register.

The Districts mentioned above work in partnership with a number of Housing Associations to allocate social housing in a fair and transparent way. **Housing Associations and Registered Providers will have their own Allocations Policies which they will apply when allocating to their properties. This means applicants at the top of the Housing Register on banding and date time may not be rehoused by the Housing Association / Registered Provider if they don't meet the requirements of their allocations policy.**

Collectively the partnership has the following aims;;

Aims of the partnership

- We are committed to working in partnership to offer a choice from a range of housing options for people in housing need.
- We aim to challenge the perception that the way social housing is allocated is unfair by ensuring that Home Choice Plus is easy to understand, transparent and fair.
- We will work to ensure that households are able to access the service we provide.
- We will develop sustainable communities by enabling people to make realistic and informed choices about where they wish to live.
- We will make effective use of all affordable housing stock.
- We will ensure that local people will have an enhanced priority within the banding structure.

- We want to encourage and recognise households who make a positive contribution to their community
- We will assist in achieving mobility across the participating Local Authority areas.
- We will enable a better understanding of the housing demand.
- We will ensure the scheme meets our equalities duties.
- We will publish information that enables households to understand how we assist them through the allocations scheme

Access to Home Choice Plus is via a single register for housing; households only have to register for the scheme once and are then able to bid for vacancies advertised in any of the participating Local Authority areas.

Home Choice Plus enables people with a housing need to look for a home in an area of their choice. Households registered with Home Choice Plus will be banded according to the suitability of their current accommodation to meet their needs and their local connection.

What are Allocations under this Scheme?

The following are allocations of accommodation under this Scheme:

1. The nomination of an applicant or existing tenant to be an Assured or an Assured Shorthold tenant of housing accommodation held by a Housing Association (via a Council's Nomination Rights Agreement with the Housing Association). Often the nomination will be that of a 'Starter Tenant' of a Housing Association whereby the Housing Association will grant an Assured Shorthold Tenancy for a set probationary period (usually 12 months) and provided the tenant successfully completes the probationary period the Housing Association will grant an Assured Tenancy or a fixed term tenancy (please see individual Housing Association / Registered Provider's tenancy policies).

By 'affordable housing' we mean social rent and affordable rent, allocated to specified eligible households whose needs are not met in the market. It should meet the needs of eligible households, including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.

The ways in which we advise and assist applicants on a whole range of housing options, including access to the private rented sector and low cost home-ownership opportunities, can be found on the Home Choice Plus website www.homechoiceplus.org.uk and the partner Local Authorities' websites.

A list of Local Authorities' contact points can be found at Appendix 1

The scheme may also be used to advertise intermediate market rent, shared ownership and private rented properties. Please see the eligibility criteria of the relevant landlord for more details regarding allocation of these types of properties.

Allocations Policy

This Allocations Policy describes how you can qualify for the Home Choice Plus scheme and how it prioritises housing applicants to identify their housing need with regard to the legal definition of Reasonable Preference and other categories of housing need that the Steering Group have recognised. .

Whilst all applicants are assessed in accordance with the scheme, the allocation of properties will be subject to the allocation policies of individual Housing Associations where they have one who will assess applicants on the Housing Register according to their stated priorities. They may have different rules about the number of people who can live in a home of a particular size. This will be made clear when a property is advertised. For more information regarding the letting of properties please see the Home Choice Plus Partnership website.

This policy sets out in detail who can or cannot be accepted under the policy and how this assessment is made. It also sets out how applicants can apply for and access housing.

We have designed the Allocations Policy to meet current legal requirements and to promote sustainable communities and balance housing markets.

The Legal Framework

This Allocations Scheme complies with the requirements of the Housing Act 1996 (as amended) and takes into account the relevant code of guidance Allocation of Accommodation Code of Guidance 2012 which replaced the previous codes of guidance. All of these documents can be obtained through the DCLG website. The Scheme also complies with the Localism Act 2011, Welfare Reform legislation and Equalities Act 2010 where applicable.

This section describes this legal framework.

The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocations Scheme. A summary of the Allocations Scheme must be published and made available free of charge to any person who asks for a copy. A summary of the Allocations Scheme and general principles is available through the Home Choice Plus website www.homechoiceplus.org.uk and at partner Local Authority and Housing Associations offices.

The Housing Act 1996, (as amended) requires local authorities to give Reasonable Preference in their allocations policies to people with high levels of assessed housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.

The Act also requires local authorities to state within the policy its position on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them.

The policy is also drafted and framed to ensure that it is compatible with the Partnership's equality duties including the duty to eliminate unlawful discrimination and to promote good relations between different racial groups, as well the duty to promote equality between disabled persons and other persons and between men and women. The Partnership has carried out an Equality Impact Assessment in relation to the policy.

This Policy has considered:

- The partner Local Authorities' statutory obligations and discretion as to who is eligible for housing allocation
- The partner Local Authorities' statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law i.e. those who must be given a greater priority under the Allocations Policy.
- The partner Local Authorities' statutory discretion to grant "additional preference" and/or to determine priority between applicants with Reasonable Preference.
- The general and specific statutory discretions the partners can exercise when allocating housing.

Service Standards

We will aim to;

- Register all eligible applications within 10 working days (where full information is available) Please note some applications can take up to four weeks to assess
- Process all supporting information within 10 working days
- Complete shortlists (match suggested) for properties within 5 working days of advertising cycle ending
- Advise all applicants excluded from the housing register within 5 working days with the reason for the exclusion
- Assist applicants to bid for properties where required
- Respond to applicants letters, client messages and emails within 10 working days
- Respond to telephone calls within 1 working day

What we ask of you...

- Speak to us in a polite and courteous manner
- Provide us with the information we need, so we can help you
- Contact us if you are unable to keep appointments
- Inform us with any changes in your circumstances which may affect the service we provide to you
- If you are unhappy with the service you have received, please contact us
- If you are happy with the service let us know

2. Statement on Choice

Choice and Constraints

We are committed to offering the greatest choice possible in the allocation of housing through the Home Choice Plus scheme. However this is in the context of considerable pressure on allocations within our affordable housing stock and which means we will therefore have qualification criteria covering who is and isn't eligible to join the waiting list.

Whilst keen to encourage and facilitate mobility within housing, the Home Choice Plus Partnership recognises that provision of choice has to be balanced along with local needs. Those without a connection to any Local Authority within the partnership, will not be eligible to go on the housing register unless they meet one of the exceptions criteria.

In determining priority for housing within the banding structure, a higher degree of preference will be awarded to applicants who have the greatest need and have a local connection within a Local Authority area.

Applicants have the opportunity to view details of all properties that are available and to choose to 'bid' for properties for which they are eligible.

Whilst a key objective of the Home Choice Plus scheme is to offer applicants more choice, there will be a number of exceptional situations where this may not be possible, for instance;

- Where the applicant does not meet the eligibility criteria for the scheme or the vacant property.
- Where a Local Lettings Plan has been agreed and the applicant does not qualify.
- Where there is a legal agreement restricting who can be offered the property.
- Where the applicant is statutory homeless

These exceptional circumstances will be made clear when the property is advertised, unless the exceptional circumstance concerns the individual specifically (who has bid for the property) in which case it will be discussed with the applicant at the point of allocation.

Applicants who bid on and subsequently refuse properties for no reason will be moved into the Reduced Priority Band – for further details please see the relevant section in the Allocations Policy.

The Home Choice Plus Partnership will collect information from applicants about their particular preferences regarding where they want to live. This is to support our work in identifying housing needs and demands within specific parts of districts.

3. Eligibility and Reasonable Preference

Who is and who is not eligible under this Scheme.

Who can apply to register on the Home Choice Plus scheme?

Any United Kingdom resident aged 16 years or over can apply to join the scheme by completing an application form. The Home Choice Plus policy does exercise an eligibility criteria and so not all applications will be accepted where there is no close association to the area and/or where there is no housing need (please see information on Bronze Plus and Bronze Banding) . Please see the following sections regarding the eligibility criteria.

Anybody can make joint applications including married couples, civil partners, cohabiting couples, same sex couples, and brothers and sisters. In such cases, it is usual for a joint tenancy to be granted in the event of an offer of accommodation being made. The eligibility of applicants to be on the Housing Register will also be checked at the point of allocation.

Qualification Eligibility Criteria

Applicants are not eligible to join the Home Choice Plus housing register unless they met the qualifying criteria of a close association outlined below;

In determining whether the household has a close association we will agree a connection exists in the following circumstances;

- Where the local connection arises due to residency the applicant(s) must have lived in the partnership area (by choice) for a minimum period of two years.
- Where the applicant(s) meets any of the statutory homelessness definitions included in the allocations policy including the local connection definitions in s199, Part VII Housing Act 1996.
- Where the local connection arises due to employment and the applicant(s) have been in permanent, paid employment for a minimum period of six months, within one of the Local Authority areas included in the Partnership.
- Where the applicant(s) has a close family member living in the HC+ partnership area and has done so for a minimum period of five years
- Where the applicant has resided in the Partnership area for three out of the last five years
- has a local connection as a result of special circumstances

Local connection for homeless purposes will be assessed having regard to the definition of local connection contained in Section 199 Housing Act 1996 (in the case of homeless applicants) and the various codes of guidance.

In determining permanent employment we will give consideration to the Local Government Association guidelines which state that this is employment other than that of a casual nature.

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In determining close family member we mean mother, father, sister, brother or adult child (aged 18 and over).

If an applicant(s) hasn't got a connection that meets the qualification criteria and claims a connection on the basis of special circumstances e.g. a care leaver from the partnership area accommodated elsewhere, then the decision about allowing them on the list must be made by a senior officer or manager.

Where the applicant is a member of the armed forces there are special arrangements – please see further details within this policy.

Applicants with a local connection to the Partnership area will be awarded Gold Plus, Gold or Bronze Plus band depending on their housing need for Districts where they have a connection. For Districts where they do not have a connection, they will be awarded Silver Plus, Silver or Bronze in accordance with their housing need.

Residency of Choice

For the purposes of determining eligibility on residency grounds, living in the Local Authority area will not include the following:

- Occupation of a mobile home, caravan or motor caravan where it is not their only or principal home
- Occupation of a holiday letting (which includes a permanent building, hotel or bed and breakfast accommodation) for the purposes of a holiday.
- Resident of a prison, Bail Hostel or other such accommodation.
- In-Patient of Hospitals/specialist centres where they have a connection elsewhere

Housing Need

Applicant(s) wishing to join the Home Choice Plus Housing Register must have a housing need recognised by the Allocations Scheme. This will include those applicant(s) with reasonable preference, those who are underoccupying social housing stock and those covered by the categories outlined on page 37 under the Bronze Plus / Bronze sections. Applicant(s) not satisfying this criteria will not be registered and will be offered alternative housing options. Applicant(s) will also be offered the right to request a review of this decision.

Age Eligibility Criteria

Young people aged between 16 – 18

Young people aged between 16 and 18 can apply to Home Choice Plus and will be registered. For young people under the age of 18 years the Housing Association may grant permission to allow the occupation of a property by way of an "Equitable Tenancy" however a Housing Association / Registered Providers will not normally grant a tenancy to anyone under the age of 18 years unless they are also able to provide a guarantor to cover rent. Please refer to individual Housing Association and Registered Providers policies for more details.

Persons from abroad

People from abroad come to the participating Local Authority areas to live, work and study. The majority of foreign nationals arriving in this area will not immediately qualify for social housing and are therefore more likely to rent in the private sector.

A person from abroad (or two or more persons jointly if any of them is an ineligible person) is ineligible for an allocation of housing accommodation if he is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, or is excluded from entitlement to housing benefit by section 115 of the Immigration and Asylum Act 1999 (c 33) (exclusion from benefits) unless he is of a class prescribed by regulations made by the Secretary of State. Persons who are subject to immigration control and eligible for housing assistance are;

- 1) Refugee status
- 2) Exceptional leave to remain
- 3) Indefinite leave to remain
- 4) Nationals of a country that has ratified the European Convention on Social and Medical Assistance (ECSMA) or the European Social Charter provided they are habitually resident in the CTA and are lawfully present in the UK

If you have any further questions regarding your status and if this applies please contact your local authority or their agent or seek independent legal advice.

Households who are living abroad and therefore not habitually resident will not be eligible to register.

This does not apply to a person who is already a secure or introductory tenant, or an assured tenant of housing accommodation allocated to him by a local housing authority.

Applicants who were considered as ineligible due to immigration status can re-apply at any time.

Persons with no local connection to the Partnership

Applicants who have no local connection to the partnership area will not be eligible to join Home Choice Plus.

However the following categories will be exempt and will be eligible to register;

- Households accepted as statutory homeless under the Housing Act 1996 (as amended by Homelessness Act 2002) by a Local Authority (or its agent) in the Home Choice Plus Partnership which has not yet been discharged
- Households where one of the Local Authorities are satisfied that the applicant(s) needs to live in the area to provide ongoing, regular and significant care and support to a relative who lives in the area and their application is supported by the local Adult or Childrens Services team.
- Households where one of the Local Authorities (or its agent) has agreed to rehouse the applicant under a reciprocal agreement with their current landlord or local authority

- Households where rehousing or relocation into the Local Authority area is accepted by the Local Authority (or its agent) as being essential due to public protection issues or for other exceptional reasons.
- Members of the armed forces as outlined in the Allocations Scheme
- Where a Local Letting Plan or s106 restriction applies on a specific site

Unacceptable behaviour

Where the applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the relevant authority, they will be ineligible for registration.

Unacceptable behaviour is defined as behaviour which would, if an applicant or member of their household was a secure tenant, entitle a landlord to outright possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985.

Unacceptable behaviour can include:

- Owing significant rent arrears and/or failing to comply with a current tenancy condition with a Council, Housing Association or private landlord to such an extent that a Court would grant a possession order.
- Conviction for using the property for an illegal or immoral purpose.
- Causing nuisance and annoyance to neighbours or visitors for example anti-social behaviour.
- Being convicted for committing certain indictable offences in or near the home and still posing a threat to neighbours or the community.
- Being violent towards a partner or members of the family.
- Allowing the condition of the property to deteriorate.
- Allowing any furniture or fixtures provided by the landlord to deteriorate due to ill treatment.
- Obtaining a tenancy by deception, for example by giving untrue information.
- Paying money to illegally obtain a tenancy.
- Having lost tied accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there.

In determining whether an applicant is ineligible due to unacceptable behaviour, the Council, or its agent, will consider:

- Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- Was the unacceptable behaviour serious enough to have entitled the Landlord to obtain an order for possession?

- At the time of the application, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of their household who wishes to reside with them?

The applicant will be excluded from the housing register and the applicant does have a right to review against this decision. This decision will be taken by the District Council, or its agent. An applicant may be rendered ineligible at anytime during the process should Home Choice Plus become satisfied that they are ineligible.

Applicants classified as being ineligible for any reason can make an application for accommodation in the future if their circumstances have changed for any reason. It is for the Local Authority (or it's agent) to consider behaviour, at the point of application to the housing register, and whether they are now eligible under the Policy.

Each application will be assessed on its merits and a decision regarding eligibility will be made accordingly. Anyone deemed ineligible for the Scheme will be provided with a full written explanation for the decision and will have a right of review of the decision.

Please see the section on Reviews below.

Applicants who are not eligible to join the housing register

At the point of registration all applicants are asked for information about their housing history and legal status to establish eligibility to join the housing register under the relevant legislation and this allocations policy.

Applicants are not assessed for the Scheme or placed into a Band until a decision has been made regarding their eligibility.

Armed Forces

Members of the UK armed forces stationed abroad will be considered as living in the United Kingdom for the purposes of applying for social housing.

The Localism Act 2011 amends the Housing Act 1996 to give local housing authorities in England the power to decide what classes of persons are or are not qualifying persons under section 160ZA(7) of the Housing Act 1996, for an allocation of housing accommodation.

The Secretary of State has the power to prescribe in Regulations criteria that may not be used by local housing authorities in deciding what classes of persons are not qualifying persons (section 160ZA(8)(b)). These Regulations require that local housing authorities do not use local connection (within the meaning of section 199 of the Housing Act 1996) as a criterion in deciding whether the following are not qualifying persons:

(a) persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation;

(b) bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence

accommodation then ceases;

(c) seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.

The Application of Reasonable Preference

Home Choice Plus is required by law to assess the relative priority that housing applicants are awarded. This is particularly important when, as is the case with the Home Choice Plus partnership area, the demand for social housing is greater than the availability of homes.

The law, as it applies to local housing authorities, requires that Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). The statutory Reasonable Preference categories cover:

- All homeless people as defined in Part VII of the Housing Act 1996
- People who are owed an accommodation duty because they have a priority need but are intentionally homeless (under s190 (2)), because they are not in priority need and not homeless intentionally 193 (2) or because they are threatened with homelessness, in priority need and not intentionally homeless (195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section (192 (3).
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing;
- People who need to move on medical or welfare grounds (including grounds relating to a disability);
- People who need to move to a particular locality within the district to avoid hardship to themselves or others.

Specific details and examples of how Reasonable Preference and priorities are determined and applied are detailed in section 5: The Banding Structure.

Determining priority between applicants with Reasonable Preference

Home Choice Plus determines priority between applicants with Reasonable Preference by taking into account various factors including:

- The financial resources available to a person to meet their housing costs.
- Any local connection – as defined in s199 Housing Act 1996 (as amended) – that an applicant has with the Home Choice Plus area.
- The length of time the applicant has been waiting within their current band
- Any community contribution made by the household

Households with a reasonable preference can have their banding reduced because of their behaviour or circumstances

4. Registration and Assessment Process

How to Apply

Before anyone can apply for vacancies advertised through the Home Choice Plus scheme they must first register.

Initial registration can be completed;

- online www.homechoiceplus.org.uk
- by requesting and completing a registration form
- at Home Choice Plus partner offices

An advocate (for example, a family member, friend or support agency) can complete the registration form on behalf of an applicant who is requesting assistance.

If the applicant is not eligible to register they will be notified in writing giving the reason for the decision and informing them of their right to request a review.

All applications once received will be assessed and placed in the appropriate band. Assessment may involve a home visit or interview to discuss housing options.

Where additional information is required to confirm that a higher band is appropriate, the application may be placed in a lower band until the circumstances of the applicant have been confirmed.

Once registered with the Home Choice Plus scheme the applicant will be given a membership number.

Applicants to the scheme are entitled to request details from any of the partners about information that has been used to make a decision on their registration. Partners' contact details can be found at Appendix 2.

Help with registration

Help with registration can be given to applicants by any member of the Home Choice Plus Partnership as well as other organisations such as County Council social care services, health workers, support workers and voluntary bodies.

In particular, help will be provided to applicants who find it hard to fully participate in the scheme.

Support can be offered to assist an applicant to use the system where they are interested and ready to move. Access to the system can be provided through the Worcestershire Hubs, Housing Associations' offices and Local Authorities' offices.

Training can also be offered to a range of local organisations and support workers on a regular basis to enable them to be able to help applicants with accessing the scheme. Staff from the partner Local Authority and Housing Associations will be able to work with anyone that the applicant has requested to act on their behalf, subject to the applicant's written consent.

Definition of Household Types

An Applicant(s) type determines the size and type of housing they may be eligible for.

Single person (under 60)	One person household and with no resident children A woman who is less than 25 weeks pregnant
Couple	Married, cohabiting, civil partnership and same sex couples without resident children or with a woman who is less than 25 weeks pregnant
Family	Single parent or couple (as defined above) with minimum of one dependant child, who lives with parent (s) as the main or principal home A woman who is 25 weeks pregnant or more
Pensioner / Disability Living Allowance (DLA)	One person household and couples over 60 or person in receipt of DLA / Personal Independence Payment (PIP)
Other	Any other household group including friends, brother and sister and families with non dependent children

In order to reflect your housing requirement for a particular property type or size the Local Authorities, or their agents, may need to put the applicant into a different category in order to achieve a correct allocation

Example – if the applicant is a single person with a medical need that means they require a larger property for a resident carer, their household type will be amended to “family” or “other” to enable them to bid.

The Home Choice Plus process

- 1** You can register for Home Choice Plus by filling in a housing application either online at www.homechoiceplus.org.uk or requesting a paper application form from any of the contact points.
- 2** Once we have registered you, we will send you confirmation of the registration number and the band you have been placed in.
- 3** Vacant properties will be advertised each week and applicants are advised to look for suitable vacancies regularly.
- 4** You can make up to 3 bids per week, as long as you match what the advert asks for.
- 5** The applicant with the highest priority and who has been in the relevant band the longest will be considered for the property.
- 6** The successful applicant will be contacted by the Landlord and asked for information such as proof of identity. A viewing will be arranged and if you are accepted an offer will be made.

5. The Banding Structure

Home Choice Plus operates a needs-based banding system as described below. Bands are arranged to reflect housing need, with the highest band indicating the greatest need for housing. The scheme consists of eight bands, as summarised below. A more detailed description of the bands and of Reasonable Preference can be found under each band section.

The bands within the policy are based on the reasonable preference criteria set out within the 1996 Housing Act.

Once registered the applicant can only be in one band per Local Authority and the highest banding possible will always be applied according to the policy.

The table below describes the bands into which households will be placed according to their housing circumstances.

Priority (3 month time limit)

Applicants who are statutorily homeless with a duty to re-house under s193 of Housing Act 1996 (eligible, homeless, priority need, not intentional and with a local connection).

Gold Plus (6 months time limit) (Local Connection)

- Homeless cases where no statutory duty to re-house (excludes intentional homeless)
- Homeless cases accepted for a full rehousing duty by a Local Authority within the partnership (but not the LA that accepted the duty)
- Occupying property in a serious state of disrepair; factors taken into consideration by the Local Authority or its agent include where the Local Authority could have served an improvement notice for a Category 1 hazard or equivalent (not for overcrowding and space hazards)
- Verified high medical need / disability that is directly affected by the current housing situation and would be immediately improved by moving
- Applicant is homeless or threatened with homelessness, through no fault of their own (excludes those in priority band)
- Requiring move-on from supported accommodation
- Tenants who are under-occupying social rent or affordable rent housing in the Home Choice Plus partnership area
- Tenants who are occupying a social housing property in the Home Choice Plus partnership area with major adaptations that they do not need
- Households suffering with serious overcrowding (3 or more bedrooms lacking)
- Two or more criteria in Gold

Gold (12 months time limit) (Local Connection)

- Households who have been determined to have become homeless intentionally
- Households suffering from harassment (excludes priority band cases)
- Overcrowding or lacking up to and including 2 bedrooms

<ul style="list-style-type: none"> ▪ Living in exceptional circumstances ▪ Households with children under 10 years old and living in upstairs flat ▪ Households suffering with some disrepair in their property
<p>Silver Plus (6 months time limit) (No Local Connection)</p> <ul style="list-style-type: none"> ▪ Homeless cases where there is no statutory duty to re-house (excludes intentional homeless and those in a priority band) ▪ Homeless cases accepted for a full rehousing duty by a Local Authority within the partnership (but not the LA that accepted the duty) ▪ Properties in a serious state of disrepair; factors taken into consideration by the Local Authority or its agent include where the Local Authority could have served an improvement notice for a Category 1 hazard or equivalent (not for overcrowding and space hazards) ▪ Verified high medical need / disability that is directly affected by the current housing situation and would be immediately improved by moving ▪ Applicant is homeless or threatened with homelessness, through no fault of their own ▪ Applicant requires move-on from supported accommodation ▪ Tenants who are under-occupying social rent or affordable rent housing in the Home Choice Plus partnership area ▪ Tenants who are occupying a social housing property in the Home Choice plus partnership area with major adaptations that they do not need ▪ Households suffering with serious overcrowding (3 or more bedrooms lacking) ▪ Two or more criteria in silver
<p>Silver (12 months time limit) (No Local Connection)</p> <ul style="list-style-type: none"> ▪ Households who have been determined to have become homeless Intentionally ▪ Households suffering from harassment (excludes priority band cases) ▪ Overcrowding or lacking up to and including 2 bedrooms ▪ Living in exceptional circumstances ▪ Households with children under 10 years old and living in upstairs flat <p>Households suffering with some disrepair in their property</p>
<p>Reduced Banding (with reasonable preference)</p> <ul style="list-style-type: none"> ▪ Households with financial resources above defined limits ▪ Households who have deliberately worsened their circumstances to qualify for a higher banding ▪ Households with housing-related debts owed to a Local Authority or Housing Association ▪ Households who have committed acts of anti-social behaviour and other tenancy breaches but not severe enough to have obtained outright possession ▪ Households who aren't bidding for properties that are available and suitable for their needs or successfully bid but then refuse properties that are suitable for their needs
<p>Bronze Plus (no time limit) (Local Connection)</p> <ul style="list-style-type: none"> ▪ Households who do not meet any of the above reasonable preference

<p>criteria and with a local connection, and who may have a low housing need including;</p> <ul style="list-style-type: none"> • Eligible and interested in shared ownership • Eligible and interested in older peoples accommodation • Households with low level medical or welfare issues • Households that are newly forming • Households who are suffering financial hardship • Households who are sharing facilities with other non-related households • Households residing in an institution or supported housing scheme e.g. hospital with no access to settled accommodation • Households who have insecurity of tenure (those in tied accommodation or lodging with family members) • In social housing and seeking a transfer
<p>Bronze (no time limit) (No Local Connection)</p> <ul style="list-style-type: none"> ▪ Households who do not meet any of the above reasonable preference criteria and without a local connection, and who may have low housing need

Cumulative Preference in Gold and Silver Bands

Applicants whose circumstances match more than one criterion in the Gold or Silver bands will be awarded 'cumulative preference', which means that they will move up a band. For example, an applicant who met two or more criteria in Gold band would be awarded Gold Plus banding. An applicant who met two or more criteria in Silver band would be awarded Silver Plus banding. If you fit the criteria for two or more reasonable preference categories in Gold you will move into Gold Plus but can't then move to the higher (priority) band unless you are accepted for the rehousing duty under s193 Housing Act 1996. This also applies to applicants with two or more reasonable preference categories in silver band. If they move into Silver Plus and have further reasonable preference categories they can't move up into Gold or Gold Plus unless they have a local connection.

Applicants who have been found to be intentionally homeless, within the Gold and Silver Band, will not qualify for a cumulative preference award.

The Bandings Explained

Priority Band

(Awarded for 3 months)

The following criteria will lead to Priority band being awarded:

Statutory Homeless with a duty to re-house

Priority band is awarded by the Local Authority or their agent where the local authority or its agent has accepted a full duty under Part VII of the Housing Act 1996

(as amended by the Homelessness Act 2002) to provide accommodation for an applicant.

The priority band can only be used in the Local Authority area where the homeless duty exists or in another Local Authority area within the scheme if a referral has been agreed. Within the other Partnership areas the applicant will be in a reasonable preference band, usually Gold Plus where there is a local connection to the District, or Silver Plus where there is no local connection.

Gold Plus

(Local Connection and High housing need – awarded for 6 months)

The following criteria will lead to Gold Plus band being awarded:

Homeless cases where no statutory duty to re-house (excludes intentional homeless)

Gold Plus band is awarded by the local authority or its agent where an applicant is determined under the homelessness legislation to be eligible for assistance, homeless, not in priority need, not homeless intentionally and has a local connection to that Local Authority.

Properties subject to serious disrepair

Gold Plus band is awarded where an applicant is living in sub-standard accommodation (regardless of the tenure) and (following confirmation or notification by the relevant Officer) it is determined that action is required under the Housing Act 2004. This would be for a Category 1 hazard that is very severe and may have lead to the service of the following notices (only);

- Emergency Remedial Action
- Demolition or Clearance Orders
- Improvement Notices for Category 1 hazard (other than for overcrowding and space)

NB In circumstances where the applicant is in a Local Authority tenancy and the LA can't serve notice upon itself then this category would still be awarded where a notice would be served if the tenure was different.

Where applicants report poor housing conditions, the relevant Officers may inspect the property to consider using their powers to remedy hazards.

Home Choice Plus will need to liaise with the relevant Officer on a regular basis to check that the property circumstances are still in disrepair prior to an offer of accommodation being made.

Where the property disrepair has been remedied the applicant's banding will need to be reassessed.

Where a notice has been served that prohibits occupation or the disrepair is so serious that the relevant Officer advises occupation of the property is not appropriate on health and safety grounds, applicants will be dealt with under the Homelessness legislation.

High Medical Need or Disability

This band is awarded following an assessment by Home Choice Plus, of the evidence provided by the applicant and/or by the preferred medical advisor in relation to their health and/or disability.

An applicant will normally be expected to complete a medical assessment if they have indicated that there is a medical or disability problem that is made substantially worse by their current housing. Their circumstances will be assessed by a Home Choice Plus officer based on evidence provided by the applicant, and we will consider evidence from all appropriate medical professionals.

This banding will only be awarded if the current accommodation is so unsuitable in relation to their medical, welfare or disability needs that a move is essential. The assessment is not of the applicant's health, but how their health or welfare is affected by their accommodation.

The following are examples of cases that would qualify for this band:

- The applicant's accommodation is directly contributing to the deterioration of the applicant's health; e.g. severe chest condition requiring intermittent hospitalisation as a result of prolonged periods of exposure to damp (i.e. mould spore allergens). The most vulnerable group is that of persons aged 14 and under. The effects of damp must be recognised as severe under the Housing, Health and Safety Rating System as assessed by a the relevant Officer.
- A person with a severe disability requiring substantial adaptations to a property which are not provided in their current accommodation and where the property cannot be adapted.
- A person suffering with a severe and enduring mental illness or disorder where the medical condition would be significantly improved by a move to alternative accommodation.

Households who are homeless or threatened with homelessness through no fault of their own (who have not made a homeless application)

This status is awarded to all households who are homeless as defined by the Homelessness legislation but have not made a homeless application or don't wish to be considered under the homelessness legislation. and where, following investigation, it is proven that the applicant is threatened with homelessness through no fault of their own.

This banding also applies to households who have made a homeless application and been accepted for rehousing within another area of the Home Choice Plus partnership.

Tenants who are under – occupying affordable social housing or living in an adapted property where they do not require the adaptations

It is important that the best possible use is made of existing housing stock and priority will be given where a Local Authority or Housing Association tenant, in the Home Choice Plus area, applies to move to a smaller, or more appropriate type of property.

Some examples would be;

- a) Applicant's currently living in family sized accommodation, either social or affordable rent, who wish to 'downsize' and free up at least one bedroom.
- b) applicants currently living in family sized accommodation, either social or affordable rent, wishing to move to a one bed property or a two bed property designated for older people e.g. Retirement housing, Extra Care or a bungalow
- c) an applicant occupying an adapted property where they do not require the adaptations.

Please note this only applies where a family sized property or a property with substantial adaptations will become available for reletting following the move

Move on from Supported Accommodation.

This status is awarded where an agreement between the Local Authority or its agent and the Supported Housing provider, is in place for applicants to move on from supported accommodation in the Home Choice Plus area.

This status will only be awarded to applicants in supported accommodation or care-leavers where the following criteria have been met:

- The applicant is ready to move to independent settled social housing on the recommendation of the support provider
- An ongoing support package has been assessed and where required, is in place.

In the case of young people moving on from care, applicants are awarded this category in accordance with the 16- and 17-year old Joint Protocol between the Local Authority and the County Council's Children's Services Department (for the five districts within Worcestershire) and the agreement with Warwickshire County Council (in Stratford-on-Avon). Applicants must be a former "Relevant Child" as defined by the Children Act 1989.

The evidence to support this will be provided by the County Council's leaving care service and will consist of confirmation that:

- The care-leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living.
- The care-leaver possesses the life skills to manage a tenancy including managing a rent account.
- An ongoing support package has been assessed and where required, is in place.

Applicants are expected to make full use of their priority by placing bids on all suitable properties to enable them to move on to independent accommodation. Home Choice Plus officers may use their discretion to place bids on behalf of the applicant where bids are not being placed or are being inappropriately placed to facilitate

move-on through supported accommodation. This will be done in consultation with the applicant and (if relevant) their support worker.

Children accommodated out of area by Children's Services or Unaccompanied Asylum Seeking Children under the responsibility of Worcestershire County Council will be awarded a Gold Plus band under move on from supported accommodation and will be granted a local connection with the five District Councils within Worcestershire where they don't have a specific connection to one Local Authority.

Serious Overcrowding

Applicants lacking three or more bedrooms will be awarded Gold Plus band e.g. where the applicant has a four bedroom need and is living in a one bedroom property.

Overcrowding assessments will include all household occupants and the overall size of the property in determining the band, regardless of whether the whole household wish to be rehoused together or not.

Applicants who claim they are overcrowded will have their circumstances assessed against the Home Choice Plus Bedroom Standard. The table below shows the bedroom entitlement for adults and children:

Home Choice Plus Bedroom Standard			
Household Make-up	Suitable Property Size :		
	1 Bed	2 Bed	3 Bed
Single Person	✓		
Childless Couple	✓		
Parent(s) & 1 child		✓	
25+ weeks pregnant woman with or without partner and no other children		✓	
Parent(s) and 2 children of same sex aged between 0 and 16		✓	
Parent(s) and 2 children of same sex over 16			✓
Parent(s) and 2 children of different sex under the age of 10		✓	
Parent(s) and 2 children of different sex when the oldest reaches 10			✓
Parent(s) and 3 children – 2 of same			✓

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sex aged between 0 and 16. Plus 1 other child			
Parent(s) and 3 children - 2 of different sex under the age of 10. Plus 1 other child			✓

To calculate the property size eligibility for larger households, please use the following guidance:

- 2 children of the same sex are able to share a room until the oldest reaches the age of 16, at which point an additional bedroom will be required.
- 2 children of different sex are able to share a room until the oldest reaches the age of 10, at which point an additional bedroom will be required.

For example:

A family with 2 parents and 3 children of the following age and sex:

- one girl aged 4
- one girl aged 6
- one boy aged 10

are eligible for a 3 bedroom property (one bedroom for the parents, one for the two girls and one for the boy).

A family with 2 parents and 3 children of the following age and sex:

- one girl aged 4
- one girl aged 16
- one boy aged 10

are eligible for a 4 bedroom property (one bedroom for the parents, one for the boy, one for the 4 year old girl and one for the 16 year old girl).

The appropriate Home Choice Plus senior officer within the Local Authority / agent may exercise discretion in deviating from the Bedroom Standard to increase the number of rooms an applicant requires. Examples would include where an extra room is required to accommodate a carer on health grounds, or where the applicant is a registered foster carer.

The bedroom standard allows the policy to determine whether there is underoccupation or overcrowding for the purposes of banding. The HA will determine, through their allocation policy the type and size of property an applicant can occupy.

Gold Plus or Gold (please see below) will also apply to applicants needing to be re-housed on the application if they have no bed spaces available to them.

Evidence of overcrowding must be provided at the point of registration and allocation of accommodation and may be verified by a home visit.

There may be some exceptions to the bedroom requirements including the following;

- where there is a carer included in the household
- where the household contains "a child who cannot share a bedroom". This definition applies to a child who (1) is entitled to the care component of disability living allowance at the highest or middle rate, and (2) by reason of their disability is not reasonably able to share a bedroom with another child.
- where the household has care and supervision responsibilities for other children not normally residing with the household

A carer is someone who, with or without payment, provides help and support to a partner, relative, friend or neighbour, who would not manage without their help. This could be due to age, physical or mental health, addiction, or disability. In all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care and that they need to live with them.

Even if a carer is in receipt of Carer's Allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer on a housing application will be considered if the need for a carer has been assessed by a relevant specialist organisation e.g. a social care, health professional as needing to provide overnight support by a resident carer. In these circumstances the applicant must provide supporting evidence from other agencies e.g. Social Care or a Health professional.

In some limited circumstances it may be possible to consider cases where the carer is not in receipt of Carer's Allowance but would be eligible. Under these circumstances it will still be necessary for the applicant to demonstrate that the person looked after is in receipt of a relevant care related benefit.

Household with a disabled child

Where the household includes a disabled child and the child isn't able to share a room with another child because of it's disability then an additional bedroom requirement can be considered. The disabled child would need to be in receipt of the care component of the disability living allowance at the highest or middle rate.

Households with access to other children

Anyone with access to children will need to demonstrate their involvement in the care and supervision of the child. A senior officer within the Local Authority or their agent will give consideration to factors including regularity of contact, who claims the relevant benefits for the child and any residency orders as well as legislation, codes of guidance and case law in determining which parent has primary responsibility for the children. Please note: the bedroom standard assessment is for determining overcrowding and does not guarantee that an applicant will be offered the exact property size for their household needs. In particular, where their housing need exceeds four bedrooms but there is a limited supply of larger properties within the Home Choice Plus partnership they are unlikely to be offered social housing that exactly meets their needs.

Also households that include other adults rather than children may find it difficult to obtain social housing where they require larger properties normally allocated only to households with children, as priority is usually given for family houses to people with dependant children within the Housing Association / Registered Provider's allocation policies.

There may be other special circumstances subject to emerging case law where the bedroom standard does not apply and this will be determined by a senior officer or manager.

Silver Plus

(No Local Connection and High Housing Need – awarded for 6 months)

The Silver Plus band is awarded for the above Gold Plus preference categories where the applicant has no local connection to that participating Local Authority.

Gold

(Local Connection and Housing Need - valid for 12 months)

The following criteria will lead to Gold band being awarded:

Households who have been determined to have become homeless intentionally.

Where the local authority or its agent has carried out investigations under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) and found the applicant intentionally homeless. Where the applicant's housing need would normally be Gold Plus such as severe overcrowding or serious medical issues they will be awarded Gold Plus. Where the reason for intentionality is one of the five reasons for awarding a reduced banding, the household will be moved into the Reduced Banding category.

Households suffering from harassment

Applicants who cite harassment as the main reason for making the application will be asked to provide information about all the circumstances surrounding the application and each case will be assessed on its merits. Any enquiries will be made in a sensitive manner so as not to prejudice the safety of the applicant. Any claims of harassment should be substantiated by evidence from a third party e.g. Police, Housing Officer etc. If the harassment is deemed so severe that it is not reasonable to continue to occupy the accommodation, this will be investigated under the Homelessness legislation.

If you are suffering from domestic abuse it is likely that you will be treated as homeless and therefore awarded the appropriate homelessness-related bands.

Overcrowding or lacking required bedrooms

This applies to households who are overcrowded or lacking up to (and including) two bedrooms. Please see section above (under Gold Plus) regarding how overcrowding is determined.

Living in exceptional circumstances

This banding on Home Choice Plus should only be awarded in those instances where the applicant's living circumstances are considered to be exceptional given the prevailing housing conditions in the district and where no other banding criteria reflects or addresses the problem(s).

In reaching a decision to award the banding, account must be taken of the suitability of the current accommodation and the location of the accommodation in relation to the applicant's needs.

Examples are given below of potential situations where this banding may be granted – the list is not exhaustive and the decision lies with the Local Authority / agent assessing the application.

- The applicant is adequately housed but needs to give or receive support on the grounds of disability or illness that is substantial and ongoing and it is not possible for the person giving care to use public transport or their own transport to provide assistance.
- The applicant needs to move on welfare grounds e.g. hardship.
- The applicant's household is overcrowded, coupled with medical issues that do not accrue medical priority e.g. ADHD, autism.
- The applicant needs to take up or continue employment, education and/or training that is not available elsewhere and they do not live within reasonable commuting distance

Households with Children living in upstairs flats or maisonettes

This status is awarded to households with children under 10 and living in an above ground floor flat or maisonette. This may be verified by a home visit.

Properties suffering from disrepair

Properties that are suffering from disrepair (regardless of tenure) that is not deemed to be severe or a threat to the health and safety of the occupier will be awarded this band following confirmation or notification from the relevant Officer. Normally disrepair would be assumed to be Category 1 where a hazard awareness notice has been served, and Category 2 where category D (or equivalent) hazards exist (as defined under the Housing Health and Safety Rating System, part 1 of the Housing Act 2004) except for overcrowding and space assessment which is assessed separately under the Home Choice Plus overcrowding policy.

Home Choice Plus will need to liaise with the relevant Officer on a regular basis to check that the property circumstances are still in disrepair prior to an offer of accommodation being made.

Silver

(No Local Connection – valid for 12 months)

The Silver band is awarded for the above Gold preference categories where the applicant has no local connection to that participating Local Authority.

Reduced Banding

(Reasonable preference but reduced priority)

This band will be used for households in reasonable preference categories where their priority is reduced for one of the following reasons;

Applicants will be banded according to their current housing need but demoted to the reduced priority band. This decision will be reassessed by the District Council or their agent after a period of six months, or at the applicant's request at any time.

1. Financial Resources

Owner occupiers and people with sufficient financial resources available to them to meet their housing needs will be placed in reduced band.

Applicants who have a household income (including benefits) of more than £35,000 per annum and / or savings/capital/assets/equity of £50,000 that will enable them to access and maintain private accommodation will be encouraged and supported to do so through the housing options service. Any household in receipt of a means tested benefit will not be subject to this reduced banding criteria (this does not include Child Benefit).

Applicants will be asked to provide income and asset/savings/capital details at the point of application and if, at that stage, they exceed the threshold their banding will be the reduced (where they have a housing need). The income and assets/capital/savings details will also be considered at the point of offer to ensure the applicant is still on the correct banding.

The financial resources of an armed forces applicant will be disregarded where it is a lump sum that was received as compensation for an injury or disability sustained on active service.

Financial thresholds may also be determined by Registered Social Landlords and applicants should contact individual organisations where they believe income or capital may be an issue at the point they are made an offer of accommodation.

Applicants who are registering for shared ownership purposes only, who have an income above 35k but below 60k will not be adversely affected by the reduced banding category as it doesn't apply to shared ownership schemes.

Where applicant(s) have an exceptional need that can only be met through the provision of affordable housing then the reduced banding won't be applied.

2. Deliberately worsening housing circumstances

Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher priority on Home Choice Plus, this priority will be reduced. This would include circumstances where an applicant surrendered their tenancy, where it was reasonable to occupy and against the advice of the Housing Advice / Options Officer or where they moved to a property that was smaller than their requirements.

Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher priority on Home Choice Plus, this priority will be reduced. This may include the following;

- Unsuitable property choice – e.g. with stairs if need ground floor
- Overcrowding – e.g. moved in with others / moved others in by choice
- Causing disrepair – including not allowing access

- Giving up a suitable tenancy
- Adaptations – apply to move within 5 years and still meets need
- Refused support which could have maintained tenancy

Officer must consider the particular applicants circumstances and particularly issues of vulnerability or where poor advice has been given before reducing the persons banding.

3. Housing related debts

Where households have housing related debts these will be assessed by the District Council, or their agent. The officer must establish the debts have arisen from a deliberate act or omission that leads to non-payment.

The applicants will be encouraged to make affordable arrangements to pay and they will be placed within the reduced priority band until an affordable arrangement has been reached with who they owe the money and the applicant is maintaining regular payments. The Local Authority will expect the debtor to demonstrate they have taken reasonable steps to resolve the issue prior to reducing the banding given. For this circumstance to apply the debt must not be more than six years old (as after this the debt cannot be recovered).

The reduced priority band will apply to those with rent arrears, recharges, former tenancy arrears, rent deposit debt etc where the debt is £500 or they owe the equivalent of 6 or more weeks target rent (whichever amount is the smaller). The RSL will need to notify the Local Authority (or its agent) of the arrears and any arrangements made with the applicant. Where the applicant can demonstrate a regular payment history (complying with the agreement) for three months or more and the debt is less than £500 the Local Authority will move them back to the higher banding. The Local Authority will exercise its discretion, depending on individual circumstances where there are mitigating factors or an urgent need to move.

4. Anti – social behaviour and other tenancy breaches

Where there has been a breach of tenancy such as anti-social behaviour, or due to the property condition, the applicant will be placed within the reduced priority band. The Local Authority will expect the landlord where the problems occurred, to demonstrate they have taken reasonable steps to resolve the issue prior to reducing the banding given.

The reduced priority band will apply to applicants who are guilty of anti-social behaviour or tenancy breaches where formal legal action has been commenced e.g. injunction, ASBO, CRIMBO or Notice etc. This would include anyone found guilty of sub-letting a social housing tenancy and waste /neglect of the property. The officer must consider any particular support needs the applicant might have and whether this is having an impact on their behaviour before we reduce the applicants banding. The officer should only consider recent tenancy breaches / anti social behaviour.

The officer can reinstate the higher banding where the tenancy breach is resolved or the applicant can demonstrate changed behaviour over a reasonable timescale.

5. No bidding or refuses offers of accommodation

Where applicants in the Gold Plus, Silver Plus, Gold and Silver bands have failed to place bids, or have placed successful bids but refused properties, and there is evidence that properties that would meet their needs have been advertised on Home Choice Plus, their banding will be reviewed within the set time period above and they will be placed in the Reduced Banding category.

Where applicants in the Gold Plus, Silver Plus, Gold and Silver bands have failed to place bids, or have placed successful bids but refused properties, and there is evidence that properties that would meet their needs have been advertised on Home Choice Plus, their banding will be reviewed within the set time period above and they will be placed in the Reduced Banding category.

By successful bids we mean where the applicant(s) have been offered the property and invited to view it (where applicable).

The officer must consider the households' vulnerability and any issues that may have affected their behaviour at the time e.g. domestic abuse, mental health problems.

How will the reduced banding be applied

Applicants will be banded according to their current housing need but demoted to the reduced priority band. This decision will be reassessed by the District Council or their agent after a period of six months, or at the applicant's request at any time.

Bronze Plus

(Local Connection)

(Please note this banding will be closed after one year where no bids have been placed)

This applies to all applicants who live, work or have a local connection as defined by s199 Housing Act 1996, to a particular district in the Home Choice Plus partnership and do not meet any of the reasonable preference criteria, as set out above, and have low housing need.

Where the household has a low level housing need due to medical, disability or welfare conditions / issues, the banding will only be awarded where the condition / issue will be improved by a move to alternative accommodation.

Examples of applicant(s) accepted onto the waiting list and awarded Bronze Plus include the following;

- Eligible and interested in shared ownership
- Eligible and interested in older peoples accommodation
- Households with low level medical or welfare issues
- Households that are newly forming
- Households who are suffering financial hardship
- Households who are sharing facilities with other non-related households
- Households residing in an institution or supported housing scheme e.g. hospital with no access to settled accommodation
- Households who have insecurity of tenure (those in tied accommodation or lodging with family members)
- In social housing and seeking a transfer

The Home Choice Plus Allocation Scheme does not recognise insecurity of tenure where the applicant is in an assured shorthold tenancy in the private rented sector unless there is another issue arising such as threat of homelessness or disrepair.

Bronze

(Limited Local Connection - closed after one year where no bids have been placed)

This applies to applicants who meet the eligibility criteria on connection grounds with one of the districts in the Home Choice Plus partnership but no connection to the other partners and do not meet any of the reasonable preference criteria, as set out above, but have a low housing need (please see list in Bronze Plus section above).

Time Limited Bands

All bands are awarded on a time limited basis, i.e. for 3, 6, and 12. At the end of the time limit, if an applicant has not been successfully housed, the Local Authority or its agent will reassess the application and contact the applicant to confirm their circumstances and/or bidding pattern. For applicant(s) in Bronze Plus and Bronze applications will be closed after 12 months if there are no bids. Please see the Reviews / Complaints Section for more information.

Local Connection for Banding Purposes

In order to ensure that Home Choice Plus meets the housing needs of local communities, we will award a higher band to those applicants with a Local Connection to each relevant Local Authority.

Example - Applicant with medical need with local connection to Bromsgrove but no other Local Authority area will be placed in Gold Plus when bidding within Bromsgrove and Silver Plus for all of the other Local Authorities.

To determine the relevant local connection banding of a household, who meet the eligibility criteria for registering on the waiting list, we would use the following;

- has lived in the relevant Local Authority area by choice for a certain time (for six months out of the last 12 months or for three years out of the last five years);
- has close family living in the relevant Local Authority area, who have been permanently resident for at least the previous five years;
- has permanent paid employment in the relevant Local Authority area
- has a local connection as a result of special circumstances

Waiting Time

New applicants are placed into a bronze or bronze plus band, while we assess their housing need and their waiting time will be from the date of registration (the effective date); this will be the date the form is received and date stamped at the office of the Local Authority (or its agent), or on the date the form is received online.

If an applicant is moved up into a higher band (following assessment) then the date they moved into that band will override the registration date (effective date). Please note it can take up to four weeks to assess a banding.

If the applicant remains in or moves down to a Bronze or Bronze plus band then the registration date (effective date) will apply.

Removing Applicant from Reduced Band

Where an applicant is promoted from the Reduced Priority band to a reasonable preference band, the band start date should be back-dated to the date they were originally placed in the Reduced Priority band.

Please note that even once an applicant has been promoted from the Reduced Priority band to a reasonable preference band, housing associations may still refuse to accommodate them due to their own allocations policies and they may therefore continue to be skipped. Applicants demoted to the Reduced Priority band should be encouraged to pursue private rented housing wherever possible and appropriate advice given to assist them to do so.

The decision to promote an applicant from the Reduced Priority band should be undertaken as part of a full review of the applicant's circumstances to ensure that the applicant is awarded the correct banding.

Change of Circumstances

All applicants are required to notify the relevant Home Choice Plus partner, with whom they are registered, immediately of any change to their circumstances which may affect their priority for housing. Applicants will need to provide proof of their change before it is assessed.

Applicants who have had a change of circumstances and have not informed Home Choice Plus may have their application status changed to 'application pending' whilst an investigation takes place in order to determine eligibility. The applicants' banding will be reassessed at the point that they submit the change of circumstances (not at the point when the circumstances change) and this will then determine their band start date. If an applicant does not respond to contact from Home Choice Plus within one month, their application will be closed.

Applicants should notify the Home Choice Plus Partner of any change in their circumstances. For example:

- A change of address, for themselves or any other person on their application
- Any additions to the family or any other person they would wish to join the application
- Any member of the family or any other person on the application who has left the accommodation
- Any confirmed pregnancy
- Changes of name
- Changes in financial circumstances, including change of employment
- Accommodation issues
- Medical or other housing needs

Most changes of circumstances can be completed online but evidence will still be required.

Additional Preference – Community Contribution

We want to encourage applicants who can, to work and/ or volunteer so we can raise levels of aspiration and ambition to promote sustainable communities. The following criterion applies to either the applicant or joint applicant. The responsibility will be on the applicant or joint applicant to provide the evidence to be awarded this banding.

We will award an additional waiting time of six months if any of the following circumstances apply (please note households only qualify for one six months waiting time period regardless of how many of the below are relevant).

We will verify all claims of community contribution at the point of registration, at review and at the offer stage.

Applicants in Employment

This applies where applicants meet the required hours in employment for working tax credits thresholds and have been in employment for six out of the last nine months.

Applicants Volunteering

This applies to applicants volunteering for a minimum of 20 hours per month and for a continuous period of at least six months, at the point of application, at review and the same at the point of offer.

Volunteering must be for a not for profit organisation registered with the charity commission or otherwise recognised by the Local Authority (or their agent).

Applicants in Education and Training

This applies to applicants, who have been studying or training, which includes attending higher and further education or who are accessing a vocational course of study or engaging in a programme of work related courses. This must be for a continuous period of at least six months, up to the point of application and the same at point of offer.

Training which is compulsory in order to qualify for out of work benefits will not be taken into account in awarding this additional preference.

Applicants who are full time carers

This applies to applicants who are unable to satisfy the criteria outlined above, but who care for someone on a full time basis and have done so for a minimum period of six months (before applying) and are in receipt of carers allowance (due to disability or frailty).

Applicants with a disability

We recognise that it may not be possible for some applicants to achieve any of the community contribution due to severe disability (e.g. where you are awarded the support element of Employment Support Allowance or higher rate Disability Living Allowance / Personal Independence Payment) and in these circumstances additional waiting time will be awarded.

Members of the Armed Forces

By Armed Forces, we mean the “regular forces” and the “reserved forces” as defined by section 374 of the Armed Forces Act 2006(a). The “regular forces” means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force. The “reserve forces” means the Royal Fleet Reserve, the Royal Navy Reserve, the Marine Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

Members of the Armed Forces who have been served with a cessation to occupy accommodation will be given housing advice and the appropriate banding and, if required, considered under the Homeless legislation (Housing Act 1996, Part VII and other relevant legislation).

The Home Choice Plus partnership recognise the contribution made by members of the armed forces and we support the principles of the Worcestershire Community Covenant and the Warwickshire Community Covenant.

The Housing Act 1996 (Additional Preferences for Armed Forces) (England) Regulations 2012 require Local Authorities to give additional preference to a person with an urgent housing need and are in one of the reasonable preference categories.

The regulations are;

that local housing authorities must frame their allocation scheme to give additional preference to the following persons if they fall within one or more of the statutory reasonable preference categories and are in urgent housing need:

- a) serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- b) former members of the regular forces
- c) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
- d) existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

If an “Armed Forces” applicant is able to meet the local connection criteria (or is exempt from this) and does not have sufficient resource to meet their own housing need, the Home Choice Plus Allocations Policy will award the applicant an additional six months in waiting time at the point that need has been assessed or date of registration (if need hasn’t changed over time). This only applies to members of the armed forces who have been discharged within the last five years.

6. Applying for a Property and Lettings

Looking for available Properties

Once applicants have been registered with Home Choice Plus and been notified of their registration number, they can start to look for a property of their choice.

Advertising

All Housing Association landlords are committed to advertising their available properties as widely as possible. Properties will be advertised on a weekly basis in the following ways.

- Website – available to anyone with access to the internet. The website enables applicants to view all available properties on line at www.homechoiceplus.org.uk
- Property Line - A local number for each area will be available for applicants to call to hear what properties are available. This service is particularly beneficial to disabled applicants, those who are blind or partially sighted, and for those who are unable to read
- Hub, Landlord and Local Authority Offices – computers will be available to view and bid for available properties. Staff will be on hand to assist where needed
- Community Outlet – newsletters will be displayed in many community outlets for example libraries, parish councils, supermarkets etc.

Adverts will provide information about the location, property type and size, rent level, and eligibility criteria.

How to Bid

Applicants can bid for properties in a number of ways. They will need to have ready their membership number, memorable date and the property reference number they wish to place a bid on.

- **On the Internet**
www.homechoiceplus.org.uk
- **On the Telephone**
Automated Bidding Line Number 0845 270 0557 a 24-hour automated service.
- **By Mobile Phone**
You can text your Bid from your Mobile Phone to 07784 486 644
- **In Person**
At any of the Contact Points as listed in Appendix 1

When to bid for a Property

Vacant properties will be advertised from each Tuesday morning. Applicants can bid any time during that week until 12 midnight on the following Monday. This is called the weekly bidding cycle. The time that a bid is placed during the week does not make a difference to the shortlist position – it is not a ‘first come first served’ system.

Number of Properties an applicant can bid for

Applicants can make 3 bids each week as long as they match what the advert criteria asks for. Bids must be on separate properties that they are eligible for. Applicants can withdraw their bid if they change their mind and re-bid on a different property at any time throughout the bidding cycle.

Multiple Bidding

Applicants will be able to bid for a maximum of three vacancies during any given advertising period. If an applicant appears at the top of more than one shortlist in a bidding cycle, they will be contacted to discuss which property they wish to consider. The selected Housing Association will then ‘Match Suggest’ the applicant and further Housing Associations will then skip this applicant if they are at the top of their shortlist(s). If the Housing Association who has Match Suggested the applicant subsequently decides not to offer them the property, the Provider will inform the applicant of the reasons for this directly, but the applicant will retain their banding and be able to continue bidding. Please see the section on “Reasons why an applicant may not be offered a property”.

Applications from employees, Board Members and Co-optees

Staff, Board Members and Co-optees will be treated and assessed as any other applicant to the Housing Register.

Statutory Homeless Households

Applicants placed into the Priority Band on Home Choice Plus will have been accepted as statutorily homeless (where the full rehousing duty is owed) by a Local Authority in the Partnership area under s193 in Housing Act 1996 (eligible, homeless, priority need and not intentionally homeless, with a local connection).

The allocation of this banding comes with certain requirements under the Home Choice Plus scheme. We require applicants to try to secure suitable accommodation as soon as possible once they have received their rehousing (s.184, Housing Act Part VII) acceptance letter and therefore would expect them to be bidding for as many suitable properties as available (up to three bids per week)

Failure to bid each and every week on all suitable properties (up to a maximum of 3) may result in the Local Authority or its agent, placing bids on an applicant's behalf to make sure its duty to the applicant as a homeless household is fulfilled. They may also remove bids that an applicant has placed if they are not suitable e.g. where a victim of domestic abuse selects a property near to the perpetrator.

Please note that if applicants choose to only bid on one property when there are three suitable properties advertised, the local authority or its agent may bid on the two remaining properties to ensure that the applicant is re-housed as soon as possible.

All bids in this banding must be on suitable properties (e.g. suitable size, location and type) and must be within the local authority area where the homeless duty applies to meet the requirements of the policy.

When a successful bid is made for a property the applicant will be notified of this and, subject to rights of review under Part VII of the Housing Act 1996, this will constitute an offer of housing under Part VI as a discharge of the Council's homelessness duty.

Should the applicant be rejected by the Housing Association under its own allocations criteria, the homelessness duty will not be discharged and they will remain eligible for a further offer.

Eligibility for types of dwelling

Housing Association / Registered provider partners will use their individual policies to determine an applicant's eligibility for a size and type of dwelling. Broadly the Housing Association will use the overcrowding standard to determine the appropriate size of property. However, in exceptional circumstances they may deviate from the overcrowding definition to advertise and allocate their housing stock.

Examples are:

- Where applicants require larger accommodation on health grounds. This will be considered on a case by case basis, taking into account the advice of a qualified medical advisor – this will be determined at the point of registration (please see section on overcrowding within the banding).
- Pregnant households will be recognised as a family by Home Choice Plus at 25 weeks, this will allow the applicants to apply for family sized accommodation.
- Where the applicant has been approved as a foster carer / to adopt by Children's Services, and so will need a larger property than normally required by the household (please see section on overcrowding within the banding).
- Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household. See paragraph below for more information about including a carer in a housing application (please see section on overcrowding within the banding).
- Where the landlord or Local Authority wants to deliberately under-occupy a property and a Local Letting Plan is in place
- Where there is little or no demand for a particular vacancy and it is therefore difficult to let (at the point of advertising the property)
- Where no suitable applicants can be identified to make the best use of larger accommodation.

Selection process

Applicants must note that individual Housing Associations will apply their own allocation policies and the suitability of the property will be considered by the Housing Association, in accordance with its allocation policy, at the point of allocation.

All eligible bids for each property are placed in order of housing need. Priority is decided first by band and then by date within the band and then by effective date.

A bid for a property will not be considered if the applicant's household does not meet the size, age or disability requirements for that property unless there are exceptional circumstances which need to be taken into account.

Partner landlords advertising properties will select and may interview the top applicant/s before an offer is made.

A property will not always be offered to the applicant at the top of the shortlist if there are reasons why this applicant is not eligible or would not be suitable. Please see the 'Reasons why you may not be offered a property' section below for more details.

Successful applicants may be given the opportunity to view the property prior to tenancy sign-up.

If the applicant chooses to refuse the property, the reasons for the refusal will be recorded by the partner landlord advertising the property and their banding may be reassessed.

If an applicant is matched to a property they will not be able to bid for other properties until they have decided to either accept or refuse the offer.

If the applicant is at the top of the shortlist the local authority or landlord will check the application to ensure the banding is correct and there aren't any other factors that would limit offers of accommodation e.g. change of circumstances.

Reasons why you may not be offered a property

Housing Associations may choose not to allocate you a property due to their own allocations policy, please see the Home Choice Plus website or contact individual Housing Associations for more information.

Restrictions on offers through the advert

Landlords may apply restrictions in order to identify suitable applicants in particular circumstances and these will always be specified in the advert. Where a property is advertised with certain restrictions, the letting will be made to the bidder who meets the criteria with the earliest band start date in the highest band as with usual lettings.

Some properties may be restricted for bidding as follows;

- Under agreements pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) imposing conditions on who is able to bid – normally a restriction to households with a local connection
- Housing Associations may adopt specific lettings criteria in relation to particular developments or areas in order to address identified problems and

to create sustainable and balanced communities. In these circumstances a local lettings policy would apply.

- Partner Housing Associations will also be entitled to advertise properties with preference given to their existing tenants in order to facilitate transfers.

Refusing Offers of Accommodation

Households are expected to take reasonable care when bidding for a property to ensure it meets their needs. If, however, an applicant decides to refuse an offer of accommodation, the property will be offered to the next suitable applicant. An application may be reassessed if an offer of a property is refused. The Local Authority or its agent will take into consideration suitability of the property and reasonableness of the offer in any reassessment undertaken.

If an applicant in a time limited band refuses an offer of accommodation the application including the banding will be reassessed and may be placed in the reduced priority band.

Refusals by Households to whom the full homeless duty is owed

If a homeless applicant refuses an offer of suitable accommodation, the local authority or its agent may decide that its duty under the Homeless Legislation is discharged, subject to the statutory review process and their banding will be reassessed.

Homeless applicants have the right to request a review of certain decisions made by the local authority or its agent in respect of their homeless application. This includes the decision to bring to an end the full homeless duty by making a suitable offer of settled accommodation. The applicant has this right whether they refuse or accept the offer of accommodation. If the review finds in favour of the homeless applicant, the applicant will retain their Priority band (provided they are still homeless) and will be able to place bids on alternative properties. However, if the reasonableness and suitability of the offer is upheld, the homeless duty will be ended and the applicant's banding will be reassessed. Homeless applicants are therefore advised to accept an offer and then request a review if they believe it to be unsuitable..

Exempt Allocations – Accommodation provided for lettings that are not covered by this Scheme.

The following exempt allocations are covered by s160, Housing Act 1996;

The following are not allocations under this Policy:

- Succession to a tenancy on a tenant's death pursuant to s89 Housing Act 1985 and s17 Housing Act 1988 (this will be dealt with by the landlord under the relevant legislation and policies)
- Assignment of a tenancy by way of mutual exchange
- Transfer of the tenancy by a court order under family law provisions or under the Civil Partnership Act 2004
- An introductory tenancy (including assured shorthold) becoming an assured / secure tenancy

- Transfers initiated by Council / Housing Associations (e.g. decant to alternative accommodation to allow for major works)
- Rehousing due to being displaced from previous accommodation by a Council or being rehoused by a Council pursuant to the Land Compensation Act 1973

The following allocations are deemed to be exempt as, although they may consider this allocation policy to some extent, they also require different decision making processes and criteria in making assessments and rehousing the applicant:

- A person being granted a family intervention tenancy
- Provision of non-secure temporary accommodation in discharge of any homelessness duty or power
- Supported accommodation
- Where a Housing Association needs to directly match a property (more details regarding this are included later in this policy)
- Extra care and some Very Sheltered accommodation
- Changes to joint tenancies which will include the granting of a new tenancy through changes from a sole to a joint tenancy and from a joint to a sole tenancy. The individual Housing Association will decide whether to allow a Joint Tenancy depending on the circumstances of the case.
- Households requiring a move through the Witness Protection Scheme or similar, at the formal request of the appropriate authority
- Some adapted properties may be held on a separate register specifically for people with disabilities

Local Lettings Plans

Home Choice Plus reserves the right to apply additional criteria for example specific local connection criteria, offers of family sized accommodation to smaller households or employment- while still meeting the statutory obligations for Reasonable Preference when using Local Letting Plans. The Local Authority partners may, in the interests of promoting balanced and sustainable communities, agree with participating Housing Associations local lettings plans for specific areas, estates, or blocks. This is to ensure that lettings plans are tailored to the needs of an area, and protect the interests of existing residents and the wider community.

All local lettings plans will be published on the Home Choice Plus website.

The principles in applying Local Lettings Plans (LLPs)

- Local Lettings Plans may be developed to meet the particular needs of a local area.

- There must be a clear reason for having LLPs (this may take the form of recurring antisocial behaviour issues, high child densities or a concentration of older residents) and will be subject to reconsideration.
- LLPs must be developed and approved in accordance with an agreed procedure that must have specific aims and will be reconsidered on an annual basis.

The decision to implement a local lettings plan will be developed and approved by the Local Authority Senior Officer responsible for the relevant Home Choice Plus area and a Senior Manager of the relevant Housing Providers. Any decision to implement a local lettings policy will always take into account the implications for equal opportunities and the need to ensure that the Council is able to meet the allocation needs of those owed a reasonable preference.

Where a property is advertised in accordance with a Local Lettings Plan (LLP), the letting will be made to the highest bidder who meets the eligibility criteria of the LLP

Examples of possible Local Lettings Plans:

The following are examples of local letting policies that could be employed in Home Choice Plus covering an area, estate, or block:

- Age restrictions.
- Where the property forms part of a rural housing scheme on an exception site
- Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents
- Lettings to childless households where there are high concentrations of children and young people living on a specific estate or scheme

Direct Matching for urgent cases with reasonable preference

Where possible all lettings should be made through Home Choice Plus to ensure fairness and transparency in the system and to give our customers confidence. Where applicants have got reasonable preference but their circumstances mean they have urgent housing need they may require a direct match. An example of this would be those with critical health or social needs where an immediate move is necessary for their health and wellbeing and this can only be achieved through direct matching.

The direct matching might also occur because of the type of accommodation e.g. because it has adaptations and requires a specific applicant.

Direct matching may also occur for those in fear of extreme incidences of domestic violence, harassment, hate crime or extreme neighbour nuisance / anti-social behaviour where there is a genuine risk to their health and well-being or to support a move through witness mobility schemes (or similar).

There may be direct matching that takes place for tenants within the Housing Associations which are outside of the allocations scheme, where applicants are registered on Home Choice Plus (these are often known as management moves). This would apply in circumstances such as Tenants who are required to decant from their premises due to re-designation, demolition or refurbishment or where

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Successors left in a property too large for their needs or where a non-successor has exceptional needs / would be deemed to be owed a duty under Part 7 Housing Act 1996 for example.

7. Administration of the Scheme

Delegation of Authority

The Home Choice Plus Scheme operates alongside the separate allocation policies and activities of partner Housing Associations (please see Home Choice Plus website for further information).

The Council may delegate or contract out functions to Housing Association partner organisations and will not abrogate any of its legal duties and powers to any Housing Association partner.

The administration of the scheme is undertaken by the Local Authorities or their agents and they are also responsible for updating and improving the scheme in line with good practice and legislation, consulting with partners and customers and ensuring the scheme is followed.

Certain functions within the scheme can only be undertaken by a senior officer or manager and, where this is the case, this has been highlighted throughout the allocations policy.

Reassessment of Bandings

Applications to the Home Choice Plus Scheme will be reassessed on a regular basis. The timescale for this is determined by their banding and is conducted by their owning Local Authority or its agent.

Bandings will be reassessed when it is apparent there has been a change of circumstances.

An applicant will be notified of the reassessment. Failure to respond to appropriate correspondence in relation to the reassessment within one month will result in the application being closed. If good reason can be shown why there was a failure to respond to the reassessment then the application may be reinstated with the original band start date.

When the date is reached for reassessing the banding, the Local Authority or its agent will contact the applicant for confirmation of their circumstances. This contact may take the form of a letter, telephone call or email. If the applicant's circumstances have changed, they will be assessed and banded accordingly.

If the Local Authority, or its agent, considers that an applicant has not been using their priority and bids appropriately, a senior officer will review the application and banding may be altered to the reduced priority band unless good reason can be shown as to why bids have not been placed.

Reduced Priorities

The process for reducing priority

Any applicant whose priority is reduced will be provided with written notification of the decision that will contain the following information:

- The reasons for the decision to reduce priority
- The Band that their housing circumstances would have warranted and the Band that they have been placed in as a result of the decision (the reduced priority band).
- What they have to do before they can be considered again for any higher Band warranted by their housing needs.
- That the applicant has a right to request a review

Closing of Applications

Applications will be closed if applicants:

- Request their application to be closed
- Do not respond to a request to provide updated information about their registration, or
- Do not make a bid within 1 year of applying to join the Scheme
- Circumstances have changed and they are no longer eligible under this allocations policy.
- Have not informed Home Choice Plus they have moved and given a forwarding address.

When an applicant is re-housed through Home Choice Plus, their application will be automatically closed and they will need to complete a new registration form if they want to remain on the Housing Register.

In all other circumstances where they have moved they will need to complete a change of circumstances and be reassessed.

Re-joining the Housing Register

Where a household wishes to re-join the Home Choice Plus housing register at a later date, their new date of application will be the date they re-register.

Equality and Diversity

Our aim is to implement and maintain services which ensure that no potential or current applicant is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age or sexual orientation, nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law. Allocations will only be made to those persons who are eligible.

This policy will be subject to periodic equality impact assessments.

Confidentiality

The fact that a person is an applicant on the Allocation Scheme will not be disclosed (without their consent) to any other member of the public.

Data protection and information sharing

All information held is subject to the Data Protection Act 1998. Home Choice Plus will seek the express consent of applicants joining the Allocation Scheme to share personal information about the applicant, and any member of their household. Please be aware that the application and any information relating to it can be viewed by all key partners through the Home Choice Plus partnership.

Information sharing without consent

Information may be shared about the individual and their history irrespective of whether their consent has been obtained in exceptional circumstances which will include:

- In accordance with the provisions of the Crime and Disorder Act 1998 (Section 115).
- Where there is a serious threat to the other party's staff or contractors.
- Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff.

False statements or withheld information

It is a criminal offence for applicants and/or anyone providing information to this Scheme to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application (s171 Housing Act 1996). This includes but is not limited to information requested on the housing registration form, in response to correspondence at the renewal of the application, or relating to any other reassessment of the application. An offence is also committed if a third party provides false information whether or not at the instigation of the applicant. This would apply at any stage of the application process.

Where there is suspicion or an allegation that a person has either provided false information or has withheld information, the application will be placed under pending status during the investigation and will be excluded from this Allocation Scheme until an outcome is reached.

If the outcome of any investigation is that they did not provide false information or there was no withholding of information or such was not found to be withheld knowingly, then the application will be reinstated from the date of registration meaning the relevant applicant should not suffer prejudice.

However, where the investigation shows that false information was provided on the application form the application will be re-assessed. The applicant may also be liable to prosecution.

Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by the 1996 Act, s.146) enables the landlord to seek possession of a property where it has been granted as a result of a false statement by either the tenant or a person acting at the tenant's instigation.

If it is determined that an applicant directly, or through a person acting on his or her behalf, has given false information or withheld required information it will result in an applicant being removed from the Scheme and deemed Ineligible.

Monitoring Home Choice Plus

The full Home Choice Plus Partnership will meet regularly to monitor the outcomes being achieved (please see the Terms of Reference for the Home Choice Plus Steering Group and associated groups).

The Home Choice Plus Steering Group will complete an annual report to Registered Social Landlords as part of regular monitoring

8. Reviews of decisions

Information about decisions and reviews

The Local Authority, or its agent, makes the decision regarding the start dates and banding of every applicant.

An applicant to the Home Choice Plus scheme has a right to request a review from the owning Local Authority, or its agent, if unhappy with any decision (finding of fact) including decisions to exclude from registration, the level of priority awarded or the way in which the application has been dealt with. Applicants will be able to appoint an advocate, and once appointed, the Home Choice Plus partner will deal directly with the advocate. The applicant should request an internal review within 21 days of the date of the decision letter.

Applicants have the following further and specific rights to information about decisions and rights of review of decisions:

- the right, on request, to be informed of any decision about the facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to them
- the right, on request, to review a decision mentioned above, or a decision to treat them as ineligible due to immigration controls or unacceptable behaviour serious enough to make them unsuitable to be a tenant
- the right to be informed of the decision on the review and grounds for it.

The applicant will be notified of the outcome of the review including the reasons if the original decision is confirmed. We will aim to determine the review within 56 days of the request or such longer period as may be agreed with the applicant. Once the review has been decided upon there is no further right of review on the same matter unless there is a material change of circumstance.

The applicant will also have the right to seek judicial review, make a formal complaint through the Local Authorities complaints procedure (please see below) or to the Local Government Ombudsman.

Reviews will be carried out by a senior member of staff within the Home Choice Plus partnership or delegated to an appropriate organisation and an officer who was not involved in the original decision.

Where the complaint concerns an issue with the letting of a property, the applicant should address their complaint directly to the relevant Housing Association and follow that organisation's complaint procedure.

Complaints

An applicant who is not satisfied with the service that they receive may register a complaint with the appropriate Home Choice Plus Partner by telephone, e-mail or in person. All complaints will be acknowledged and investigated. Please see the organisation's individual complaints procedure for details on how to complain and the

length of time to consider your complaint. You can ask someone else or an organisation such as Citizen's Advice Bureau to make a complaint on your behalf.

For those whose first language is not English, assistance can be made available.

9. Feedback on let properties

Home Choice Plus will publish details of the number of bids for each property on the website giving details of the successful applicant's band and their band start date.

This feedback will help applicants determine their prospects of success in obtaining housing.

Lettings are monitored by property type and household to demonstrate how the Home Choice Plus partnership meet their various aims and objectives. The Home Choice Partnership will share this information with the Full Partnership on an annual basis and will ensure it is published on the Home Choice Plus website.

We will also monitor the number of lettings to Black and Minority Ethnic (BME) groups to ensure that we are reflecting the overall population and that all households are fairly accessing the system.

Appendix 1 Home Choice Plus Advice and Contact Points

Bromsgrove District

Bromsgrove District Housing Trust

Bromsgrove District Housing Trust, Buntsford Court, Buntsford Gate,
Bromsgrove, Worcs B60 3DJ
0800 0850 160 customer_services@bdht.co.uk
www.bdht.co.uk

Bromsgrove District Council

Customer Service Centre, School Drive, Bromsgrove, Worcs, B60 1AY
01527 881288
worcestershirehub@bromsgrove.gov.uk
www.bromsgrove.gov.uk

Malvern Hills District

Elgar Housing Association

Partnership House, Grovewood Road, Malvern, Worcs, WR14 1GD
01684 579579
housingneeds@festivalhousing.org
www.festivalhousing.org

Malvern Library

Graham Road, Malvern, Worcs, WR14 2HU
01684 862151

Tenbury Wells Library

24 Teme Street, Tenbury Wells, Worcs, WR15 8AA
01684 862151

Upton upon Severn Library

School Lane, Upton upon Severn, Worcs, WR8 0LE
01684 862151

Stratford-on-Avon District

Stratford-on-Avon District Council

Elizabeth House, Church Street, Stratford-upon-Avon,
Warks, CV37 6HX
01789 260861/2
housingadviceteam@stratford-dc.gov.uk
www.stratford.gov.uk

Stratford-on-Avon District Council

Globe House, Priory Road, Alcester, Warks, B49 5DZ
01789 762216

Southam Library

High Street, Southam, Warks, CV47 0HB
01926 817560

Worcester City

Worcester City Council

Orchard House Complex, Farrier Street, Worcester WR1 3BB
01905 722233 housing@worcester.gov.uk
www.worcester.gov.uk

Wychavon District

Wychavon District Council

Civic Centre, Queen Elizabeth Drive, Pershore, Worcs, WR10 1PT
01386 565020 housingneeds@wychavon.gov.uk
www.wychavon.gov.uk

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Droitwich Community Contact Centre

44 High Street, Droitwich Spa, Worcs, WR9 8ES
www.wychavon.gov.uk

Evesham Community Contact Centre

Abbey Road, Evesham, Worcs, WR11 4SB
www.wychavon.gov.uk

Rooftop Housing Group

70 High Street, Evesham, Worcs WR11 4YD
01386 420800 www.rooftopgroup.org

Spa Housing Association

The Royal Exchange, 9 Queen Street, Droitwich Spa, Worcs, WR9 8LA
01905 823100 www.festivalhousing.org

Wyre Forest District

Community Housing Group

Community House, Stourport Road, Kidderminster, Worcs, DY11 7QE
T: 0800 169 5454
E: allocations@communityhg.com
www.communityhg.com

Wyre Forest District Council

Worcestershire Hub

Vicar Street, Kidderminster, Worcs, DY10 1DB
01562 732928
www.wyreforestdc.gov.uk

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Appendix 2 Home Choice Plus Partners' Contact Details

Name	Address	Phone Number	Email	Website
Advance Housing Trust	2 Witan Way Witney Oxon OX28 6FH	01993 772885	info@advanceuk.org	www.advanceuk.org
Anchor Trust	Milestone Place, 100 Bolton Rd, Bradford, BD1 4DH.	0845 140 2020		www.anchor.org.uk
Beth Johnson Housing Association	Sanctuary House, Chamber Court, Castle Street, Worcester, WR1 3ZQ.	01905 338600		www.sanctuary-group.co.uk
Bourneville Housing Trust	Estate Office, Oak Tree Lane, Bourneville, Birmingham, B30 1UB.	0121 472 3831	info@bvt.org.uk	www.bvt.org.uk
Bromford Housing Group	1 Venture Court, Broadlands, Wolverhampton, WV10 6TB.	0330 1234 031	customerservices@bromford.co.uk	www.bromfordgroup.co.uk

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Bromsgrove District Housing Trust	Buntsford Court, Buntsford Gate, Bromsgrove, Worcestershire, B60 3DJ	0800 0850 160	info@bdht.co.uk	www.bdht.co.uk
Cottsway Housing Association	Cottsway House Avenue Two Witney OX28 4XG	01993 890000	contact@cottsway.co.uk	www.cottsway.co.uk
Elgar Housing Associations	Partnership House, Grovewood Road, Malvern, Worcestershire, WR14 1GD.	01684 579579	housingneeds@festivalhousing.org.uk	www.festivalhousing.org
English Churches	2 Estuary Boulevard, Estuary Commerce Park, Liverpool, L24 8RF	0345 155 9029	info@riverside.org.uk	www.riverside.org.uk
Festival Housing	Festival House, Grovewood Road, Malvern, Worcestershire, WR14 1GD.	01684 579579	housingneeds@festivalhousing.org.uk	www.festivalhousing.org
Festival Housing	The Royal Exchange, 9 Queen Street, Droitwich Spa, Worcestershire,	01905 823100	housingneeds@festivalhousing.org.uk	www.festivalhousing.org

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	WR9 8AL			
Fosseway Housing	1 Venture Court, Broadlands, Wolverhampton, WV10 6TB.	0330 1234 031	customerservices@bromford.co.uk	www.bromfordgroup.co.uk
Friendship Care & Housing	50 Newhall Hill, Birmingham, B1 3JN	0121 506 2800		www.fch.org.uk
Fry Housing Trust	43 Rowley Village, Rowley Regis, West Midlands, B65 9AS	0121 559 6406	admin@fryha.org.uk	www.fryha.uk
Gloucestershire Housing Association	2 St Michael's Court, Brunswick Road, Gloucester, GL1 1JB	0800 318522	info@gloscha.co.uk	www.gloscha.co.uk
Housing 21	The Triangle, Baring Road, Beaconsfield, HP9 2NA.	0370 192 4000	enquiries@housing21.co.uk	www.housing21.co.uk
Jephson Housing Association	Jephson House, Blackdown, Leamington Spa, Warwickshire, CV32 6RE	01926 339 311	info@jephson.org.uk	www.jephson.org.uk
Marches Housing	Benedict Court, Southern Avenue,	01568 610100	home@marchesha.co.uk	www.marchesha.co.uk

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Association	Leominster, Herefordshire, HR6 0QF			
Mercian Housing	Gee Business Centre, Holborn Hill, Aston, Birmingham, B7 5JR	0121 322 7373	info@mercian.org.uk	www.mercian.org.uk
Midland Heart Ltd	20 Bath Row, Birmingham, B15 1LZ	0345 60 20 540	customer.servicecentre@midlandheart.org.uk	www.midlandheart.org.uk
Nexus Housing (West Midlands)	Apex 2, Wainwright Road, Worcester, WR4 9FN	01905 342600	nexus@wmhousing.co.uk	www.nexushousing.co.uk
Orbit Heart of England	10 Greenhill Street, Stratford upon Avon, WARKS CV37 6LG	0345 8 500 500	info@orbit.org.uk	www.orbitheartofengland.org.uk
Rooftop Housing Group	70 High Street, Evesham, Worcestershire, WR11 4YD	0800 0421 800	info@rooftopgroup.org	www.rooftopgroup.org
Sanctuary Housing	Sanctuary Midlands, 164 Birmingham Road,	0800 131 3329	midlands@sanctuary-housing.co.uk	www.sanctuary-group.co.uk

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	West Bromwich, Birmingham, B70 6QG			
South Shropshire Housing Association Ltd	The Gateway, The Auction Yard, Craven Arms, Shropshire, SY7 9BW	01588 676200		www.sshropsha.co.uk
Stonham Housing Association	2 Gosforth Park Way, Gosforth Business Park, Gosforth, Newcastle upon Tyne, NE12 8ET	0845 155 1234		www.homegroup.org.uk
Viridian Housing	41 Poplar Road, Kings Heath, Birmingham, B14 7AA	0121 444 6666	wmids@viridianhousing.org.uk	www.viridianhousing.org.uk
Warwickshire Rural Housing Association	Whitwick Business Centre, Stenson Road, Whitwick Business Park, Coalville, Leicestershire, LE67 4JP	01530 278080		www.warwickshirerha.org.uk
Waterloo Housing Association	Waterloo House, 76-78 Boldmere Road, Sutton	0121 355 7771		www.waterlooha.org.uk

Version 6 16/06/2014

	Coldfield, West Midlands, B73 5TJ			
Worcester Community Housing	Progress House, Midland Road, Worcester, WR5 1DU	0800 197 2805	wchtalk@wchnet.co.uk	www.wchnet.co.uk
Wyre Forest Community Housing	3 Foley Grove, Foley Business Park, Kidderminster, Worcestershire, DY11 7PT	01562 733 000	information@communityhg.com	www.communityhg.com
Wyre Forest Sheltered Housing	3 Foley Grove, Foley Business Park, Kidderminster, Worcestershire, DY11 7PT	01562 733 000	information@communityhg.com	www.communityhg.com

WYRE FOREST DISTRICT COUNCIL

**Cabinet
22nd July 2014**

**Overview and Scrutiny Committee
3rd July 2014**

Home Choice Plus Allocation Policy Review

The Committee considered a report from the Strategic Housing Services Manager which outlined the proposed changes to the Allocations Policy following amendments made to the legislation governing allocations in the Localism Act 2011 and consultation with members of the public and stakeholders.

Recommend to Cabinet:

That approval be given to the new 2014 allocations policy.

Background papers:

Report to the Overview and Scrutiny Committee 3rd July 2014

<http://www.wyreforest.gov.uk/council/meetings/com193.htm#mt7333>

WYRE FOREST DISTRICT COUNCIL

CABINET
22ND JULY 2014

Affordable Housing Supplementary Planning Document - Adoption

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	Community Well-Being
CORPORATE PLAN PRIORITY:	Support you to live in clean, green and safe communities
CABINET MEMBER:	Councillor J-P Campion
RESPONSIBLE OFFICER:	Director of Economic Prosperity and Place
CONTACT OFFICER:	Maria Dunn, Ext. 2551 Maria.dunn@wyreforestdc.gov.uk
APPENDICES:	Appendix 1: Affordable Housing SPD Appendix 2: Consultation Statement Appendix 3: EQIA Screening Assessment <i>The appendices to this report have been circulated electronically and a public inspection copy if available on request. (See front cover for details.)</i>

1. PURPOSE OF REPORT

- 1.1 The District Council is preparing an Affordable Housing Supplementary Planning Document (SPD) in response to an action arising from the Housing Review Panel (7th February 2013). Following on from the Early Engagement consultation and approval of the Draft SPD, this report informs members of representations made in response to consultation on the Draft Affordable Housing SPD and seeks endorsement of the District Council's responses to these and also of the amended SPD for adoption.

2. RECOMMENDATION

The Cabinet is asked to DECIDE that:

- 2.1 **The Affordable Housing SPD as set out at Appendix 1 to this report is adopted and that the Consultation Statement set out at Appendix 2 to this report is endorsed for publication.**

3. BACKGROUND

- 3.1 Members may recall that preparation of the Affordable Housing SPD has been underway since late 2013. An early engagement consultation was endorsed by Overview and Scrutiny Committee at their meeting on 12th September 2013 and approved by the Cabinet Member for Place Shaping on 18th September 2013.

Following the early engagement consultation, a Draft SPD was prepared for consultation and this was endorsed by the Local Development Framework Review Panel on 27th January 2014; by Overview and Scrutiny Committee on 6th March 2014 and approved by the Cabinet Member for Place Shaping on 17th March 2014.

- 3.2 The Town and County Planning (Local Planning) England Regulations 2012 set out the legal requirements for preparing a SPD. Regulation 12 requires that before a SPD is adopted it must be made available for a period of no less than four weeks in order that representations can be made in relation to its content. In order to meet the requirements of this regulation, the Draft SPD was published between Thursday 3rd April and Friday 16th May 2014.

4. KEY ISSUES

- 4.1 A total of 43 representations were received from 12 respondents. 3 of the respondents were individuals and 9 were organisations.
- 4.2 A summary of each representation received; together with how it has been addressed within the SPD can be found within the consultation statement at Appendix 2 to this report. A number of common issues were raised within the representations and these are summarised as follows:
- A number of specific sites were put forward for allocation for residential development. SPDs can not allocate land for development; this can only be done through a review of the Local Plan.
 - There were some queries as to how the Local Lettings Policy is applied.
 - Concerns were raised in relation to the overall affordable housing target for the District, which is below the identified affordable housing need. Whilst it is acknowledged that the identified need for affordable housing is in excess of 60 dwellings per annum, this is the target set out within the Adopted Core Strategy and it can not be altered through an SPD. This will be a matter to be addressed through the next Local Plan Review.
 - Concerns in relation to the 20% cap on enabling market housing on rural exception sites. However, this is something that was established within the Site Allocations and Policies Local Plan and again can not be amended within the SPD.
 - The SPD should provide further guidance on the potential for Neighbourhood Plans and Community Right to Build Orders to provide additional affordable housing.
 - Further guidance should be provided on housing mix generally and within a site, both in terms of affordable housing tenure and number of bedrooms.
 - Matters were raised relating to design and construction standards. A number of changes have been made to the design and construction section of the SPD to reflect the proposed changes being brought about through the Government's Housing Standards Review. By way of explanation, the Government has announced its intention to wind down the Code for Sustainable Homes and to

address construction standards across the residential sector through building regulations. As a result, Local Planning Authorities will have much greater restrictions on setting development standards through planning policy. Instead, there will be a minimum standard within building regulations based around the various topics covered within the Code for Sustainable Homes, some topics will have an additional higher level standard which Local Planning Authorities will be able to adopt within their Local Plans providing that there is evidence that the higher level standard is necessary and viable.

- 4.7 The issues raised were not considered by your Officers to be significant and therefore all have been addressed either by making minor amendments to the SPD or by setting out why it is not considered appropriate to make the amendments suggested within the attached Consultation Statement. The table below summarises the main changes that have been to the SPD arising from the consultation responses:

Respondent	Response Summary	Resulting changes to SPD
Homes and Communities Agency	The Draft SPD states that affordable housing can only be provided off site in exceptional circumstances, these are not clearly defined. In the context of adopted Policy SAL.PDS1 (Previously Developed Sites in the Green Belt) such exceptional circumstances must apply to the development of the Lea Castle Hospital site.	Policy SAL.PDS1 of the Site Allocations and Policies Local Plan clearly focuses on a mixed use development for the Lea Castle Hospital Site, which allows for C3 dwelling uses as part of the mix to enable the development of the site. Paragraph 5.9 (Page 17) of the SPD has been amended to read as follows: “Examples of circumstances where it may not be possible to provide affordable housing on site include sites where it would be difficult to achieve a <u>mixed-use scheme</u> and sites with particular site and layout constraints.”
Worcester City Council	Chapter 5 could usefully refer to and expand on the potential for Neighbourhood Plans to provide further policy and proposals regarding affordable housing sites; and the opportunities from Community Right to Build to deliver affordable housing.	A new paragraph entitled “ <u>Neighbourhood Planning and Community Right to Build Orders</u> ” has been added in at page 20, Paragraph 5.22.
Worcester City Council	Further guidance is required on housing mix, dwelling size, tenure, type and mix within a site.	Additional wording has been inserted into paragraphs 5.6 to provide further clarification as follows: “ <u>The exact requirements in terms of number of bedrooms and type of units will be negotiated on a case by case basis using the most up to date housing need data as a basis for setting requirements.</u> ”
Environment Agency	Suggests additional cross references to Policy SAL.CC7 (Water Management)	An additional cross reference to Policy SAL.CC7 has been included at paragraph 8.9 of the SPD.

English Heritage	Suggests inclusion of wording in Chapter 8, Design and Construction to ensure that where affordable houses are considered the impact on heritage assets is considered in accordance with the NPPF and Local Plan Policies.	A reference to the relevant design policies has been included at Paragraph 8.7, page 27 of the SPD to read as follows: <u>"All schemes should demonstrate how they meet the requirements of policy CP11 of the Adopted Core Strategy and policy SAL.UP7 of the Site Allocations and Policies Local Plan as well as the most up to date Design Quality Supplementary Planning Document."</u>
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5. FINANCIAL IMPLICATIONS

- 5.1 Costs associated with the adoption of the SPD will be met from existing Planning Policy budgets.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The SPD has been prepared in accordance with the requirements of The Town and County Planning (Local Planning) (England) Regulations 2012.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 Overall the SPD will help to improve access to affordable housing for all people who have established a requirement for affordable housing. The SPD will encourage the delivery of affordable housing in accordance with existing adopted planning policies and will help to ensure that the dwellings delivered meet the specific needs identified within the area's which development is located. The EQIA Screening Assessment forms Appendix 3 to this Report.

8. RISK MANAGEMENT

- 8.1 Adopting the Affordable Housing Supplementary Planning Document will support the delivery of affordable housing across the District.

9. CONCLUSION

- 9.1 The Affordable Housing SPD has undergone two stages of consultation and has been prepared in accordance with all legal requirements. Adopting the SPD will support the delivery of affordable housing across the District.

10. CONSULTEES

- 10.1 Strategic Housing Services Manager.

11. BACKGROUND PAPERS

Draft Affordable Housing SPD.
Affordable Housing SPD Early Engagement Leaflet.
Wyre Forest District Local Lettings Policy.

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1 Introduction and Purpose

1.1 The delivery of affordable housing is a national priority. It is widely recognised that the gap between average incomes and average house prices has grown significantly and this has led to it becoming increasingly difficult, for young people in particular, to access home ownership. The National Planning Policy Framework (NPPF) emphasises the importance of the delivery of high quality housing across all tenures at a level which meets objectively assessed local needs. Wyre Forest District Council is committed to delivering affordable housing to meet housing need within the District. The District's Sustainable Community Strategy: Making a Real Difference, includes a priority relating to access to affordable, appropriate and decent housing. This priority is reflected in the District Council's Development Plan.

1.2 This Supplementary Planning Document (SPD) sets out detailed information relating to the delivery of affordable housing within the District and the standards which the District Council expects such housing to meet. The SPD does not set new policy; it provides detailed guidance for implementing the affordable housing policies set out within the District's existing Development Plan. The SPD is a material consideration for anyone submitting a planning application for residential development where an affordable housing contribution is required.

Consultation

1.3 The District Council undertook an 'early engagement' consultation between 3rd October and 1st November 2013 to allow key stakeholders and other interested parties to influence and shape the content of the SPD. A Draft version of the SPD was made available for consultation between Thursday 3rd April and Friday 16th May 2014. The representations received have informed the development of the SPD.

Sustainability Appraisal

1.4 The EU Strategic Environmental Assessment (SEA) Directive requires certain UK plans, policies and programmes which are likely to have significant environmental effects to undergo a formal environmental assessment. Additionally, European Directive 92/43/EEC Conservation of Natural Habitats, Wild Fauna and Flora requires that a Habitats Regulations Assessment (HRA) is undertaken for plans to establish whether or not the plan, alone or in combination with other plans, policies or programmes, is likely to have significant effects on the qualifying features of a European site or sites. Section 19(5) of the Planning and Compulsory Purchase Act 2004 requires Sustainability Appraisal (SA) to be carried out on a plan. Section 180(5)(d) of the Planning Act 2008 removes the requirement for SA to be carried out on SPDs. Therefore, SEA, HRA and SA are only needed where an SPD is likely to have significant effects.

1.5 The District Council undertook extensive SA on the Adopted Core Strategy, the Site Allocations and Policies Local Plan and the Kidderminster Central Area Action Plan. This SPD does not set new policy, it only provides detailed guidance to support the delivery of policies set out within the aforementioned documents. Therefore, it has been concluded that SEA, HRA and SA of this SPD is not required.

Purpose of the Document

1.6 The aim of this SPD is to help to meet housing needs and create mixed, balanced and sustainable communities by maximising the delivery of affordable housing. The SPD will clearly set out how the District Council's affordable housing policies should be interpreted. This will provide certainty and clarity for those bringing forward development within the District. Wyre Forest District Council's Development Plan is made up of the Adopted Core Strategy (2010), the Site Allocations and Policies Local Plan (2013) and the Kidderminster Central Area Action Plan (2013). The following District Council planning policies relate to the delivery of affordable housing, the policies are set out in full at Appendix C:

- Adopted Core Strategy - CP04 – Providing Affordable Housing
- Site Allocations and Policies Local Plan – SAL.DPL2 – Rural Housing
- Site Allocations and Policies Local Plan - SAL.DPL3 – Financial Viability

1.7 The Affordable Housing SPD provides more detailed guidance on the District Council's expectations for the delivery of affordable housing in accordance with the policies set out above. It explains how developers, landowners and Registered Providers (RPs) should interpret the District's affordable housing policies.

1.8 The District Council adopted a Planning Obligations SPD in February 2007. This document sets out detailed guidance on developer contributions in relation to a number of topics including affordable housing. This Affordable Housing SPD replaces Section 4 of the Planning Obligations SPD. However, this SPD only relates to the provision of affordable housing and all other planning obligations will still need to be met.

1.9 The Council also published an Affordable Housing Toolkit in April 2011. The toolkit outlined the expected design and quality standards, the basis for negotiation of percentage on S106 sites and details of the WFDC Registered Provider Partners. This Affordable Housing SPD replaces the toolkit.

Clent Mews, Kidderminster



2 Policy Context including Established Affordable Housing Thresholds

The National Planning Policy Framework

2.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are to be applied. It emphasises that the role of the planning system is to promote sustainable development, and identifies the importance of providing a supply of housing in achieving this objective.

2.2 The NPPF requires local planning authorities to ‘*use their evidence base to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area*’ (NPPF, 2012, p.12). Wyre Forest District lies within the South Housing Market Area and a Strategic Housing Market Assessment was undertaken for this area in 2007. Consultants GVA prepared an updated Strategic Housing Market Assessment (SHMA) for the Worcestershire authorities which was published in 2012.

2.3 Having specific regard to affordable housing, the NPPF states that where affordable housing need is identified, local planning authorities should: *‘set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time’.*

Strategic Housing Market Assessment

2.4 The 2012 Worcestershire Strategic Housing Market Assessment concluded that between 3,240 and 7,050 new dwellings will be required within the District between 2011/12 and 2029/30 to meet housing needs. The ageing population within the District will lead to an increase in demand for smaller properties. Older people are forecast to make up 35-36% of the District's population by 2030 compared to 22% in 2012. In order to maintain a level of working age population there will be a sustained need for family accommodation within the District.

2.5 There will be high demand for affordable housing within the District over the next five years. An annual need for 210 units is required up until 2017 to meet new demand and address the existing backlog. This reflects the impact of rising house prices over the last decade and the continued pressures on wages as well as the availability of mortgage finance. It also reflects the fact that affordable housing makes up only 15% of the total housing stock in Wyre Forest District compared to the national average of 20%.

2.6 Specifically in terms of affordable housing the SHMA indicates that there will be a high demand for smaller properties, with approximately 90% of housing need being for one and two bedroom properties. Importantly, however, the lower levels of turnover in larger properties also suggests that in order to address future need and the current backlog, new larger affordable properties will also be required.

2.7 When taking into account the natural increase in demand for affordable housing over the next five years, as indicted in the SHMA, we also have to consider the immediate increase in demand for affordable housing due to the welfare reform changes. The Government is currently

undertaking the biggest review of the UK's welfare system in over 50 years. The Welfare Reform Act is now in force and, embedded in the Act are a range of measures designed to simplify, streamline and reform the payment of out-of-work, income, housing and disability related benefits. The most notable changes that will have a direct impact on demand for affordable housing, are the introduction of benefit capping and the under occupancy charge. The under occupancy charge cuts the amount of benefit that people can get if they are deemed to have a spare bedroom in their council or housing association home. This measure has applied to housing benefit claimants of working age from 1 April 2013.

2.8 The cut is a fixed percentage of the Housing Benefit eligible rent. The Government has set this at 14% for one extra bedroom and 25% for two or more extra bedrooms.

2.9 With the introduction of the Welfare Reform Act there is likely to be a higher demand for one and two bedroom affordable properties across the District. This is due to the under occupancy charge coming into force and the need for households to downsize to avoid paying an under occupancy charge.

2.10 Alongside this there may also be a slight increase in demand for larger affordable properties across the District due to the implementation of benefit capping. This will force larger families out of private sector housing where rents are higher, and into affordable housing, thus increasing the demand for larger affordable properties.

2.11 Whilst the SHMA identified a sustained need for affordable housing tenures over the plan period, it recognised that the current market and financial context presents a significant barrier to the delivery of sufficient numbers of affordable housing units. It also recognises the increased pressure that this puts on S106 Agreements in delivering affordable housing and the need to balance this objective with other S106 contributions.

Hurcott Road, Kidderminster



Wyre Forest District Planning Policy

2.12 The housing target set out within the Adopted Core Strategy was taken from the former emerging West Midlands Regional Spatial Strategy (RSS). The RSS provided regional planning policy and aimed to decrease outward migration from the major urban areas of Birmingham and the Black Country, and as such, the housing target for Wyre Forest District does not reflect the full level of demand which would be expected from natural change and migration. Instead, it is more reflective of the natural change element of population growth. The affordable housing need for Wyre Forest District is 175 dwellings per annum when all new demand and backlog are considered (based on the 2007 SHMA for the South Housing Market Area). Over the 20 year plan period; this is almost the entire residential development target for the District. Therefore, whilst the Adopted Core Strategy seeks to deliver an element of affordable housing, it does not aim to meet the total demand arising from previously unmet need, natural population growth and migration.

2.13 Policy CP04 of the Adopted Core Strategy sets out the District's strategic approach to the delivery of affordable housing. The policy establishes a target of 60 affordable dwellings per year during the plan period. This is based on 30% of the overall housing requirement for the District. However, it is important to recognise that not all development sites will deliver 30% affordable housing. The Adopted Core Strategy sets a threshold, under which, sites are not required to deliver affordable housing. Therefore, only sites of 10 dwellings or more within Kidderminster and Stourport-on-Severn, and six dwellings or more within Bewdley and the rural areas, will be required to deliver affordable housing. Completions on sites falling below the threshold will contribute to the District's overall housing requirement but will not be required to deliver 30% affordable housing. Policy CP04 does however make provision for 100% affordable housing sites to come forward. New housing delivery in rural areas is focussed primarily around affordable housing.

Financial Viability

2.14 Economic viability is a significant issue affecting the delivery of affordable housing. The National Planning Policy Framework sets out the importance of ensuring the viability and deliverability of plans (para 173-177). Paragraph 173 states that *'The sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened'* (p.41). Whilst a general viability study considered the deliverability of the overall development strategy having regard to the affordable housing requirement and other developer contributions, it is necessary to allow the consideration of these issues in more detail on a site-by-site basis. Therefore, policy CP04 makes provision for the financial viability of sites to be taken into consideration in negotiating the delivery of affordable housing. Therefore it is possible for development to be approved which delivers less than the standard 30% affordable housing requirement. The Site Allocations and Policies Local Plan provides greater detail on the consideration of financial viability in negotiating the level of affordable housing to be delivered on a site-specific basis.

The Community Infrastructure Levy

2.15 The Community Infrastructure Levy (CIL) will have a significant effect on the viability of development and the way in which developer contributions can be negotiated at the planning application stage. CIL is a planning charge that was introduced in the 2008 Planning Act and came into force on the 6th April 2010 through the Community Infrastructure Levy Regulations 2010. Local planning authorities can choose whether or not to charge CIL, however, once a CIL charge has been adopted it is not open to negotiation in the same way that S106 contributions are. Additionally, upon adopting a CIL charging schedule, the District Council must set out a list of what it intends to spend receipts on. This is called a Regulation 123 List. Once an item has been included on this list, S106 contributions can not be sought towards that item of infrastructure. The Regulation 123 List can not include affordable housing and therefore, this will continue to be provided through S106 Agreements. The District Council has decided not to implement CIL at the present time. The situation will be reviewed in autumn 2014. Should the District Council progress and adopt a CIL charging schedule in the future, it is imperative that the District's CIL charge is demonstrated to be viable alongside the current affordable housing requirement as CIL is a non-negotiable charge. Therefore, only developer contributions sought for matters not on the Regulation 123 list can be negotiated. To avoid leaving affordable housing delivery vulnerable, the level of CIL charge should not be set so high as to make housing schemes unviable having taken the need for affordable housing into consideration.

3 Housing Need

Overview of Affordability

3.1 The 2012 Strategic Housing Market Assessment Wyre Forest District Overview identified a number of affordability trends for the District:

- House prices within Wyre Forest District have remained fairly constant over recent years in comparison with the County and National averages which have both fallen during the same period. House prices remained constant in Wyre Forest District between 2006/07 and 2010, there has been a slight increase since 2010.
- When considering variation within the District, house prices in the western, more rural areas of the District have increased, whilst prices within Kidderminster have remained constant.
- Sales in Wyre Forest District reached a peak at 2,333 in 2002 and have declined since, reaching a low of 847 in 2009.
- Lower quartile house prices are used in the SHMA to represent entry level properties within the market and are an important part of affordability issues. Within Wyre Forest District, the average lower quartile price for 2010 was £113,000, however, this varies markedly across the District with lower quartile prices varying between £100,000 in parts of Kidderminster and £250,000 in parts of Blakedown and Chaddesley and Rock wards.

SHMA Monitoring Report 2012/13

3.2 The SHMA Monitoring Report 2012/13 identifies that the residence based average income is £20,828 and the average workplace base incomes in £17,357. Therefore, those people working within the District earn considerably less than those people commuting to employment outside of the District. Wyre Forest District has the lowest mean annual household income, at £33,482, in the County.

3.3 The current housing stock within the District is split as follows (2011 Census):

- 29.2% detached
- 36.6% semi-detached
- 18.5% terraced
- 12.6% flats
- 3% other.

3.4 The District has more two and three bedroom dwellings than the County average. This helps affordability within the District as there is a larger supply of smaller homes.

3.5 There has been a marked increase in the proportion of the housing stock which is privately rented. The 2011 Census shows that 14.4% of the District's housing is privately rented, compared to 9% in 2001. The proportion of social rented housing has fallen slightly to 14.4% although the overall stock levels have increased. The proportion of the housing stock which is owner occupied has fallen.

3.6 The average lower quartile house price for Wyre Forest District was £118,750 during the period 2012/13. This is up 3.3% from the 2011/12 figure. However, this is still relatively low compared to the rest of Worcestershire with the exception of Redditch where prices are slightly lower. House prices within the District have remained fairly stable since decreasing slightly in 2007. The mean house price for the District during the 2012/13 period was £171,613 which represents a 0.2% increase from the previous year, the median sale price was £146,000 which represents a 0.7% increase on the previous year. Wyre Forest District has the lowest median sales price in Worcestershire.

Attwood Close, Wolverley

3.7 Wyre Forest District remains the cheapest in the County for private rents across all house sizes. The average monthly rental prices for the year 2012/13 are as follows:

- 1 bedroom - £405
- 2 bedrooms - £519
- 3 bedrooms - £598
- 4 or more bedrooms - £858

3.8 Social rents are also cheaper in Wyre Forest District than anywhere else within the County for all property types except bed-sits. Average weekly social rents for Wyre Forest District are as follows:

- Bedsit - £62
- 1 bedroom - £66
- 2 bedrooms - £79
- 3 bedrooms - £87
- 4 bedrooms - £95

3.9 Wyre Forest District's population increased by 1.1% between 2001 and 2011, this was the smallest increase in the County. The majority of growth has been in the 65+ age group and has come about from internal migration, mainly from Sandwell, Dudley and Birmingham. The District's ageing population brings the need for specialist housing for older people and a key aspect of this is affordable housing which meets the needs of older people.

Current Housing Need

3.10 Analysis of the waiting list data for the District shows that there is a sustained need for affordable housing across Wyre Forest District. Wyre Forest District Council currently has 2,854 households registered on Choice Base Plus and out of those, 768 households are in significant housing need. The tables below show the indicative distribution of need across the District, however, it should be noted that due to postcode sectors not aligning to ward or Parish boundaries this data is indicative only.

Breakdown of Housing Waiting List Data by Area

Table 3.0.1 Kidderminster

Kidderminster	Number of Households
DY10 1	212
DY10 2	301
DY10 3	211
DY10 4	103
DY11 5	142
DY11 6	356
DY11 7	257
Total	1582

Table 3.0.2 Stourport-on-Severn

Stourport	Number of Households
DY13 0	208
DY13 8	132
DY13 9	146
Total	486

Table 3.0.3 Bewdley

Bewdley	Number of Households
DY12 1	92
DY12 2	151
Total	243

Table 3.0.4 Rural Areas

Other Postcode	Number of Households
DY14 9	43
Other DY	125
B	108
WR	59
WV	30
Remainder	178
Total	543

Table 3.0.5 Breakdown of Housing Waiting List Data by Family Make-Up

Family makeup	Number of Households
Families	1021
Single	781
Couples	196
Pensioner/DLA	837
Other	19

3.11 The 2012/2013 SHMA annual monitoring report shows that an annual household income of £30,000 is needed to purchase a lower quartile property within Wyre Forest District assuming a 3.5 income to mortgage ratio and a 10% deposit. In order to afford an average 2 bed apartment within the District, an income of over £24,000 is needed assuming that 25% of income is spent on rent and an income of just under £23,000 is required to afford a 2 bed apartment when charged at affordable rent levels (upper limit of 80% of market rent). The following table shows the income levels required to access different types of entry level property within the District.

Table 3.0.6 Income levels required to access different types of entry level property within the District

Affordability Benchmarks – Annual Income Required					
To Purchase LQ House (3.5 x income, 10% deposit)	Renting Average 2-bed Apartment (25% income)	Renting Average 3-bed House (25% income)	Affordable Rent (80% Market Rent) 2-bed Apartment (25% Income)	Affordable Rent (80% Market Rent) 3-bed House (25% Income)	Social Rented 2 - bed(25% Income)
£30,536	£24,912	£28,704	£19,930	£22,963	£16,432

3.12 The above table demonstrates that 55% of the households within the District do not have a sufficient level of income to access a lower quartile market home.

Housing Need Forecasts

3.13 The SHMA forecasts the affordable housing need for the District going forward. It looks at household formation and existing need. For Wyre Forest District, the total newly arising need is 506 units per annum. This is based on an annual average household formation rate of 903 households per year and an assumption that 48% of these households will be unable to afford home ownership or rent in the open market. It also takes into consideration those households on the current waiting list who are registered as a priority need.

Hurcott Road, Kidderminster

Recent Delivery

3.14 Although the Core Strategy was adopted in December 2010 the plan period starts from 1st April 2006. Therefore, the delivery figures in this section are from 1st April 2006 to 31st March 2014.

3.15 The table below shows the total number of affordable homes delivered within the District since the start of the plan period and the breakdown between social rented and shared ownership properties. The annual target for affordable housing for the District is 60 units. Whilst the delivery of affordable homes was particularly low in 2006/2007 and 2010/2011, the average over the plan period to date is 72 dwellings per annum.

3.16 In terms of the split between social rented and shared ownership, around a quarter of those affordable housing units delivered since the start of the plan period are shared ownership. This is slightly more skewed towards rental properties than the target for the District to seek a 70:30 tenure split in favour of social rent over shared ownership units, as indicated in the 2012 SHMA.

Table 3.0.7 Recent Delivery of Affordable Housing

Year	Rent	Shared Ownership	Mortgage Rescue	Total
2006/2007	0	8	0	8
2007/2008	75	9	0	84
2008/2009	51	48	0	99
2009/2010	60	6	0	66
2010/2011	19	10	0	29
2011/2012	48	25	0	73
2012/2013	49	11	0	60
2013/2014	128	35	2	165
Total	430	152	2	584
Annual Average (to nearest whole number)	54	19	0	73

3.17 The table overleaf shows the split between affordable units delivered as part of 100% affordable housing schemes and those delivered on market housing sites as a result of S106 Agreements. The number of affordable housing units delivered as a result of S106 Agreements is considerably less than 30% of the number of dwellings delivered overall. This is due to a combination of reasons including sites falling below the threshold where affordable housing is required and, more recently, economic viability reducing the number of affordable housing units that developers are able to deliver.

Table 3.0.8 Split between affordable units delivered as part of 100% affordable schemes and those delivered through S106 Agreements

Year	100% affordable Housing Sites	S106 on Market Sites	Mortgage Rescue	Total
2006/2007	0	8	0	8
2007/2008	64	20	0	84
2008/2009	56	43	0	99
2009/2010	51	15	0	66
2010/2011	29	0	0	29
2011/2012	48	25	0	73
2012/2013	41	19	0	60
2013/2014	108	55	2	165
Total	397	185	0	584
Annual Average	50	23	0	73

3.18 It is clear from the data presented within this section that the need for affordable housing within the District is significant and, as Government changes are implemented, this need will continue to evolve. Therefore, it is important that policies are in place to deliver affordable housing and that the effectiveness of these policies is monitored.

4 Definition of Affordable Housing

4.1 Affordable housing provides for the housing needs of those who are unable to access market housing, either for rent or for purchase, without assistance.

4.2 Affordable housing is defined by the NPPF and the Site Allocations and Policies Local Plan as:

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

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

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

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

4.7 *Homes that do not meet the above definition of affordable housing, such as ‘low cost market’ housing, may not be considered as affordable housing for planning purposes”.*

4.8 Affordable rent is a form of social housing. Homes will be made available at a rent level of up to 80% of gross market rents. Gross market rents are generally expressed inclusive of any service charges. An affordable rent, set at up to 80% of the gross market rent, should take account of the service charge for a property (where applicable). Providers are able to let a property at an affordable rent (inclusive of service charges, where applicable) of up to 80% of the gross market rent which reflects the property size and location. The maximum rent level for affordable rent should be assessed according to the individual characteristics of the property. Landlords are required to assess the gross market rent that the individual property would achieve and set the initial rent (including service charges) at up to 80% of that level. In addition the Council is keen to support affordable rents being in line with the Local Housing Allowance to comply with the Tenancy Strategy.

4.9 Affordable rented housing is owned by registered providers and let to households who are eligible for social rented housing.

4.10 In addition to this, the District Council's planning policies also refer to local needs housing. This is not necessarily affordable housing but housing which meets an identified need within a local area. It is defined as:

4.11 *"including affordable housing and market housing which addresses the established* needs of different groups in the community, including, but not limited to, families with children, older children, people with disabilities, service families and people wishing to build their own homes (*through Parish Housing Needs Surveys, Neighbourhood Plans and Local Housing Waiting Lists)."*

4.12 Intermediate affordable housing is housing for sale or rent at prices and rents above those of social rent, but below market prices or rents, subject to the above affordable housing definition. It can include shared equity products, other low cost homes for sale and intermediate rent, but not affordable rented housing.

4.13 Market housing is private housing for rent or for sale, the cost of which is established through the open market.

Bellway Homes, Clensmore Street, Kidderminster



5 On and off-site contributions

5.1 The District Council's Affordable Housing Policy is set out within policy CP04 of the Adopted Core Strategy and policy SAL.DPL2 and SAL.DPL3 of the Site Allocations and Policies Local Plan. These policies are set out at Appendix C to this SPD.

5.2 The District Council has adopted a target of 60 affordable housing units per annum. This is significantly lower than the 175 dwellings per annum which are needed to clear the existing backlog and provide for new households with a requirement for affordable housing at the time the Core Strategy was prepared, however, it is considered to be realistic as it is approximately 30% of the overall requirement for new dwellings during the plan period. A number of issues will affect the delivery of affordable homes. The phasing of new development means that in years where the overall development level is lower there are likely to be fewer affordable units completed. The number of sites coming in below the threshold will also affect the delivery of affordable housing. The sites allocated in the Site Allocations and Policies Local Plan and the Kidderminster Central Area Action Plan are all above the threshold so this will only apply to windfall sites. Viability will be a significant factor in achieving the target for the delivery of affordable homes. The activity of Registered Providers will also affect the delivery. Some sites come forward for 100% affordable housing and these can significantly boost the delivery of affordable housing units.

5.3 Affordable housing is not required where the development involves demolition and replacement of existing housing and there is no net increase, or the net increase is below the affordable housing threshold relevant to the location of the development or, where proposals are for housing that is not self-contained, including care homes, nursing homes and student accommodation. However, extra care or sheltered accommodation schemes are required to provide affordable housing although it is recognised that off-site provision or a financial contribution will generally be more appropriate in these circumstances. Private rented housing is also required to make an affordable housing contribution.

5.4 Policy CP04 of the Adopted Core Strategy requires all sites to provide 30% affordable housing where they deliver 10 dwellings or more in Kidderminster and Stourport-on-Severn and where they deliver six dwellings or more in Bewdley and the rural areas. This should be provided on-site wherever feasible. Where this is not feasible, or viable, off-site provision or a financial contribution will be expected. Once the affordable housing threshold is reached, the 30% requirement applies to all dwellings on-site, not just those above the threshold. Where it is not statistically possible for the affordable housing provision to be 30%, the provision will be rounded up if it is .5 or more or down if it is below .5 as set out below.

Table 5.0.1 Implementing the 30% Requirement - Worked Examples

Number of Dwellings	Location	% Requirement	Calculation	Number of units Required
10	Kidderminster	30%	30% of 10 = 3	3 units
6	Bewdley	30%	30% of 6 = 1.8	2 units
11	Kidderminster	30%	30% of 11 = 3.3	3 units

5.5 When determining planning applications, the District Council will consider whether or not a development represents efficient use of land. Density will be judged with regard to the characteristics of the local area and policy CP05 of the Adopted Core Strategy together with the most up-to-date Design Quality Supplementary Planning Document. Applications which do not represent efficient use of land will be refused. The District Council will also challenge proposals which are presented in such a way that they deliberately circumvent the policy for affordable housing provision. For example:

- Where the development of adjacent sites is functionally interdependent on each other they will be considered together in respect of their potential for the delivery of affordable housing.
- A site being split up into smaller parcels of development, none of which are above the affordable housing threshold.
- Artificially low density in order to avoid the number of units being above the affordable housing threshold. When considering applications, regard will be had to the site's wider context, including the density and characteristics of the immediate area within which the site sits.

5.6 The District Council recognises the importance of intermediate tenure properties in helping people into home ownership, reducing demand for affordable and social rented housing and aiding the financial viability of developments. The analysis undertaken by GVA and documented in the SHMA highlighted a tenure split of 70% social rented units and 30% intermediate units should usually be sought. This figure is reviewed in line with the SHMA updates. Therefore, the District Council will seek to achieve a 70:30 tenure split unless the SHMA update indicates otherwise. However, the District Council will take a flexible approach where the local need is more appropriately met by one form of tenure than another; where the site viability is compromised by the 70:30 split or where the tenure profile adjacent to the site indicates that a different split may be more appropriate in the specific circumstances presented. Tenure mapping has been undertaken for the District and this will be used to inform the exact split as part of site specific negotiations.

5.7 With regard to rented tenure, the District Council recognises that both social rent and affordable rent properties are let to households on the housing waiting list on the basis of need. However, affordable rent levels within the District are significantly higher than social rent levels and the difference becomes more significant as property size increases. Therefore, the District Council's starting point is that rental properties provided through a S106 Agreement should be social rent rather than affordable rent. In exceptional circumstances, where the viability of a development scheme is jeopardised, the District Council will consider an element of

Puxton Drive, Kidderminster



affordable rent as an alternative to reducing the amount of affordable housing provided, in order to make a development viable. In these circumstances, the District Council will assess the level of rent proposed and may negotiate a rent which is below 80% of the market rent.

5.8 Difference between Monthly Social and Affordable Rent Levels by Property Size

Table 5.0.2 Difference between Monthly Social and Affordable Rent Levels by Property Size

Dwelling Size	1 bedroom	2 bedroom	3 bedroom	4 bedroom
Social Rent ⁽¹⁾	£298	£329	£338	£361
Affordable Rent ⁽²⁾	£320	£400	£486	£636
Difference Between Social and Affordable Rent	£22	£71	£148	£275

5.9 Off-site provision will only be considered in exceptional circumstances. Both the developer and the local authority must agree that this is the most appropriate course of action and developers must demonstrate why the provision of affordable housing on-site is not achievable. Examples of circumstances where it may not be possible to provide affordable housing on-site include sites where it would be difficult to achieve a mixed-use scheme and sites with particular site and layout constraints. Both the developer and the local authority must agree where the provision will be located. The alternative site must then meet the requirement for affordable housing generated from both sites as per the example below:

5.10 Sites A and B can each accommodate 30 dwellings. It has been agreed that all of the affordable housing contribution will be located on site B. Therefore, the requirement is:

Site A: 30 dwellings (30%) = 9 dwellings

Site B: 30 dwellings (30%) = 9 dwellings

Total affordable housing units required = 18 dwellings to be provided on site B.

5.11 In exceptional circumstances, at the discretion of the District Council, it may be considered appropriate for a developer to provide land to a Registered Provider, or to the District Council rather than delivering actual affordable housing provision. The land must consist of free serviced plots which would enable the Registered Provider, or the District Council, to deliver the affordable housing provision itself. The number of plots transferred must reflect the level of contribution required in accordance with the guidance set out above.

5.12 Free serviced land is defined as cleared, remediated land with all services (e.g. gas, electricity, water, sewerage, telephone, broadband, lighting etc) and infrastructure (e.g. roads to an adoptable standard, footpaths, boundary walls etc) necessary for development right up to the edge of the land. There must be no legal, physical or financial barriers to the servicing of the land by the developer constructing the affordable housing.

1 Source RSR 'Guide to Social Rents Part II' 2011

2 Source: GVA, Worcestershire Strategic Housing Market Assessment, 2011

5.13 For full or reserved matters applications, developers will be expected to provide details of the specific location of the serviced plots within the site. The Council will usually expect the plots to be clustered, but on larger sites, it may be appropriate to divide the provision into smaller clusters distributed across the wider site. The appropriateness of proposed locations for affordable housing will be determined by the Council as part of the planning process.

5.14 In very exceptional circumstances, where it is demonstrated that the provision of affordable housing on the site of, or in the vicinity of, new development, is not viable, the District Council will accept a financial contribution towards the delivery of affordable housing within the District. Robust justification will be required to support a financial contribution in lieu of on-site affordable housing provision. Potential circumstances where developer contributions may be appropriate include:

- **Management:** for example in the case of high density apartment schemes designed to meet the needs of specific groups of people, where communal facilities are provided and paid for through a service charge. It is unlikely that such developments would be able to provide separate facilities for affordable housing based on a lower service charge. The service and management charges associated with such developments would make units unaffordable.
- **Level of on-site Affordable Housing provision:** Specific planning objectives or site viability issues may result in a situation where the level of affordable housing to be provided is so low that a registered provider may not want to take such a small number of units. In this situation, the District Council recognises that a financial contribution may be the most beneficial outcome.
- **Mix of Affordable Housing in the Vicinity:** If there is a high concentration of affordable housing within the vicinity of the application site, the District Council may consider that a financial contribution is more appropriate. However, the overall shortage of affordable housing across the District makes this extremely unlikely.

5.15 The principle for determining the financial contribution to be made is that it should be broadly equivalent in value to on-site affordable housing provision. Therefore, the approximate cost of on-site provision to the developer will be established and the developer will pay this value to the District Council. The basis for calculating the financial contribution is therefore as follows:

Commutated Payment = Open Market Housing Value less Affordable Housing Value⁽³⁾

Worked Example:

Application for 20 x 2 bed apartments in Kidderminster

30% of 20 = 6 units

70:30 split = (4 units social rented and 2 units shared ownership)

Development appraisal provides an open market value of £110,000 per apartment

Social rent subsidy is: (£110,000 x 4) – (£42,500 x 4) = £270,000

Shared ownership subsidy is: (£110,000 x 2) – (£51,000 x 2) = £118,000

3 See table 7.0.1

5.16 Where a financial contribution has been agreed, the District Council will expect the developer to enter into a Section 106 Agreement which will set out details including: the timing of the payment and the timescale within which it must be used. All monies unspent after the agreed timeframe will be returned to the developer. Any payments received under these circumstances will be held within a ring-fenced account and will be used to fund affordable housing provision within the District in accordance with the current Adopted Housing Strategy and the S106 agreement under which they were ascertained. A model section 106 agreement is set out at Appendix B to this SPD.

Rural Housing

5.17 The District Council's planning policies limit housing in the rural areas to that which is affordable or which meets an identified local housing need. Outside of the allocated sites, market housing will only be permitted where it is supported by a robust viability assessment demonstrating that it is required in order to make the development deliverable.

Rural Exception Sites

5.18 Affordability is a specific problem within Bewdley and the District's rural areas. Housing delivery in these areas is therefore focussed specifically around providing affordable housing and meeting other local needs. Policy SAL.DPL2 makes provision for affordable housing, or housing to meet a specific identified local housing need (as defined in the Site Allocations and Policies Local Plan, 2013), to be delivered on sites where the provision of housing would usually be contrary to development management policies. Policy SAL.DPL2 requires sites to be small, this is considered to be any site which falls below the nationally accepted definition of major

Chaddesley Corbett



development and therefore sites will be limited to a maximum of 9 dwellings. Such sites must be identified in partnership with the Town/Parish Council and must be to meet a local housing need identified through a Local Housing Needs Assessment or using data from the housing waiting list. Where the local housing need established is not affordable, policy CP04 will be applied as set out above. Additionally, where exception sites are solely for the provision of affordable housing the policy also makes provision for some limited enabling market housing to make the development viable. The need for any enabling market housing must be demonstrated through a viability assessment and in no circumstances will applications be approved where more than 20% of the units on the sites are required to be enabling market housing. Exception sites will only be allowed on small sites adjoining Bewdley and within and adjacent to the villages and rural settlements identified within the Settlement Hierarchy set out within policy DS01 of the Adopted Core Strategy.

5.19 Development of exception sites must be identified in partnership with the District or Parish Council and must be supported by a Parish Housing Needs Survey which should normally be undertaken by the District Council in partnership with the Parish Council. However, where this is not possible, applicants may undertake their own survey but only where the methodology

and questionnaire are agreed with the District Council in advance of the survey commencing. The Housing Needs Survey must consider the need for all types of residential development within the parish. Alternatively, data from the housing waiting list can be used to demonstrate need for affordable housing.

5.20 The development of rural exception sites should not result in a significant adverse impact on the character of the settlement, the amenities of residents, the rural landscape, or nature conservation interests, and should not result in the loss of open space with public amenity or recreational importance. Sites within the settlement boundaries will be the preferred location for exception sites.

5.21 Applicants should note that the value of exception sites should be significantly lower than land where open market development is permitted. This will help keep development costs down and increase the viability of the scheme, so that schemes do not become unaffordable.

Neighbourhood Planning and Community Right to Build Orders

5.22 Neighbourhood Plans and Community Right to Build Orders were introduced by the Localism Act 2011. These initiatives can both be used, either in combination, or independently, to secure the delivery of affordable housing. Neighbourhood Plans can set out locally specific policies on affordable housing or allocate sites for the delivery of affordable housing. However, they must be in general conformity with the District Council's adopted Local Plan documents. Community Right to Build Orders can be used to grant planning permission for certain types of scheme, including affordable housing schemes. Local communities preparing Neighbourhood Plans or Community Right to Build Orders must meet certain criteria or they can be prepared by Town/Parish Councils; they must also be approved by local residents at a referendum.

Willow Court, Kidderminster



6 Viability Considerations

6.1 The District Council acknowledges that some sites will not be economically viable at 30% affordable housing. Policy SAL.DPL3, together with Appendix C of the Site Allocations and Policies Local Plan sets out the District Council's approach to considering a lower level of affordable housing to achieve a viable development proposal on a site. This chapter provides additional guidance on the implementation of policy SAL.DPL3.

6.2 Where an applicant feels that there are exceptional constraints which justify a reduced or alternative provision of affordable housing, the application cannot be recommended for approval unless sufficient evidence is submitted in advance of the application being considered, and the evidence is judged by the case officer to be sufficiently convincing to justify a departure from normal policy requirements.

6.3 In order to make that judgement, the case officer will carry out a financial appraisal, using a combination of standard cost information that is already at their disposal, and site specific cost and value information which should be provided by the applicant. In the event that the applicant is either unable or unwilling to provide that site specific cost information, or where that information is not convincing, the case officer may seek external advice.

6.4 An obligation to provide affordable housing differs from other planning obligations. Instead of being related to the direct consequences of the proposed development, it is required subject only to the site falling above the thresholds set out in policy CP04 of the Adopted Core Strategy, and the economics of provision. This focus on the economics of provision has introduced the need to examine information that would previously, and in most other circumstances, be considered to be less material to the consideration of a planning application. It therefore has introduced the need to seek, store and use a significant amount of commercially sensitive information.

Seeking, Using and Storing Confidential Information

6.5 If the applicant suggests there is justification for a reduced provision of affordable housing but fails to provide the specified information, they should be formally advised that this would preclude the consideration of that position, and the application could therefore be determined only on the basis of the level of provision that is described in policy CP04 of the Adopted Core Strategy. There is no obligation on the Council to demonstrate that economic considerations in general justify this policy, as it has already been tested and adopted through the Local Development Framework process.

6.6 The information can be provided in either paper or electronic form, using the format provided which indicates that the contents will be treated as confidential and limited in use and storage in accordance with this document.

6.7 Whilst the planning application file will be available for public inspection, confidential information will be removed. A reference will be added to the file specifying that confidential financial information has been provided and a reference to the view that has been taken by the case officer and any other authorised person on the validity of that information will also be provided, none of the actual figures submitted will be available for public inspection.

6.8 Existing practice as set out in Development Control Practice Note 1 “Public Access to Planning Files and Information” is for any confidential information on a planning application to be held in a red sub-file that will be removed from the main file before it is made available to a member of the public. There would need to be a very good reason for creating an additional set of files for financial information, and as long as the existing system is considered to be secure, it should be used for this purpose. If an applicant were to be dissatisfied with these arrangements, the Council would have to judge whether it was reasonable to make other arrangements, or whether they would be confident to defend the existing arrangements at appeal.

Gladstone Place, Blakedown



6.9 The information should be delivered to Wyre Forest House as a confidential document to be seen only by the Director of Economic Prosperity and Place, the Development Control Manager, the case officer, the Principal Strategic Housing Officer and the Strategic Housing Services Manager. Where the case officer feels that another party should review the information, this will be approved by both the applicant and the Development Control Manager (who will seek advice from the Director of Economic Prosperity and Place if in doubt). The person receiving the information will be required to sign a confidentiality statement in advance, which would confirm the following:

- the nature and purpose of the information;
- the names of the individuals entitled to see the information;
- that the applicant and the Development Control Manager have, by their signatures, authorised the individuals to receive the information, and;
- that the individuals will, by their own signature, return the information to the Council without any copies (paper or electronic) being retained.

6.10 The individuals will normally be suitably qualified professional advisers retained by the Council for the purpose of assisting in the assessment of a site for which planning permission has been applied and for which the applicant is making a case for a reduction from the normal level of affordable housing provision.

External Advice to Assess Financial Information

6.11 Obtaining external advice to assess financial information, provided by an applicant to seek to justify a reduced provision of affordable housing, should be minimised by using the information set out within the development plan policies and this SPD to make that assessment in-house wherever possible.

6.12 Nevertheless, it is inevitable that there will be cases where either the complexity or individuality of the scheme, or the inability of the case officer and the applicant to reach any sort of agreement on the appropriateness of the figures provided, will make it necessary to seek the opinion of an external expert.

6.13 It should be made clear that the reference to external advice is **not** to seek arbitration, which would be binding on all parties, as that would be a wholly inappropriate and unauthorised delegation of authority. The use of external advice would be limited to providing the Council with either of these two alternatives:

- Confirmation that the amount and type of affordable housing they are seeking is justified, so the Council can be confident in determining the application accordingly.
- Or, the extent to which economic considerations would justify a reduced, amount of affordable housing, so the Council can be confident in agreeing to that reduction without the risk of either undermining policy or being unreasonable.

6.14 The advice will also be relied on to defend the Council's position at any appeal against their refusal to grant planning consent, and the provider of the advice might be called upon in that situation to provide expert witness and be subject to cross examination by the appellant or their agent or counsel.

Wribbenhall, Bewdley



6.15 Although the commissioning of external advice should not be a frequent or routine procedure, it needs to be available promptly, efficiently and in a consistent manner. These requirements will be best served by having a standing arrangement that can be called upon, as and when required, from one or more firms who will have successfully tendered for that purpose. Any tender will be based on the following brief and comply with the Council's Standing Orders and Procurement Policy:

- Review the financial information, including costs and values, supplied by the applicant and provide a commentary on the appropriateness of each of the figures, with any suggested alternatives.
- Provide evidence to support any suggested alternative figures, based on comparable developments.
- Comment on the strength of that evidence in the context of potential cross examination at a planning appeal.
- Comment on the potential for a form of development that would offer a greater potential for providing affordable housing (in cases where the applicant's proposed scheme does not enable the requirements of policy CP04 of the Adopted Core Strategy to be met in full).

6.16 The report received from the external advisor will be treated as confidential information, in exactly the same way as the information provided by the applicant, as it will not only include some or all of that information, but the opinions expressed will also be commercially sensitive.

6.17 The conclusions of the advice, however, will need to be incorporated into the case officer's committee report, and care will need to be taken in compiling that report to avoid revealing any confidential information.

7 Funding

7.1 The starting point for discussion on developments is that there should be no assumption that grant will be available for the provision of affordable housing, and that the developer will have to bear the additional costs associated with this provision. The Homes and Communities Agency has made it clear that it does not consider it appropriate to allocate grant for affordable housing that is to be provided through Section 106 Agreements.

7.2 In the light of this background information, it should be evident that the only circumstances in which any form of grant might be available would be at the discretion of the local authority - where they deem it to be preferable to a reduction in the number, or the level of affordability, of the dwellings to be provided as a consequence of the consideration of the economics of provision and where resources are available.

What a Registered Provider (RP) can pay for affordable housing – Affordable Values

7.3 The table of affordable values, set out below, shows the maximum amount that an RP can usually afford to pay, in order to achieve the costs to the occupier that makes the housing affordable. These affordable values are what the developer should expect to receive as payment for affordable housing, and should form the basis for their own assessment of land values.

Table 7.0.1 Affordable Values⁽⁴⁾

Size of Property	Weekly Affordable Rents	Affordable Value for Rented Properties	Affordable Value for Shared Ownership Properties
1 bed, 2 person flat	£63-67	£35,000	£43,000
2 bed, 3 person flat	£71-74	£42,500	£51,000
2 bed, 3 person house	£75-83	£48,000	£65,000
2 bed, 4 person house	£77-83	£49,500	£67,000
3 bed, 4 person house	£84-93	£55,000	£72,000
3 bed, 5 person house	£85-93	£57,000	£74,000
4 bed, 6 person house	£93-101	£62,250	£82,000
1 bed, 2 person bungalow	£66-69	£40,000	£49,000
2 bed, 3 person bungalow	£76-77	£46,500	£56,000

⁴ figures correct at publication, but subject to review

8 Design and Construction

8.1 The design of new affordable housing and its integration with market housing are key to delivering sustainable communities. The Council acknowledges that design and integration issues should be determined on a case by case basis, but will work to ensure that the design of new affordable housing is not distinguishable from market housing, especially those homes located on a predominately market housing development. On-site affordable housing must be well integrated with the wider development, rather than being grouped together within a single area of the wider site, unless there is sufficient justification for not doing so.

Dwelling Space Standards and Design Issues

8.2 The Homes and Communities Agency set out minimum floor space standards for properties which they provide grant funding for. These standards are now taken from the Housing Standards Review Consultation Draft. The District Council will encourage all affordable housing to meet these standards. The minimum floor space requirements for affordable housing units are as follows:

Table 8.0.1

Flats or Other Dwellings on One Floor			
Property	Occupancy	Bed Spaces	Min m ²
Studio	1b1p	1 bed space	38
1 bedroom	1b 2p	2 bed spaces	47
2 bedrooms	2b3p	3 bed spaces	60
	2b4p	4 bed spaces	69
3 bedrooms	3b4p	4 bed spaces	73
	3b5p	5 bed spaces	84
	3b6p	6 bed spaces	93
4 bedrooms	4b5p	5 bed spaces	88
	4b6p	6 bed spaces	97
	4b7p	7 bed spaces	106
	4b8p	8 bed spaces	115
5 bedrooms	5b6p	6 bed spaces	101
	5b7p	7 bed spaces	110
	5b8p	8 bed spaces	119

Table 8.0.2

Two Storey houses or Other Dwellings on Two Floors			
Property	Occupancy	Bed Spaces	Min m ²
2 bedrooms	2b3p	3 bed spaces	68
	2b4p	4 bed spaces	77
3 bedrooms	3b4p	4 bed spaces	81
	3b5p	5 bed spaces	90
	3b6p	6 bed spaces	99
4 bedrooms	4b5p	5 bed spaces	94
	4b6p	6 bed spaces	103
	4b7p	7 bed spaces	112
	4b8p	8 bed spaces	121
5 bedrooms	5b6p	6 bed spaces	107
	5b7p	7 bed spaces	121
	5b8p	8 bed spaces	125
6 bedrooms	6b7p	7 bed spaces	120
	6b8p	8 bed spaces	129

Table 8.0.3

Three Story Houses or Other Dwellings on Three Floors			
Property	Occupancy	Bed Spaces	Min m ²
3 bedrooms	3b4p	4 bed spaces	86
	3b5p	5 bed spaces	95
	3b6p	6 bed spaces	104
4 bedrooms	4b5p	5 bed spaces	99
	4b6p	6 bed spaces	108
	4b7p	7 bed spaces	117
	4b8p	8 bed spaces	126
5 bedrooms	5b6p	6 bed spaces	112
	5b7p	7 bed spaces	121
	5b8p	8 bed spaces	130
6 bedrooms	6b7p	7 bed spaces	125
	6b8p	8 bed spaces	134

8.3 All schemes should seek to meet these standards as a minimum, but these may be subject to certain exceptions by agreement, e.g.

- Homes purchase as 'Existing Satisfactory Dwellings' and 'Purchase and Repair'
- Homes purchased 'Off the Shelf'
- Shared housing for supported housing

8.4 It is expected that furniture layouts for all habitable rooms and internal storage facilities will be shown clearly on plans. This is to illustrate how the rooms can sensibly accommodate the necessary furniture and equipment associated with specific room activities and is suitable for the particular needs of the intended user group.

8.5 The Council recognises that there will be exceptional circumstances where it will not be possible to meet these minimum standards and these should be discussed with the Council at the earliest opportunity.

Development Standards

8.6 Affordable housing should aim to provide innovative, well designed, cost effective design solutions. At the inception of a scheme, developers and affordable housing partners will be required to liaise with the Council's housing team to determine the suitability of a scheme and this line of communication should be maintained throughout the development process.

8.7 Developers and affordable housing partners are encouraged to try and achieve the highest quality of internal and external design, using sustainable materials and meeting the enhanced standards set out below. However, the Council recognises that there may be overriding reasons that may exempt individual schemes from some of these standards, and this will need to be identified on a site by site basis. All schemes should demonstrate how they meet the requirements of policy CP11 of the Adopted Core Strategy and policy SAL.UP7 of the Site Allocations and Policies Local Plan as well as the most up to date design quality Supplementary Planning Document. The Council will consider with developers and its partners how best to maintain standards for shared ownership schemes and will explore the possibility of using planning conditions to achieve this.

8.8 Additionally, the District Council will encourage new affordable housing developments to meet Lifetime Homes Standards. Lifetime Homes is a 16 point standard set out by the Joseph Rowntree Foundation in the publication 'Designing Lifetime Homes'. Further information can be found within Appendix D. The space standards set out at table 8.0.1 do not allow for Lifetime Homes space standards which will require increased space dependent upon the design of particular units.

8.9 Developers must also comply with the sustainable design and water management principles set out within policies CP01 and CP02 of the Adopted Core Strategy and policy SAL.CC7 of the Site Allocations and Policies Local Plan.

Parking Standards

8.10 Parking should be provided in accordance with the requirements of the most recent Worcestershire County Council parking standards as set out in the Worcestershire County Highways Design Guide.

9 Monitoring the Delivery of Affordable Housing in the District

9.1 The delivery of affordable housing will be monitored against the target set out within the Adopted Core Strategy. The target for delivery is therefore 60 dwellings per annum. The SHMA provides a snapshot in time in terms of affordable housing need. It is recognised that the SHMA was prepared in the context of relatively unusual market and economic conditions. Therefore, it is important that consideration is given to indicators which influence the need for affordable housing and its delivery. In addition to monitoring the overall number of affordable housing delivered, the following indicators which are relevant to the need for, and delivery of affordable housing, will be included within the Strategic Housing Market Assessment Annual Monitoring Report.

- Annual analysis of waiting list data including the number of households in 'significant need' and the sizes and tenures of property required
- ONS mid-year population estimates and consideration against the SHMA projections
- Lower-quartile market housing and rental prices.
- Annually updated CACI income data.

9.2 A summary of the findings of the SHMA AMR relevant to Wyre Forest District will be included within the District's own Annual Monitoring Report which monitors the implementation of planning policies.

Gala Drive, Stourport-on-Severn



A Jargon Guide

Adopted Core Strategy (2010) – this is the strategic level document within the District's Development Plan. It sets out the broad locations for delivering housing and other major development needs in the District such as employment, retail and transport. It guides the site specific policies within the Site Allocations and Policies Local Plan and the Kidderminster Central Area Action Plan.

Affordable Housing – the District Council has adopted the definition of Affordable Housing as set out in the NPPF.

Annual Monitoring Report (AMR) – an annually produced document which sets out the progress made in achieving the timetable set out in the Local Development Scheme (Project Plan) as well as measuring the effectiveness of the development plan policies.

Code for Sustainable Homes – a national best practice standard for the sustainable design and construction of new homes. Level 6 of the Code is equivalent to zero-carbon.

Community Infrastructure Levy (CIL) - allows local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money can be used to fund a wide range of infrastructure that is needed as a result of development. This includes transport schemes, flood defences, schools, hospitals and other health and social care facilities, parks, green spaces and leisure centres. In order to collect CIL, local planning authorities must prepare, consult on and adopt a charging schedule setting out how much CIL developers need to pay for each type of development and a Regulation 123 list setting out what CIL monies will be spent on. Once collected, CIL receipts must be spent on the projects on the authority's Regulation 123 List.

Developer Contributions – are often required for major developments to ensure sufficient provision is made for infrastructure and services such as roads, schools healthcare and other facilities. Contributions are usually secured through planning conditions or legal agreements. Developer contributions are often referred to as Section 106 (S106) Agreements or planning obligations.

Development Plan – the Development Plan for the District is made up of the Adopted Core Strategy, the Site Allocations and Policies Local Plan, and the Kidderminster Central Area Action Plan. Neighbourhood Plans will also form part of the Development Plan once adopted.

Kidderminster Central Area Action Plan (KCAAP) – a plan specifically targeted to regenerating the central area of Kidderminster.

Lifetime Homes Standard – criteria developed by the Joseph Rowntree Foundation in 1991 to help house builders produce new homes flexible enough to deal with changes in life situations of the occupants such as caring for young children, temporary injuries and declining mobility with age.

Local Needs Housing – including affordable housing and market housing which addresses the needs of different groups in the community such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes, as established through Parish Housing Needs Surveys, Neighbourhood Plans and the Housing Register.

National Planning Policy Framework (NPPF) – the document which sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, that reflect the needs and priorities of their communities. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in determining planning applications.

Planning Obligations Supplementary Planning Document (SPD) - This SPD sets out the Council's approach to securing planning obligations and provides details on the type and level of contributions that will be sought from new development.

Registered Providers (RPs) - formerly known as Registered Social Landlords or Housing Associations.

Rural Exception Sites – small sites for the provision of affordable housing in perpetuity or to meet another specific identified local housing need (as evidenced through the Parish Housing Needs Survey, Neighbourhood Plan or the District Council's Adopted Local Connections Policy), at locations which would not normally be suitable for housing. Rural exceptions sites seek to address the needs of the existing local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Site Allocations and Policies Local Plan (SALP) – this document allocates specific areas of land for specific uses. Most notably land to deliver housing but also for other major development needs such as employment, recreation, open space, and community uses, in order to meet the requirements set out within the Adopted Core Strategy. Additionally, the plan sets out important development management policies which will apply across the whole of the District and will be used for determining planning applications.

Strategic Housing Market Assessment (SHMA) – the SHMA is an assessment of housing market influences, current and future housing demand issues, impacts of past and planned housing supply and the impacts of economic and demographic changes. A Monitoring Report is produced annually to monitor changes in the data which underpins the assumptions in the SHMA.

Supplementary Planning Document (SPD) – provide additional information to guide and support the Development Plan.

Sustainable Communities – sustainable communities are places where people want to live and work, now and in the future. They meet the diverse needs of existing and future residents, and are sensitive to their environment, and contribute to quality of life. They are safe and inclusive, well planned, built and run, and offer equality of opportunity and good services for all.

Sustainability Appraisal (SA) – the purpose of SA is to ensure that the Development Plan and associated Supplementary Planning Documents (SPDs) conform to the Government principles of Sustainable Development which are:

- Living within environmental limits
- Ensuring a strong, healthy and just society
- Achieving a sustainable economy
- Promoting good governance
- Using sound science responsibly.

The Town and Country Planning (Local Planning) (England) Regulations 2012 – These regulations provide the legal framework for the preparation of planning policy documents including the Local Plan and Supplementary Planning Documents (SPDs).

B Suggested wording for S106 Agreement on Outline Permission

A. The Section 106 Agreement will contain some or all of these terms, subject to site by site negotiations:

- define the amount of affordable housing or, in the case of full permission, specify specific units and detail the breakdown between different tenures
- require the affordable housing to comprise a mixture of dwelling types in accordance with the latest housing needs survey and housing register data, to be integrated with and indistinguishable from market housing;
- set a timescale for the affordable housing to be provided, usually that it shall be available for occupation by the time a percentage of the market housing is available;
- include a mechanism for selecting an RP, unless another approach has been agreed;
- limit the rent and outgoings which can be charged to occupants and the price at which an initial share can be sold under a shared ownership arrangement;
- include a mechanism for limiting and selecting the occupants of the affordable housing, which will require supplementary agreements to entered into as follows:
 - the RP or other provider will be required to enter into a nomination agreement;
 - where the provider is not an RP, the S106 Agreement will include provisions governing letting and management arrangements.
- provide for the housing to remain affordable in perpetuity, subject to:
 - any statutory right to acquire, buy or 'staircase';
 - a mortgagee in possession clause, where the affordable housing is transferred to an RP.

B. The applicant will be required to pay the Council's reasonable legal costs in connection with the Agreement. The Council's costs in connection with any related Agreement (e.g. a nomination agreement) shall be paid by the applicant, RP or other provider, depending upon which of those parties is involved in negotiating the terms of that Agreement.

C. Where the Council has refused an application which, if allowed, would have been subject to a requirement for affordable housing, it will endeavour to negotiate a Section 106 Agreement on a 'without prejudice' basis, to take effect in the event that an appeal is allowed.

D. In the case of an outline application, the Section 106 Agreement will require the applicant to agree with the Director of Economic Prosperity and Place (in practice, delegated to the Strategic Housing Services Manager), prior to the commencement of development, the physical locations, type, layout and tenure of the affordable dwellings.

E. The agreement will require the applicant to notify the Director of Economic Prosperity and Place of the anticipated date(s) when the affordable housing will be available for occupation, a specified period(s) in advance.

F. Section 106 Agreements will include mechanisms to record when key stages are reached in the development and requirements are triggered.

In addition to the terms set out above, the District Council reserves the right to include any additional terms considered appropriate to the specific site.

C Affordable Housing Policy

Adopted Core Strategy (December 2010)

CP04: PROVIDING AFFORDABLE HOUSING

Level of Provision

An annual average of at least 60 units of affordable housing will be delivered during the plan period until 2026. In accordance with the Council's adopted definition of affordable housing this will include an indicative tenure split of 70% social-rented housing and 30% intermediate (shared ownership) housing.

The District Council will generally seek to secure affordable housing provision of 30% on sites of ten or more dwellings within Kidderminster and Stourport-on-Severn and 30% on sites of 6 or more dwellings within Bewdley and the rural areas.

Where this level of affordable housing provision is proven to undermine the viability of a development, particularly due to residual land values, then this will be subject to further individual site viability assessment undertaken by the applicant. As part of the Site Allocations and Policies Local Plan and the Kidderminster Central Area Action Plan the Council will produce a standard viability model. This will be used to secure a greater or lesser contribution towards affordable housing, based on the individual economic circumstances relating to the site.

Rural Affordable Housing

A proactive approach to the provision of affordable housing within the District's rural areas will be encouraged through working in conjunction with Parish Councils to identify appropriate sites for the sole provision of affordable housing through the site allocations process, within or immediately adjacent to the District's villages, rural settlements and other rural hamlets where a local need exists.

In exceptional circumstances, small scale affordable housing schemes will be permitted as exception schemes on unallocated sites, to meet identified local housing need. Applicants will be required to demonstrate clear evidence through a Parish Housing Needs Survey.

Site Allocations and Policies Local Plan (July 2013)

Policy SAL.DPL2 (Extract)

Rural Housing

Within the rural areas of the District, proposals for residential development will not be permitted unless one of the following exceptional circumstances applies:

- The site is identified by the relevant Town/Parish Council as an exceptions site to meet an identified local housing need.
- The site is required to meet an established existing functional need for a rural worker's dwelling.
- It is for the replacement of a permanent existing lawful dwelling.

- The site is subject to a Community Right to Build Order.
- Appropriate arrangements for sewage treatment must be submitted as part of the application process in addition to satisfactory drainage measures, in order to protect the water environment.

1. Exception Sites

Planning permission may be granted for schemes which are designed to meet an identified specific affordable or local housing need on small sites adjoining Bewdley, or within or adjoining the villages and the rural settlements subject to the following criteria:

- i) The affordable housing must remain so in perpetuity
- ii) The number, size, type, mix and tenure of dwellings must not exceed the extent of identified local need.
- iii) The site must be well related to the existing built up area of the settlement in which it is located.
- iv) The scale of the scheme should be appropriate to the size and character of the settlement and must not damage the character of the settlement or the landscape.
- v) The site should be accessible to local services and facilities by sustainable modes of transport.

Any enabling market housing on exceptions sites, that is not required to meet a specific housing type as evidenced by local housing needs assessments, must be accompanied by a robust viability assessment (as set out in Policy SAL.DPL3: Financial Viability) in order to justify the required enabling development.

Policy SAL.DPL3

Financial Viability

The District Council's policy on affordable housing is set out within the Adopted Core Strategy policy CP04. Where an applicant considers that it is not viable to meet this requirement, it must be demonstrated that the following criteria have been met:

- i. The applicant must provide a full viability assessment which demonstrates that the required level of affordable housing is not viable. The methodology, underlying assumptions and software to be used should be agreed with the District Council in advance.
- ii. Where the District Council considers it necessary to obtain independent advice to validate a viability assessment which has been submitted, the applicant will be required to meet all reasonable costs of doing so.
- iii. The viability assessment should either be presented on a residual land value or profit basis which should be agreed with the District Council in advance.

D Lifetime Homes Standards

The list below summarises the 16 key features of the Lifetime Homes Standard. Please refer to the documentation produced by the Joseph Rowntree Foundation for more detail.

1. Provide, or enable by cost effective adaptation, parking that makes getting into and out of the vehicle as convenient as possible for the widest range of people (including those with reduced mobility and/or those with children).
2. Enable convenient movement between the vehicle and dwelling for the widest range of people, including those with reduced mobility and/or those carrying children or shopping.
3. Enable, as far as practicable, convenient movement along other approach routes to dwellings (in addition to the principal approach from a vehicle required by Criterion 2) for the widest range of people.
4. Enable ease of use of all entrances for the widest range of people.
5. Enable access to dwellings above the entrance level to as many people as possible.
6. Enable convenient movement in hallways and through doorways.
7. Enable convenient movement in rooms for as many people as possible.
8. Provide accessible socialising space for visitors less able to use stairs.
9. Provide space for a member of the household to sleep on the entrance level if they are temporarily unable to use stairs (e.g. after a hip operation).
10. Provide an accessible WC and potential showering facilities for:
 - i. any member of the household using the temporary entrance level bed space of Criterion 9, and:
 - ii. visitors unable to use stairs.
11. Ensure future provision of grab rails is possible, to assist with independent use of WC and bathroom facilities.
12. Enable access to storeys above the entrance level for the widest range of households.
13. Assist with independent living by enabling convenient movement between bedroom and bathroom facilities for a wide range of people.
14. Provide an accessible bathroom that has ease of access to its facilities from the outset and potential for simple adaptation to provide for different needs in the future.

15. Enable people to have a reasonable line of sight from a seated position in the living room and to use at least one window for ventilation in each room.
16. Locate regularly used service controls, or those needed in an emergency, so that they are usable by a wide range of household members - including those with restricted movement and limited reach.



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1. Introduction

- 1.1 This consultation statement sets out details of the consultation undertaken in accordance with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement sets out who was consulted, when, and how, and summarises the representations received and how they have influenced the Supplementary Planning Document (SPD).

2. Name and Purpose of the SPD

Name

- 2.1 Affordable Housing Supplementary Planning Document (SPD)

Purpose

- 2.2 The aim of this SPD is to help to meet housing needs and create mixed, balanced and sustainable communities by maximising the delivery of affordable housing. The SPD sets out how the District Council's affordable housing policies should be interpreted. This will provide certainty and clarity for those bringing forward development within the District. Wyre Forest District Council's Development Plan is made up of the Adopted Core Strategy (2010), the Site Allocations and Policies Local Plan (2013) and the Kidderminster Central Area Action Plan (2013). The following District Council planning policies relate to the delivery of affordable housing:

- Adopted Core Strategy - CP04 – Providing Affordable Housing
- Site Allocations and Policies Local Plan – SAL.DPL2 – Rural Housing
- Site Allocations and Policies Local Plan - SAL.DPL3 – Financial Viability

- 2.3 The Affordable Housing SPD has been prepared to provide more detailed guidance on the District Council's expectations for the delivery of affordable housing in accordance with these policies. It explains how developers, landowners and Registered Providers (RPs) should interpret the District's affordable housing policies.

- 2.4 The District Council adopted a Planning Obligations SPD in February 2007. This document sets out detailed guidance on developer contributions in relation to a number of topics including affordable housing. The Affordable Housing SPD replaces Section 4 of the Planning Obligations SPD. The Council also published an Affordable Housing Toolkit in April 2011. The Affordable Housing SPD also replaces the toolkit.

3. Who was consulted on the SPD?

- 3.1 The consultation was targeted towards those organisations and individuals with an interest in affordable housing. Appendix 1 lists those organisations consulted and this includes statutory consultees set out within Regulation 4 of The Town and Country Planning (Local

Planning) (England) Regulations 2012. A collaborative approach has been taken to preparing the SPD. Colleagues within Housing Services, as well as other Council departments, have been directly involved with the preparation of the SPD.

4. How Were People Consulted?

- 4.1 The consultation period ran from 3rd April to 16th May 2014. A draft SPD was prepared made available on the District Council's web-site and in the Wyre Forest Customer Service Centre, Kidderminster as well as at Kidderminster, Stourport-on-Severn and Bewdley libraries. Notification letters were sent to those parties set out at Appendix A to arrive in time for the start of the consultation. The draft SPD was also made available on the District Council's consultation portal to allow representations to be made electronically. A press release was prepared to mark the start of the consultation and this was shared on the District Council's Facebook and Twitter accounts.

5. Summary of Responses

- 5.1 A total of 43 representations were received from 12 respondents. Of these, 9 responses were from organisations and 3 were from individuals.
- 5.2 All of the responses were either in support of the SPD or raised comments in relation to its proposed content. No objections to the SPD were received.
- 5.3 Summaries of all representations received and the District Council's response to each one can be found in Appendix B.

6. Summary of the Main Issues Raised

- 6.1 The table at Appendix B sets out a summary of the representations received.

7. How have those Issues been addressed in the SPD?

- 7.1 The table at Appendix B sets out how each of the comments made has been considered within the Draft SPD.

Appendix A: List of Consultees

Specific Consultees

Wyre Forest District Parish/Town Councils

Bewdley Town Council
Broome Parish Council
Chaddesley Corbett Parish Council
Churchill and Blakedown Parish Council
Kidderminster Charter Trustees
Kidderminster Foreign Parish Council
Rock Parish Council
Rushock Parish Council
Stone Parish Council
Stourport-on-Severn Town Council
Upper Arley Parish Council
Wolverley & Cookley Parish Council

Adjacent Parish Councils

Abberley Parish Council
Astley & Dunley Parish Council
Bayton Parish Council
Belbroughton Parish Council
Clent Parish Council
Cleobury Mortimer Parish Council
Dodford with Grafton Parish Council
Elmbridge Parish Council
Elmley Lovett Parish Council
Hagley Parish Council
Hartlebury Parish Council
Highley Parish Council
Kinlet Parish Council
Kinver Parish Council
Milson & Neen Sollars Parish Council
Pensax Parish Council
Upton Warren Parish Council

Other Specific Consultees

British Telecom
Bromsgrove District Council
Central Networks
Dudley Metropolitan Borough Council
English Heritage
Environment Agency
Greater Birmingham and Solihull Local Enterprise Partnership
Hereford & Worcester Ambulance Service
Hereford & Worcester Fire & Rescue Service
Highways Agency
Homes & Communities Agency
Malvern Hills District Council

Mobile Operators Association
National Grid
Natural England
Network Rail
Office of Rail Regulation
Oil and Pipelines Agency (The)
Severn Trent Water Ltd
Shropshire Council
South Staffordshire District Council
South Staffordshire Water Plc
South Worcestershire Development Plan
Staffordshire County Council
Staffordshire Police Authority
The Coal Authority
The Planning Inspectorate
Transco West Midlands Local Distribution Zone
West Mercia Constabulary
Western Power Distribution
Worcestershire County Council
Worcestershire Local Enterprise Partnership
Wychavon District Council

General Consultees

Organisations registered in the Planning Policy database including:

- agents
- developers
- education and youth groups
- housing interest groups
- land owners
- local interest groups
- registered providers
- service providers

Organisations/Individuals that made responses relating to housing at the various consultation stages for:

- Core Strategy
- Site Allocations & Policies Local Plan
- Kidderminster Central Area Action Plan

Appendix B: Consultation on Draft SPD - Summary of Representations Made and Officer Responses

Name	ID	Summary	Officer Response
Bond Mr D	DAHSPD1	Suggests the land owned by Chester Road Land Society as a potential location for affordable housing.	Comments are noted however, the SPD can not allocate land for development; it can only set out detailed guidance to support the implementation of existing planning policies. The land owner will need to put their suggestion forward for the next Strategic Housing Land Availability Assessment call for sites later this year.
Phillips J	DAHSPD2	Suggests that new affordable housing developments (except flats) should be conditioned to have their allocated parking provided within the curtilage of the property to prevent visitors using or blocking allocated parking spaces.	Comments are noted. The Affordable Housing SPD will not set out detailed parking requirements as this is a matter for the County Council to address through their Local Transport Plan and through their comments on individual planning applications. Current guidance on the location and design of parking for residential developments is set out within the County Council's Highways Design Guide.
Wyre Forest District Council	DAHSPD3	I understand that in the design chapter reference has been made to the Council's Core Strategy CP01. I would welcome reference to CP02 (Water Management) too as this addresses SuDS requirements for new developments more specifically.	An additional cross reference to policy CP02 of the Adopted Core Strategy will be included within the SPD.
Worcestershire Regulatory Services	DAHSPD4	In respect of contaminated land we have no further comments.	Comments are noted.

Name	ID	Summary	Officer Response
Worcestershire Regulatory Services	DAHSPD5	Recommends that a number of sustainable options including EV charging points, secure cycle facilities, low nitrogen oxide boilers and travel plans are included within new developments.	Comments are noted. The SPD includes a cross-reference back to Adopted Core Strategy policy CP01 which sets out the requirements for sustainable design.
Hurcott Land Owners	DAHSPD6	Promotes land bounded by Birmingham Road, Hurcott Lane and Hurcott Road, of approximately 40 acres, for residential development.	Comments are noted, however the SPD can not allocate land for development, it can only provide more detail to support the implementation of existing policies. The land owner will need to put their suggestion forward for the next Strategic Housing Land Availability Assessment call for sites later this year.
Environment Agency	DAHSPD7	Supports the existing cross reference to policy CP01 but suggests additional cross references to policy SAL.CC7 (Water Management), and the emerging Design Quality SPD and Sustainability Checklist.	Comments are noted and support is welcomed. An additional cross reference to SAL.CC7 will be included. The District Council is no longer intending to prepare a sustainability checklist with issues being picked up through a review of the Design Quality SPD and the national Housing Standards Review instead. A cross reference to relevant design policies will be included.
English Heritage	DAHSPD8	Suggests that wording is included in Chapter 8: Design and Construction to ensure that where affordable houses are considered, the impact on heritage assets, their significance and settings, design and the historic fabric of buildings is considered in accordance with the NPPF and Local Plan policies.	Comments are noted. A reference to the relevant design policies has been included.
Homes & Communities Agency	DAHSPD9	The Homes and Communities Agency (HCA) is the owner of land at the Former Lea Castle Hospital Site, Kidderminster.	Comments are noted. However, it is considered that paragraph 5.9 of the Draft SPD provides clear examples of what are considered to be “exceptional circumstances” for off site provision of affordable

Name	ID	Summary	Officer Response
		<p>The site is subject to Policy SAL.PDS1 of the Site Allocations and Policies Local Plan. The policy states that, as a minimum, the District Council will require development proposals to "make a financial contribution to the provision of affordable housing off-site in accordance with the adopted Core Strategy Policy CP04". Policy CP04 of the Core Strategy does not explicitly refer to offsite affordable housing provision, referring instead to the Council securing a smaller contribution towards affordable housing where the typical level of affordable housing provision is proven to undermine the viability of development. However, Policy SAL.PDS1 is nevertheless clear that such offsite affordable housing provision will be considered favourably as part of the development of the Former Lea Castle Hospital Site.</p> <p>The Draft Affordable Housing SPD (that is the subject of this consultation) states that affordable housing can only be provided off-site in 'exceptional circumstances'. Such circumstances are not clearly defined (though paragraph 5.4 suggests that off-site provision will be allowed where on-site provision is not feasible or viable). However, in the context of the wording of adopted Policy SAL.PDS1, such 'exceptional circumstances' must apply to, and therefore include, the development of the Lea Castle Hospital site.</p> <p>The HCA is therefore of the view that the Affordable</p>	<p>housing and that it should not specify specific sites to which this would apply.</p> <p>Policy SAL.PDS1 of the Site Allocations and Policies Local Plan sets out the policy framework for acceptable uses for the future redevelopment of the Former Lea Castle Hospital site. The emphasis is clearly focussed on a mixed use development, which allows for C3 dwelling uses as part of the mix to enable the development of the site.</p> <p>Paragraph 5.9 of the Draft SPD states: "Examples of circumstances where it may not be possible to provide affordable housing on site include sites where it would be difficult to achieve a mixed scheme and sites with particular site and layout constraints."</p> <p>For clarification purposes it is considered that the word "use" could be inserted to read "Where it would be difficult to achieve a mixed use scheme."</p>

Name	ID	Summary	Officer Response
		Housing SPD should clearly reference the potential for the delivery of off-site affordable housing where other site specific policies apply. However it should also provide that on-site delivery is an option for developers should this be considered a more viable approach.	
West Midlands HARP Planning Consortium	DAHSPD10	In paragraph 5.2 the Council have stated need for more affordable housing to meet their current deficit but have still advanced a lower target. We acknowledge the rationale behind the lower figure and agree that the higher target is unachievable, but the Council need to proactively pursue any means to increase this housing figure and consideration needs to be given to suggestion that may promote more affordable housing.	<p>Comments are noted. The target for affordable housing within the District and the threshold and percentage requirements are firmly established within existing adopted planning policies. However, the target is not a maximum figure and the District Council supports the delivery of sites which provide higher levels of affordable housing including those delivering 100% affordable housing.</p> <p>2013/14 saw a large increase in the delivery of affordable housing schemes across the District with 163 new affordable dwellings completed.</p>
West Midlands HARP Planning Consortium	DAHSPD11	Following the need for a more unrestrained pipeline of affordable housing a more liberal rural exception policy would be advisable. We disagree with the Councils limitation of 20% in terms of allowing cross subsidy market housing, we would advise that the Council changes the wording so a majority of homes on the rural exception scheme are affordable, viability pending. This may allow particularly burdensome sites to come forward, which would otherwise be undeliverable.	Comments are noted. The allowance for market housing to cross subsidise rural exceptions sites is established within the NPPF. The Site Allocations and Policies Local Plan establishes that in such cases a maximum of 20% of the dwellings provided should be market housing and these must be supported by robust viability appraisal. This policy was tested and subject to scrutiny by a Planning Inspector during the Examination In Public in early 2013 and was found to be sound. The SPD can not amend this existing position.

Name	ID	Summary	Officer Response
West Midlands HARP Planning Consortium	DAHSPD12	We would also question the wisdom of restricting rural exception sites to nine dwellings. Rather than enforcing an arbitrary figure to restrict affordable housing delivery there should be proportionality in allowing larger settlements to cater for greater development.	Comments are noted. The Site Allocations and Policies Local Plan establishes the need for rural exception sites to be small scale developments. The SPD provides greater clarity on this by defining it within the terms of minor and major planning applications.
West Midlands HARP Planning Consortium	DAHSPD13	We would also take this opportunity to highlight to the Council potential central government legislation that will see the affordable housing threshold set at 10 dwellings. Though we are unsure of the exact status of this legislation at present it may be prudent to do some exploratory work on this target and the effect it may have on the delivery of affordable housing over the plan period.	Comments are noted. The District Council's affordable housing thresholds are established within the Adopted Core Strategy. The legislation referred to would have an impact on this; however, it is not yet clear whether or not it will come into force and the timescales for implementing it should it be progressed. Therefore, the SPD assumes that current planning policies will remain in force and provides detailed guidance for their implementation. The District Council submitted comments to central Government on the consultation regarding the potential impact on the delivery of affordable housing within the District.
Worcester City Council	DAHSPD14	Could signpost Appendix C which repeats the policies.	Include a signpost to Appendix C.
Worcester City Council	DAHSPD15	Downsizing is not a continuous process - as households change through their lifecycle. Some have needs for larger accommodation as families form and grow.	Comments are noted, however for clarification purposes, paragraph 2.9 refers specifically to the increase in households wishing to downsize as a result of the changes brought about by the Welfare reform Act.

Name	ID	Summary	Officer Response
Worcester City Council	DAHSPD16	Para 2.12 - and 5.4 What are the implications of government approach regarding precluding seeking affordable dwellings on sites of less than 10 dwellings (eg for the implementation of policy at Bewdley and the rural areas (App 3 (where the threshold is lower at 6 dwellings.))	<p>Comments are noted. It is not yet, and may not become, Government policy to preclude a requirement for affordable housing on sites of fewer than 10 dwellings. Indeed the District Council has submitted a consultation response to Central Government with regard to the potential impacts on affordable housing delivery on smaller scale sites.</p> <p>The District Council's adopted policy is to seek affordable housing on sites of 6 dwellings or more within Bewdley and the rural areas. The Affordable Housing SPD can not change the affordable housing thresholds which are in place. Any Government changes will need to be addressed through the plan review which is scheduled to commence with an Issues and Options consultation in Summer 2015.</p>
Worcester City Council	DAHSPD17	Smaller sites could still deliver affordable housing eg if put forward as rural exceptions, Right to Build, developed by Registered Providers as 100% affordable housing.	Comments are noted, paragraph 2.13 and 2.14 will be merged to clarify that sites below the threshold may still provide affordable housing, particularly in the rural areas where there is a specific focus on delivering affordable housing.
Worcester City Council	DAHSPD18	Suggests that the last two sentences of paragraph 2.16 could be expressed in a positive way.	Comments are noted and the wording will be revised accordingly.
Worcester City Council	DAHSPD19	Suggests that the background evidence set out in Chapter 3 is not required and cross references should be provided to the District Council's evidence base instead. Suggests that updates to evidence base	Comments are noted, however, it is considered that the evidence set out within the SPD sets out valuable context to the District's local circumstances and therefore, it will be retained within the document.

Name	ID	Summary	Officer Response
		should be placed in a separate evidence base document to which the SPD can then refer.	
Worcester City Council	DAHSPD20	Para 3.19 is potentially confusing, as Policy CP04 does not set a target of 30% of the Plan's housing provision requirement should be affordable housing. CP04 is to seek 30% affordable housing on the qualifying sites (ie those above the policy threshold).	Comments are noted, however, paragraph 7.10 of the Adopted Core Strategy establishes a target of 60 affordable dwellings per annum which is approximately 30% of the overall housing target. Therefore, it is considered that the wording of paragraph 3.19 is appropriate.
Worcester City Council	DAHSPD21	Is there a relevant density policy In a DPD? - if so this could be quoted; if not is the Council relying on NPPF?	Comments are noted. A reference to policy CP05 of the Adopted Core Strategy and Design Quality Supplementary Planning Document will be included.
Worcester City Council	DAHSPD22	Para 5.6 refers to Tenure Mapping - where can the reader find this evidence?	Tenure mapping can be found on the District Council's web-site.
Worcester City Council	DAHSPD23	Table 5.0.2 - this is evidence (and it would benefit from indicating the date of the information, and the information source).	Comments are noted. The sources are set out within the footnotes on page 18.
Worcester City Council	DAHSPD24	First 2 bullet points could be expressed to indicate more strongly that generally flats and smaller scale sites are still expected to deliver affordable housing on-site, and that it is only exceptionally that off-site contributions will be appropriate.	Comments are noted however, the preceding paragraphs are clear that off-site provision is for exceptional circumstances only. The bullet points set out examples of where this may be the case.

Name	ID	Summary	Officer Response
Worcester City Council	DAHSPD25	Could also make clear that the use of the payments would be in accordance with the uses specified in the Legal Agreement (S106). This paragraph could helpfully signpost the model S106 Agreement clauses set out in Appendix B of the draft SPD.	Comments are noted. The wording will be amended accordingly and a cross-reference to Appendix B will be inserted.
Worcester City Council	DAHSPD26	Para 1.9 refers to the Planning Obligations SPD, but it would be helpful to include an additional sentence at the end of the paragraph to remind the reader that there could be other planning obligations sought in addition to that for affordable housing, and to signpost the Planning Obligations SPD.	Comments are noted. An extra sentence will be inserted to clarify this.
Worcester City Council	DAHSPD27	Considers that this section should give details of the information which the District Council will require in relation to viability.	Comments are noted however this information is set out within Appendix C to the Site Allocations and Policies Local Plan, a cross reference to this is already included within paragraph 6.1.
Worcester City Council	DAHSPD28	What is the evidence to justify the 20% limit of enabling market development?	The 20% figure is set out within paragraph 4.26 of the Site Allocations and Policies Local Plan and was fully tested at examination during early 2013 and found sound by the Planning Inspector.
Worcester City Council	DAHSPD29	<p>Further guidance on rural exceptions would be helpful</p> <ul style="list-style-type: none"> • Need to give further guidance on local occupancy ie what is meant by "current residents" , "existing family" and employment connections" (as referred to in the definition or rural exception) • Need to set out what the Council means by 	The definitions around local connection are set out within the Allocations Policy and Local Connection Policy and as these documents can be updated on a more regular basis it is not considered appropriate to include the definitions within the SPD itself. A cross reference to the Site Allocations and Policies Local Plan will be included within paragraph 5.19.

Name	ID	Summary	Officer Response
		affordable housing being available in perpetuity (as referred to in the definition of rural exception)	Perpetuity would be defined within each individual legal agreement with the developer and may vary slightly depending on the location and type of affordable housing.
Worcester City Council	DAHSPD30	The sentence "additionally, where exception sites are solely for the provision of affordable housing the policy also makes provision for some limited enabling market housing to make the development viable" is unclear. Whilst exception sites are intended solely for affordable housing, the policy allows in exceptional circumstances for the provision for some limited enabling market housing on site to make the development viable.	Comments are noted. However, policy SAL.DPL2 of the Site Allocations and Policies DPD makes provision for housing to meet an identified local need to come forward on exception sites. There may be instances where the housing is market housing to meet a specific need identified within the Local Housing Needs Survey, examples of this may be small starter homes or homes suitable for elderly people wishing to downsize. Within this context, it is considered that the sentence referred to is sufficiently clear.
Worcester City Council	DAHSPD31	Chapter 5 could usefully refer to and expand on the following a) the potential for Neighbourhood Plans to provide further policy and proposals regarding affordable housing sites. b) the opportunities from Community Right to Build to deliver affordable housing.	Comments are noted. Insert an additional sub-section within chapter 5 to draw attention to the potential for Neighbourhood Plans and Community Right to Build Orders to deliver affordable housing.
Worcester City Council	DAHSPD32	HCA grants - grants may be available if there is additionality.	Whilst it is noted that HCA grants may be available in certain circumstances on s106 this would be unlikely except on a very small number of sites and would not

Name	ID	Summary	Officer Response
			be something which the District Council would actively pursue due to the requirement of grant funded sites to be affordable rent rather than social rent.
Worcester City Council	DAHSPD33	This is evidence. Need to state the source and date of this evidence, and indicate where the evidence from any review of this data will be published.	Noted and agreed. The source will be cited within the final version of the SPD.
Worcester City Council	DAHSPD34	What is the source of these standards, could they be subject to change?	These standards are the minimum requirements for new homes in receipt of HCA grant funding. The standards have been amended in response to the Housing Standards Review and the updated standards have been included within the SPD.
Worcester City Council	DAHSPD35	<p>Is there guidance on housing mix eg</p> <ul style="list-style-type: none"> • Dwelling size, tenure, type (houses , flats), • Mix within a site <p>Will development be "tenure blind"?</p> <p>Does the Core strategy include a policy on design? - if so the SPD should signpost this policy.</p>	<p>Comments are noted. The exact dwelling mix would be agreed with developers on a case-by-case basis as it will vary depending on the need identified. Additional wording will be inserted within paragraphs 5.6-5.7 to further clarify this.</p> <p>Paragraph 8.1 is already considered to be sufficiently clear in relation to the requirement for development to be tenure blind.</p>
Churchill and Blakedown Parish Council	DAHSPD36	Churchill and Blakedown Parish Council broadly supports the policy principles behind the Draft Affordable Housing SPD.	Comments are noted and support is welcomed.

Name	ID	Summary	Officer Response
Churchill and Blakedown Parish Council	DAHSPD37	<p>Raises concern that Churchill and Blakedown Parish falls within postcode sector DY10 3 which is identified as Kidderminster within Table 3.0.2 but is rural in terms of planning policy. Suggests that waiting list figures should be separated out.</p> <p>Also raises concern that households can be included in more than one waiting list if they have no preference on location and this can distort need. Refers to the recent development of 19 affordable housing units within Blakedown and suggests that there is no more deliverable space within the Parish given its Green Belt location.</p>	<p>Unfortunately, waiting list data is not easily available at Parish or ward level, therefore, a caveat has been included within the document to state that the figures are indicative.</p> <p>The allocations system enables the applicant to identify a specific parish they wish to be rehoused in and whether they have a local connection to that parish. More people can specify wanting to live in that area but wouldn't be considered without the connection as per our Local Connection Policy. It is unlikely that all needs will have been met by the recent development but a Housing Needs Survey will be undertaken during 2014/15 to identify any new need arising.</p>
Churchill and Blakedown Parish Council	DAHSPD38	<p>Reiterates the need for an updated Housing Needs Survey to be undertaken for Churchill and Blakedown Parish to inform the emerging Neighbourhood Plan for the Parish.</p>	<p>Comments are noted. These issues will be considered as a part of the Neighbourhood Planning process. A housing needs survey is required to inform the development of neighbourhood specific planning policies.</p>
Churchill and Blakedown Parish Council	DAHSPD39	<p>Raises concern that the District's Local Letting Policy is only applied to the first letting of a new build property which does not protect locally connected people sufficiently. The Parish Council requests clarification as to how the Local Lettings Policy will be applied within the Parish.</p>	<p>The local connection policy relates to new build lets but a Local Letting Plan can be developed with the Registered Provider that would specify what happens to subsequent lets as long as it is included in s106 agreement but this can not be applied retrospectively unless the RP agrees. We would not use it where it affected the ability of Registered Providers to access funding from financial institutions.</p>

Name	ID	Summary	Officer Response
Churchill and Blakedown Parish Council	DAHSPD40	The Parish Council is concerned about the apparent trend towards previously rented housing being sold off as shared ownership as a matter of course where the property requires refurbishment following the end of a long-term tenancy. Suggests the SPD's purpose is to increase affordable housing units, yet shared ownership is complex and less attractive. Refers to the fact that not all of the new shared ownership units recently completed within the parish have been sold and suggests that any further conversion to shared ownership within the Parish should be discontinued but where it does occur the full Local Lettings Policy should apply (including the perpetuation of the local connection for subsequent shared ownership).	<p>All of the Registered Providers have disposal and conversion strategies in place and have to do so in order to access HCA funding for new build. The District Council is unable to influence these strategies as the organisations are separate entities but support disposal and conversion where funds are then invested in the provision of additional units where the design and build standard is likely to be of a higher quality. Shared ownership is a tenure the Council support and recognise the need for (around 30% of households in need require this type of tenure in Wyre Forest).</p> <p>As mentioned above conditions around disposals of existing stock can not be applied retrospectively but our Registered Providers do seek to sell where possible to households with a local connection.</p>
Churchill and Blakedown Parish Council	DAHSPD41	All future Shared Ownership leases in Churchill and Blakedown, including on any previously rented properties, should be HCA Rural Restricted Leases, so that they remain in the social housing arena in perpetuity, even when staircased to 100%. The full Local Lettings Policy should apply to Shared Ownership. If it is not possible to find suitably qualifying purchasers within a reasonable period (say 6 months as per the operation of the Local Lettings Policy), any property intended for Shared Ownership should first revert to full rental under the Local Lettings Policy, before ignoring Local Lettings Policy and selling to an unconnected person, on the grounds	<p>It has not been acceptable to the Council to use the HCA rural restricted leases without imposing some additional conditions and it is likely we would continue to do this.</p> <p>It would not be possible to move from shared ownership to rented due to restrictions imposed by funders and this being economically unviable.</p>

Name	ID	Summary	Officer Response
		that the demand for Shared Ownership in the Parish is satisfied.	
Churchill and Blakedown Parish Council	DAHSPD42	In summary, (a) Wyre Forest Local lettings Policy should be revised to ensure subsequent lets and Shared Ownership are fully included, and (b) current rural rented housing stock should be ring-fenced to meet the local need. In the absence of any more deliverable sites in our Parish for development following the Blakedown Nurseries site, any affordable housing obligation in the Parish should be commuted to off-site contributions for other areas until other identified local housing needs are satisfied.	Comments are noted. Please see feedback to the individual detailed comments.
Severn Trent Water Ltd	DAHSPD43	We will endeavour to work closely with Wyre Forest District Council to identify any water issues that may cause concern in your area. Even though the sewerage infrastructure is in place we would need to model the impact of any additional development to ensure that we prevent any future capacity issues, however at this stage we will need a degree of certainty that the development sites are going ahead before we can commit to this.	Comments are noted and support is welcomed. Severn Trent Water will continue to be consulted on development proposals.

Equality Impact Assessment- Screening

The purpose of an Equality Impact Assessment is to ensure the Council:

- does not discriminate in the way it provides services and employment
- fulfils its duties as set out by the Equality Act 2010
- where possible, it does all it can to promote equality and good relations between different groups

Name of service / policy / project being assessed	Affordable Housing Supplementary Planning Document	Is this a new or existing service / policy / project?	New
Directorate	Economic Prosperity and Place		
Officers responsible for: a) Service / policy / project b) Completing EIA	a) Rebecca Mayman b) Maria Dunn		
Date	June 2014		
What is the purpose and expected outcomes?	To provide guidance on the implementation of the District's planning policies relating to the provision of affordable housing.		
Will there be any affect on other council procedures or strategies e.g. Corporate Plan or the <u>council's workforce</u> ?	No		
Are there any statutory requirements or implications?	Yes, the SPD has been prepared in accordance with the relevant regulations set out within The Town and Country Planning (Local Planning) (England) Regulations 2012.		
Are there any other organisations / bodies involved?	A number of bodies and individuals have been consulted on the preparation and content of the SPD.		
Who are the main customer groups / stakeholders affected?	Developers, Registered Providers.		
What information / statistics / evidence are you using?	Evidence on Housing Need taken from the Worcestershire Strategic Housing Market Assessment (2012) and evidence relating to the recent delivery of affordable housing within Wyre Forest District taken from the District Council's housing completions database.		

What impact does the service / policy / project have on the nine protected characteristics as defined by the Equality Act 2010 – for definitions, please see overleaf.		
1. Age	Positive <u>Evidence:</u> The SPD helps to provide for a range of affordable housing needs.	
2. Disability	Positive <u>Evidence:</u> The SPD helps to provide for a range of affordable housing needs.	
3. Gender Reassignment	N/A	
4. Marriage and Civil Partnership	N/A	
5. Pregnancy and Maternity	N/A	
6. Race	N/A	
7. Religion or belief	N/A	
8. Sex	N/A	
9. Sexual orientation	N/A	
Other e.g. Deprivation, health inequalities, urban/rural divide, community safety.	N/A	
Conclusion Overall the SPD will help to improve access to affordable housing for all people who have established a requirement for affordable housing. The SPD will encourage the delivery of affordable housing in accordance with existing adopted planning policies and will help to ensure that the dwellings delivered meet the specific needs identified within the area's which development is located.		Is a full assessment required? NO
Signed Maria Dunn		Date 03/06/2014
Agreed		Date

A full EIA is required if the initial screening has identified the service / policy / project is going to have the potential to cause adverse impact or discriminate against different groups in the community or the council's workforce.

Prior to the Equality Act 2010, there were 3 separate public sector equality duties covering race, disability and gender. The Equality Act 2010 replaced these with a new single equality duty covering the following protected characteristics:

Protected characteristics: definitions

Age - where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Disability - a person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment - The process of transitioning from one gender to another.

Marriage and civil partnership - marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and maternity - pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race - It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief - religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism).

Sex - a man or a woman.

Sexual orientation - whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

WYRE FOREST DISTRICT COUNCIL

**Local Plans Review Panel
8th July 2014**

**Cabinet
22nd July 2014**

Affordable Housing Supplementary Planning Document – Adoption

The panel considered a report from the Senior Forward Planning Officer which informed Members of representations made in response to consultation on the Draft Affordable Housing SPD.

Recommend to Cabinet:

That the Affordable Housing SPD as set out at Appendix 1 of the report to the Local Plans Review Panel be adopted and that the Consultation Statement set out at Appendix 2 of the report be endorsed for publication.

Background Papers

Report to the Local Plans Review Panel 8th July 2014

WYRE FOREST DISTRICT COUNCIL**CABINET**
22ND July 2014**Chaddesley Corbett Neighbourhood Plan - Examiner's Report**

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	Community Well Being
CORPORATE PLAN PRIORITY:	Support you to live in clean, green and safe communities
CABINET MEMBER:	Councillor J-P Campion
RESPONSIBLE OFFICER:	Director of Economic Prosperity and Place
CONTACT OFFICER:	Maria Dunn, Ext. 2551 Maria.dunn@wyreforestdc.gov.uk
APPENDICES:	<p>Appendix 1: Chaddesley Corbett Neighbourhood Plan Examiner's Report</p> <p>Appendix 2: Chaddesley Corbett Neighbourhood Plan Decision Statement</p> <p>Appendix 3: Chaddesley Corbett Neighbourhood Plan – Referendum Version</p> <p>Appendix 4: Proposals Map</p> <p>Appendix 5: Proposals Map Inset</p> <p>Appendix 6: Consultation Statement</p> <p><i>The appendices to this report have been circulated electronically and a public inspection copy if available on request. (See front cover for details.)</i></p>

1. PURPOSE OF REPORT

- 1.1 This report provides members with an update on the Chaddesley Corbett Neighbourhood Plan. It informs members of the outcome of the independent examination and seeks endorsement of the Examiner's Report and the associated Decision Statement.

2. RECOMMENDATION

The Cabinet is asked to DECIDE that:

- 2.1 The Decision Statement which forms Appendix Two to this report is approved and that the Chaddesley Corbett Neighbourhood Plan proceeds to referendum on 11th September 2014.**

3. BACKGROUND

- 3.1 Chaddesley Corbett Parish Council were successful in their application to prepare a Neighbourhood Plan under wave five of the Government's frontrunner programme. Following this, Wyre Forest District Council designated the Parish of Chaddesley Corbett as a Neighbourhood Area for the purposes of Neighbourhood Planning on 14th September 2014. The Parish Council have worked closely with the District Council in preparing the Neighbourhood Plan. The Parish Council undertook consultation on a draft plan during January/February 2014 and the District Council made formal representations at this stage. Chaddesley Corbett Parish Council submitted their Neighbourhood Plan to the District Council in April 2014 and a six week publication period was held, closing on 27th May 2014. The District Council appointed Mr Peter Biggers to undertake an independent examination of the Neighbourhood Plan and his report was received on 18th June 2014 and forms Appendix One to this report.
- 3.2 Neighbourhood Plans must be prepared in accordance with The Neighbourhood Planning (General) Regulations 2012. Regulation 17 requires the District Council to arrange for the examination of a Neighbourhood Plan and Regulation 18 requires the District Council to publish a Decision Statement setting out how it intends to respond to the recommendations within the Examiner's Report, what modifications are required to the plan, and the area which the referendum will cover. The Decision Statement forms Appendix 2 to this Report.
- 3.3 Wyre Forest District Council was awarded a £20,000 front runner grant for the preparation of the Chaddesley Corbett Neighbourhood Plan, £15,000 of which was passed onto the Parish Council to contribute to their costs. In addition to this, the District Council received £5,000 from DCLG upon designation of the neighbourhood area and is due to receive an additional £25,000 for publication of the plan and successful completion of the examination. This funding will cover the expenditure associated with the Neighbourhood Planning process.

4. KEY ISSUES

- 4.1 The Examiner's Report makes 27 recommendations, the majority of which are required to bring the Neighbourhood Plan into accordance with the Basic Conditions. A small number of the changes are advisory and therefore are not necessary for compliance with the Basic Conditions but the Examiner feels that making them would be beneficial to the Neighbourhood Plan.

4.2 The following provides a summary of the recommendations made by the Examiner.

- The Consultation Statement could be clearer on the non-statutory consultation carried out during the early stages of plan preparation.
- The inclusion of a Proposals Map to clearly set out the Neighbourhood Plan area, site allocations, Conservation Areas and any areas where a policy seeks to protect a feature or facility.
- Changes to aid the readability of the Neighbourhood Plan and to ensure that it meets the Basic Conditions. None of the changes are considered to detract from the meaning or intent of the Plan as originally drafted.
- The policy excerpts from the District's Local Plan documents (which are included at pages 21-28 of the Publication Neighbourhood Plan) should be summarised rather than included in full.
- The inclusion of further objectives in relation to affordable housing, the needs of the elderly population and need for accessible transport. These were all identified as issues; however, the examiner did not feel that these had been fully translated into objectives.
- Clarification is required in relation to housing delivery and housing need within the Plan area. Background information has been inserted to set out information on housing delivery within the Parish during the Plan period and how this relates to the wider District housing target and its apportionment to different areas of the District. Some further data has been included from the Housing Needs Survey to provide a clearer indication of need within the Parish.
- Further background information should be inserted to provide context and justification for the business policies. The role of the policy within the context of new permitted development rights for commercial buildings should also be clarified.
- The suggestion that the Local Green Space designation could be used to protect open spaces identified within the Neighbourhood Plan and could be addressed in a subsequent review of the Neighbourhood Plan. (It is worth noting that the Local Green Space designation was considered during the drafting of the Plan but given that the Parish lies entirely within the Green Belt, it was not felt that the designation would afford those spaces any more protection than is already afforded to them under the Green Belt policies currently in place at national and local level)
- The inclusion of a policy on advertising. This would pull together text that is already set out within the Neighbourhood Plan and would not necessitate further consultation.
- The Environment Agency made representations at the Publication stage seeking some additional wording in relation to the extension of the Parish burial ground. The examiner has recommended including this wording within the site specific policy for the Former School site.

- Additional text to reflect the fact that the amended plan will be the version which is adopted.
 - A requirement to put proposals in place for monitoring the effects of the Plan.
- 4.3 All of the changes to be made to the Neighbourhood Plan in response to the recommendations set out above are included within the Decision Statement which is attached at Appendix 2 to this report. An amended Neighbourhood Plan (which incorporates all the changes), will be available at the meeting.

Next Steps

- 4.4 A referendum will be held on Thursday 11th September 2014. If over 50% of those voting vote in favour of the plan then the District Council must 'make' the plan. Once made, the Neighbourhood Plan becomes part of the statutory development plan for the District and is used as the basis for determining planning applications within the Neighbourhood Area.

5. FINANCIAL IMPLICATIONS

- 5.1 The referendum will be funded from grant funding from DCLG.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Neighbourhood Plan has been prepared in accordance with The Neighbourhood Planning (General) Regulations 2012.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 There are no equalities implications arising from this report.

8. RISK MANAGEMENT

- 8.1 N/A.

9. CONCLUSION

- 9.1 The Chaddesley Corbett Neighbourhood Plan has been prepared by Chaddesley Corbett Parish Council. The Plan has now passed an independent examination and can therefore proceed to referendum. If a simple majority of those voting vote in favour of the Plan the District Council must 'make' the Plan and use it in the determination of planning applications within the Neighbourhood Area.

10. CONSULTEES

- 10.1 Principal Solicitor.

11. BACKGROUND PAPERS

- 11.1 Chaddesley Corbett Neighbourhood Plan – Submission Version and other associated background papers

<http://www.wyreforestdc.gov.uk/cms/planning-and-buildings/planning-policy/neighbourhood-planning/chaddesley-corbett-neighbourhood-planning/chaddesley-corbett-neighbourhood-planning.aspx>

WYRE FOREST DISTRICT COUNCIL

**Local Plans Review Panel
8th July 2014**

**Cabinet
22nd July 2014**

Chaddesley Corbett Neighbourhood Plan – Examiner’s Report and Decision Statement

The Panel considered a report from the Senior Forward Planning Officer on the outcome of the independent examination of the Chaddesley Corbett Neighbourhood Plan.

Recommend to Cabinet:

That the Decision Statement which forms Appendix Two of the report to the Local Plans Review Panel is approved and that the Chaddesley Corbett Neighbourhood Plan proceeds to referendum on 11th September 2014.

Background Papers

Report to the Local Plans Review Panel 8th July 2014

WYRE FOREST DISTRICT COUNCIL

CABINET
22ND JULY 2014

Use of Compulsory Purchase Powers on land at Lower Mill Street, Kidderminster

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME	Promoting Sustainable Development
CORPORATE PLAN AIM:	Securing the Economic Prosperity of the District
CABINET MEMBER:	Councillor J-P Campion
RESPONSIBLE OFFICER:	Director of Economic Prosperity and Place
CONTACT OFFICER:	Mike Parker, Ext. 2500 mike.parker@wyreforestdc.gov.uk
APPENDICES	Appendix 1 – Plan of land subject to proposed CPO

1. PURPOSE OF REPORT

- 1.1. To seek authority for the Council to use its compulsory purchase powers to acquire land at Lower Mill Street and the surrounding area in Kidderminster town centre to enable the land to be brought forward as part of a comprehensive redevelopment of the northern edge of the Weavers' Wharf retail site by the Henderson UK Retail Warehouse Fund (HUK). The proposed development is in line with Council planning policy and has detailed planning permission (ref: 13/0670 FULL) which was granted on 25 April 2014.
- 1.2. This report outlines:
- i. the development proposals (referred to as the "Scheme");
 - ii. the extent of the interests to be compulsorily acquired (referred to as the "Order Land");
 - iii. the statutory powers under which the Council will proceed and the guidance contained in Office of the Deputy Prime Minister Circular 06/2004: "*Compulsory Purchase and the Crichel Down Rules*" (referred to as the "Circular"), which provides policy and guidance to be followed in the exercise of compulsory purchase powers;
 - iv. the public interest case for the use of compulsory purchase powers, how the "well-being test" is met, an assessment of the development in relation to the national and local planning framework, the resource implications of acquiring the Order Land and implementing the Scheme, the issue of whether there are any impediments to the Scheme proceeding and whether the development could be achieved by any other means.

2. RECOMMENDATION

Cabinet is asked to DECIDE:

- 2.1. That, subject to entering into an indemnity agreement with Henderson UK Retail Warehouse Fund in respect of the total costs associated with the compulsory purchase and acquisition of the land, that the Council makes a Compulsory Purchase Order (“CPO”) under section 226(i) (a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of the land and new rights within the areas shown edged on the attached Plan for the purpose of securing the comprehensive redevelopment of the land in accordance with Policy KCA.WG3 of the Adopted Kidderminster Central Area Action Plan Local Development Plan Document for retail purposes.**
- 2.2. That the Director of Economic Prosperity and Place in consultation with the Solicitor to the Council be authorised to:**
 - 2.2.1. Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order, including the publication and service of all notices and the presentation of the Council’s case at any Public Inquiry.**
 - 2.2.2. Acquire interests in land and new rights within the Compulsory Purchase Order either by agreement or compulsorily.**
 - 2.2.3. Approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including, where appropriate, seeking exclusion of land from the Order and/or making arrangements for relocation of occupiers.**
 - 2.2.4. Enter into an Agreement with Henderson UK Retail Warehouse Fund for the acquisition of the properties to be purchased compulsorily (a ‘back to back’ Agreement) before any CPO is made.**
- 2.3. That, subject to the above referenced indemnity agreement being entered into, the Director of Economic Prosperity and Place appoints consultants as required to act on behalf of the Council in progressing the Compulsory Purchase Order, including any negotiations for the purchase of any land.**

Cabinet is asked to RECOMMEND to Council that:

- 2.4. In the event that it becomes necessary to make a Compulsory Purchase Order that the Capital Programme be amended to include the acquisition of properties that are the subject of the order, while recognising that there will be no cost to the Council as a result of the indemnity agreement and “back-to-back” agreement as set out in recommendations 2.1 and 2.2.4 above.”**

3. BACKGROUND

- 3.1. The land to be included in the CPO comprises approximately 0.9 hectares located in the north west section of Kidderminster town centre, adjacent to the north / north east of Weavers' Wharf Retail Park. This is within the area known as the Western Gateway. The Order Land is described in paragraph 5 of this report.
- 3.2. The Council has an ambition to facilitate the redevelopment of the Order Land where a clear regeneration need exists and planning policies have been put in place to promote such development.
- 3.3. HUK shares the Council's ambition to see the redevelopment of this area. HUK owns the adjoining Weavers' Wharf Retail Park which comprises approximately 30,000 sq m (323,000 sq ft) of retail floorspace and restaurants and around 400 surface-level car parking spaces. HUK acquired Weavers' Wharf in 2007 and expanded it in 2010 with the conversion of Slingfield Mill for occupation by Debenhams.
- 3.4. The Council and HUK have been working collaboratively to deliver the regeneration benefits of the proposal, the effect of which has been to interpose HUK as leaseholders of the Crown House building to enable them to secure vacant possession and demolition of the building; for its part the Council is seeking authority to compulsorily purchase the land at Lower Mill Street to facilitate redevelopment, should it be required. Before making the CPO the Council will enter into an agreement to dispose of the land to HUK following its compulsory acquisition in order that HUK can undertake the redevelopment.
- 3.5. The Scheme proposals represent the second phase of HUK's regeneration plans and represents a significant investment in the town centre. The Scheme will better integrate Weavers' Wharf into the town centre and broaden its overall attraction by providing a new civic space for a range of uses, with complementary retail, food and beverage outlets and a large retail anchor unit of the type not currently available in the centre of Kidderminster. The Scheme is described in greater detail at paragraph 0.
- 3.6. HUK secured full detailed planning permission for the Scheme in April 2014. The next stage in the process is for the land to be assembled. HUK already owns a significant area of the land which is required for the Scheme, however, there are a number of freehold and leasehold interests owned by third parties which need to be acquired or determined for the Scheme to proceed. HUK has been in negotiations to acquire the remaining properties since 2011 and these negotiations remain ongoing.
- 3.7. HUK remains committed to acquiring the remaining interests in the Order Land by private treaty negotiation where practicable, however, in order to provide certainty the Council's compulsory purchase powers are likely to be needed to be exercised to enable the Scheme to be implemented within a reasonable timeframe. This report outlines what the Council needs to have regard to when making a CPO, with a recommendation that the Council resolves to use its compulsory purchase powers.

4. THE DEVELOPMENT PROPOSALS

- 4.1 In December 2013 the District Council received a planning application (13/0670 FULL) from HUK, the owners of Weavers' Wharf, for:

"The redevelopment of land within and adjacent to Weavers' Wharf; the demolition of Crown House and buildings between Lower Mill Street and Weavers' Wharf (excluding McDonalds); the erection of a retail store (Use Class A1), canal side restaurants and cafes (use Class A3), retail/restaurants (flexible use within Class E for A1/A3/A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure and public realm works, car parking and associated works, including bridges over the Staffordshire and Worcestershire Canal and River Stour".

- 4.2 The Planning Application was considered by the Council's Planning Committee on 8 April 2014 where it was agreed that permission be granted; and planning permission was duly granted for the redevelopment proposal on 25 April 2014.
- 4.3 The principal uses proposed are set out below.

Use	Gross External Area (square metres)
Anchor Retail Unit (Class A1) over two storeys	5,552
Three Retail / Restaurant Units (Class A1, A3 or A4) in units of 204 sq m, 284 sq m and 594 sq m with outside seating areas	1,082
Three Restaurant Units (Class A3) each extending to 319 sq m	957
New Public Square incorporating the opening up of the currently culverted River Stour	N/A
Bridge Link to enable multi-modal access over the Canal in both directions to link the Scheme with Weavers Wharf, including improvement works to the Canal towpath	N/A

5. THE ORDER LAND

- 5.1 The proposed CPO is to include all of the land edged in black on the indicative CPO Boundary Plan appended to this report. In addition to seeking powers to compulsorily acquire land, the Council is seeking powers to create new rights for the purpose of executing or facilitating the development, such as rights of access and oversailing rights for cranes.
- 5.2 The Order Land is located in the north west section of Kidderminster Town Centre, to the north / north east of the existing Weavers' Wharf Retail Park. It is bounded by Lower Mill Street, Bull Ring, Pitts Lane, Crown Lane and Blackhorse Lane. The CPO will exclude any interests already in the ownership of the Council or HUK.
- 5.3 The existing third party land uses comprise:
- Crown House
 - Retail, restaurant and cafe uses at 4 – 10 Lower Mill Street

- c. Job Centre Plus at 12 Lower Mill Street
 - d. Pizza Hut, Weavers Wharf
 - e. Airspace for bridge crossings, including footings if required, over River Stour and Staffordshire and Worcestershire Canal and generally across the whole site for craneage clearance.
- 5.4 The Order Land comprises currently developed land and is allocated in the adopted Kidderminster Central Area Action Plan (July 2013) as a town centre site which is to be transformed to form a fully integrated extension of the town centre.
- 5.5 The Order Land does not contain any statutorily listed buildings or locally listed buildings. With the exception of the canal corridor, the site is not in a Conservation Area. Conservation Area Consent is not required to implement the planning permission.
- 5.6 There are no residential properties within the Order Land.
- 5.7 The Order Land comprises the entire area required for the Scheme including areas already owned by the Council and HUK in order to ensure that any unknown ownerships are captured by the CPO and to ensure that any third party rights or covenants can be expunged, thereby giving the Council a title without the continued existence of third party interest or rights. The Order Land includes areas of public highway adjoining the main development site. This is because it is common for the title of frontage land adjoining the public highway to include the half width of the adjoining highway. Therefore the public highway has been included within the CPO boundary to ensure clean title. The intention is that any land within the highway boundary that is acquired from third parties be transferred to Worcestershire County Council as highway authority. Any land within the highway boundary that is already owned by the County Council will be excluded from the CPO and remain in the ownership of the County Council.
- 5.8 HUK has been in negotiations with all landowners since late 2011. The nature of these negotiations intensified in Summer 2013 following the grant of planning permission. HUK have been negotiating directly with Telereal Trillium who are the non-occupational subtenants of Crown House and owner occupiers of Job Centre Plus. HUK have appointed an agent, Baxter Charles Property Consultants to undertake the negotiations with the retail/restaurant and cafe property owners on Lower Mill Street. HUK have also appointed Carter Jonas LLP to assess likely compensation levels and ensure that proper process is followed in respect of the use of compulsory purchase powers and payment of compensation to affected parties. Negotiations have taken place through a combination of formal written offers, emails, telephone conversations and face to face meetings. Despite these negotiations it has not so far been possible to reach agreements with all landowners and it may not be possible to do so within a reasonable timeframe. In accordance with the guidance set out in paragraphs 24 and 25 of the Circular, negotiations will continue alongside the compulsory purchase process.
- 5.9 The Council's commitment to use its CPO powers by the passing of a CPO resolution will show the seriousness of the Council's intentions which it is intended will provide added focus to the private treaty negotiations and a means of delivering the scheme in the event that agreement cannot be reached.
- 5.10 Work to date has been undertaken to identify all of the known land interests within the Order Land. Once a resolution to use CPO powers has been made, the land title

will be formally checked by a process referred to as Land Referencing and final details of owners and occupiers will be determined by use of a statutory requisition procedure before the CPO is made in line with statutory requirements.

6. THE COUNCIL'S POWERS AND USE OF COMPULSORY PURCHASE

- 6.1 The Council has the power under Section 226(1) of the Town and Country Planning Act 1990 to acquire land compulsorily for planning purposes. The relevant tests are set out in Section 226(1)(a). First, the local authority must think that the acquisition will facilitate the development, redevelopment or improvement of the land. The Council considers that this first test will be met by the implementation of the Scheme which will facilitate the redevelopment of the area.
- 6.2 Further Section 226(1A) requires local authorities utilising the powers under Section 226(1)(a) to show that they think that the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the area. This is mirrored in the Circular which contains the guidance that acquiring authorities should follow when exercising compulsory purchase powers. The Circular confirms that any land assembly needs to be set within a clear planning framework and that the use of the powers needs to be in furtherance of the "well-being" of the area. The justification for using these powers is considered in the next section.
- 6.3 The Council's preference is that if at all reasonably practicable, all interests will be acquired through private treaty negotiation. All attempts to do this are being made and will continue to be made throughout the CPO process. The signalling of its intentions to use compulsory powers will demonstrate that the Council is committed to the proposal. With a CPO timetable, that has a clear end point, meaningful negotiations will be easier to undertake.

7. REASONS FOR THE DECISION AND THE JUSTIFICATION FOR MAKING THE PROPOSED CPO

- 7.1 The Circular provides guidance as to the factors the Secretary of State can be expected to consider when considering the confirmation of a CPO. One key test is that a CPO should only be made where there is "*a compelling case in the public interest*" and that the purposes for which the CPO is made sufficiently justify interfering with the human rights of those affected. Paragraph 17 of the Circular states that:

"A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."

This therefore not only represents National Policy but also ensures compliance with the European Convention on Human Rights.

Additionally it is necessary to show that there are no impediments to the Scheme proceeding within the relevant timeframe. Furthermore paragraph 16 of Appendix A of the Circular sets out four matters on which the Secretary of State requires to be

satisfied in order to confirm a CPO under s226 of the Act. All of these Circular tests are considered and addressed below:

7.2 Whether there is a compelling case in the public interest which justifies the use of CPO powers

- a) The Order Land largely comprises an underutilised brownfield town centre site with little architectural or heritage merit. The site is identified in adopted local planning policy as an area where retail growth should be targeted and refers to a stated ambition to transform the area from its current eclectic state of low grade urban environments and poorly defined land uses into a fully integrated section of the town centre.
- b) The Scheme accords with the adopted local planning policy framework for the area, as summarised at paragraph 7.4 below, and has the benefit of detailed planning permission.
- c) The proposed re-development will deliver a significant number of improvements for the benefit of the area, which are identified in paragraph 7.5 below.
- d) It is the Council's view that the significant public benefit which will be derived from these proposals outweighs the interference caused by the CPO with the human rights of those parties affected by the CPO. In addition the fact that there are clear proposals for the re-development of the land which have the benefit of a planning permission, taken together with the experience and the financial standing of HUK to ensure the delivery of the Scheme within a reasonable timescale further assists the Council's view that the use of the CPO powers are justified in this case.

7.3 Whether there are any impediments to implementation, including potential financial impediments, physical and legal factors

- a) The Council is content that there are no financial impediments to the Scheme proceeding for the reasons set out at paragraph 7.6. The Council is also satisfied that there are no material planning impediments to the Scheme proceeding given that there is a detailed planning permission. There are no physical impediments to the Scheme proceeding. The Council is satisfied that if the CPO is made and confirmed there is a reasonable prospect that the Scheme will proceed.

7.4 Whether the purpose for the acquisition fits with the adopted planning framework

- a) The proposed development has the benefit of a detailed planning permission. The conformity of the Scheme to national and local planning policy document was fully considered and reported in the Officer's Report to the Planning Committee of 8 April 2014. This concluded that there is clear and demonstrable planning policy support for the principle of the development, at both national and local level.
- b) The Officer's Report referred to the investment, job creation, provision of enhanced facilities, improvements to the public realm and contribution toward identified retail need which all weighed heavily in favour of the proposals which were granted planning permission.
- c) The relevant adopted local planning policy documents are the Core Strategy (December 2010) and the Kidderminster Central Area Action Plan Local Development Plan Document (KCAAP) (July 2013), supported by the ReWyre Prospectus (September 2009). The Scheme is in conformity with the strategic

framework adopted in these policy documents. The proposals will provide further development in the central area of the District's main town and will further strengthen the town centre offer and support the social and economic well-being of the town. The Scheme will also ensure that the waterways in Kidderminster are brought back in to the heart of the town through the re-opening of the River Stour that is currently culverted under Crown House and providing new units fronting the Staffordshire and Worcestershire Canal.

- d) The strategic concepts and objectives highlighted within the ReWyre Prospectus and the Core Strategy were taken forward in further detail and form a key part of the KCAAP. Within the KCAAP the Council set out its policies and plans for the Western Gateway, being an area focused on Park Lane and Weavers' Wharf, Kidderminster. Policy KCA.WG3 of the KCAAP focused on the Weavers' Wharf retail park itself, including at its north/north eastern edge, the properties in Lower Mill Street, comprising JobCentre Plus, Woolwise, the Pharmacy, Paradise Balti House, Swinton Insurance, La Brasserie, Angelina's Hair & Beauty, The Three Shires and Crown House.
- e) The Reasoned Justification (RJ) associated with the policy set out "*The ambition [is] to transform the area from its current eclectic state of retail park and low grade urban environments including bus station, Crown House and poorly defined Lower Mill street, into a fully integrated extension of the town centre to form a more traditional shopping centre*" (11.16). "*Developments will be focused around the bus station, Lower Mill Street and Crown House where links to the traditional town centre will be improved*" (11.17).
- f) The RJ goes on to describe Crown House as "*a much maligned feature of the town and there is a desire from the general public to see it removed*". (11.23) The relationship between Crown House and the Bull Ring is noted in the RJ and it is acknowledged that "*the site should be considered in the context of the wider Western Gateway and be integrated as part of a comprehensive approach to the development in this area*" (11.24), where "*any new development should retain an active frontage onto the surrounding streets and spaces*" (11.24) and "*any redevelopment of the site should be considered in this context [the relationship with the Bull Ring] and contribute to the creation of a high quality public realm*" (11.25).
- g) Policy KCA.WG3 itself sets out inter alia a mixture of retail, leisure and residential uses as being acceptable on the Weavers' Wharf site and particularly highlights that any new development on the site should:
 - "vi. *Incorporate high quality and well-connected streets and spaces within development proposals.*
 - vii. *Enhance access to the town centre via Exchange Street and Bull Ring and contribute towards links across the Staffordshire and Worcestershire Canal.*
 - viii. *Contribute towards improvements to the town centre public realm including square proposals at Town Hall Square and Bull Ring (Crown House)".*
- h) The Scheme also conforms with national planning policy as set out in the National Planning Policy Framework (NPPF) which came into effect in March 2012 and replaced nearly all of the previous national planning policy statements and guidance and the NPPG which supports it. At the heart of the NPPF is the presumption in favour of sustainable development. It supports

the positive promotion of town centres and policies for the management and growth of town centres and states that the needs for retail, leisure and other main town centre uses should be met in full and not compromised by limited site availability. The Scheme will provide new economic development in a central area of the District's main service centre which is in accordance with a number of the key principles of the NPPF.

7.5 The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area

- i) The existing site comprises underutilised brownfield land with little architectural merit. The site is identified in local planning policy as a location where new retail development should be targeted. The regeneration benefits are summarised as:
 - i. provide 7,591 sq m (gross) of new retail and leisure accommodation including a 5,552 sq m large anchor retail unit of the type not currently available in the centre of Kidderminster;
 - ii. respond to an identified need for additional retail accommodation to attract more visitors, reduce "leakage" out of the town and encourage existing shoppers to extend their "dwell time". Additional expenditure in the town will further enhance the trading vitality and viability of Kidderminster;
 - iii. integration of Weavers' Wharf into the town centre and improve linkages and circuits within the town centre;
 - iv. improvements to the public realm by the removal of Crown House, creation of a new public square and improved access and enhancements to the waterways which run through the town;
 - v. an investment of over £11 million of private sector money in the town centre during the construction phase;
 - vi. create an estimated 70 full time equivalent (FTE) direct jobs during the construction phase, plus a further 11 indirect jobs within the supply chain, and an estimated 300 FTE jobs once the development is operational;
 - vii. generate around £9.2 million of net additional gross value added (GVA) during construction and £4.5 million of net additional GVA per annum during operation;
 - viii. generate approximately £400,000 of business rate revenue per annum.

7.6 The resource implications of the Scheme for which the land is being acquired including a general indication of funding intentions

- a) The developer of the Scheme will be Henderson UK Retail Warehouse Fund (HUK), which is a Jersey Property Unit Trust Fund. HUK is managed by Henderson Real Estate Asset Management Ltd which is part of TIAA Henderson Real Estate (THRE). THRE has its headquarter at 201 Bishopsgate in the City of London and has approximately £13 billion of assets under management.
- b) THRE has significant experience in delivering major retail-led projects in recent years such as Buchanan Galleries in Glasgow, and is currently involved with over £3bn of retail-led mixed use developments both in the UK and

globally. Recently it has been actively involved on behalf of investors in the development of Westfield Stratford City, Buchanan Street in Glasgow including the currently proposed extension, St James Quarter in Edinburgh, Silver Hill in Winchester city centre and Old River Lane in Bishop's Stortford town centre.

- c) THRE has the capability and resources to fund and carry out the proposed Scheme and has a track record of delivery. HUK has a vested interest in the success of the Scheme being the owner of the existing Weavers' Wharf Retail Park which it extended in 2010.
- d) Before the CPO is made HUK will enter into a CPO Indemnity Agreement with the Council to fully underwrite the Council's costs of pursuing and implementing the CPO process and the payment of compensation to affected parties. THRE is committed to delivering a successful Scheme, one it has already invested in significantly to date.
- e) In light of the above, the Council is satisfied that there is a reasonable prospect of the Scheme proceeding within a reasonable timeframe. Given the proposed indemnity agreement between HUK and the Council both the resource implications of the land acquisitions and the delivery of the Scheme will be adequately secured as a result of THRE's financial standing and ability to fund the redevelopment proposals.

7.7 Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means

- a) The local planning policy referred to at paragraph 7.4 above specifically directs new retail development to an area referred to as the Western Gateway which the Order Land sits within. The policy also seeks the removal of Crown House which is clearly very location specific. The location of the Order Land is the only location which will enable the form of redevelopment which will achieve the Council's objectives of integration with the existing town centre and creating linkages and circuits between the existing town centre and Weavers' Wharf, whilst also delivering the regenerative benefits summarised at paragraph 7.5.
- b) The Scheme for which HUK has obtained planning permission has been subject to extensive public consultation and complies with national and local planning policy. The Order Land is currently under utilised and there is no alternative location for the Scheme. No other party has come forward with proposals that will achieve the Council's objectives.

8. HUMAN RIGHTS ACT 1998 AND EQUALITIES ACT 2010 CONSIDERATIONS

- 8.1 Circular 06/04 advises acquiring authorities in paragraph 17 that compulsory purchase orders should only be made where there is a compelling case in the public interest. The Council acknowledges that these proposals will have an effect on the human rights of those with interests in the Order Land and the purposes for which the order is made should justify the interference with human rights of those with an interest in the affected land. In this case officers have considered the relevant factors and are satisfied that the many benefits that the Scheme delivers provide a compelling case in the public interest for the use of CPO powers and outweigh the impact on existing owners and occupiers. Regard has been taken in particular to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and Articles 6 and 8.

Article 1 of the First Protocol

8.2 Article 1 of the First Protocol provides that:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties”

8.3 The Order will affect the Article 1 rights of the present owner/occupiers if confirmed by the Secretary of State. However, there will be no violation of those rights as officers are content that there is a compelling case in the public interest and it is lawful as required by Article 1 of the First Protocol. Those directly affected by the Order will be entitled to compensation as provided by law, such compensation to be settled in the absence of agreement by the impartial Upper Tribunal.

Article 8

8.4 **Article 8** of the Convention provides as follows:

“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the Country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others”.

8.5 Article 8 is a qualified right and interference can be justified in appropriate cases by reference to Article 8(2).

8.6 The Order will be made pursuant to s226 (1) a of the Town and County Planning Act which authorises the Council to acquire land compulsorily subject to following the procedures laid down in the Acquisition of Land Act 1981. There is a compelling case in the public interest to acquire the Order Land and the public benefit will outweigh the private loss. In the circumstances, the compulsory acquisition of the Order Land will not conflict with Article 8 of the Convention.

Article 6

8.7 Article 6 provides that:

“In the determination of his civil rights and obligations..... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”

- 8.8 The Order when made will be publicised and all those affected by the Order will be notified and have the opportunity to make objections and to be heard at a public inquiry before a decision is made on whether or not the Order should be confirmed. A right of legal challenge exists to this process in accordance with section 23 of the Acquisition of Land Act 1981. Any dispute as to compensation payable falls to be determined by the Upper Tribunal, a court established by law.

Application of Human Rights to the Order

- 8.9 In pursuing this Order officers of the Council have carefully considered the balance to be struck between individual rights and the wider public interest.
- 8.10 To the extent that the Order would affect those individual rights, officers recommend that the Council finds that the proposed interference with them would be in accordance with the law, proportionate and necessary in the public interest in order to secure the redevelopment of the Order Land and improvements and benefits that the Scheme will bring.
- 8.11 All of those whose Article 1, Article 6 and Article 8 rights would be affected by the Order will have an opportunity to object to it and to have their objection considered at an independent and public hearing. Statutory judicial challenge provisions also exist.
- 8.12 Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the compensation code and any disputes over compensation are determined by an impartial tribunal established by law.

Equality Act Considerations

- 8.13 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender re-assignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers. In particular the Council must pay due regard to the need to:
- i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.14 The Council considers that the Scheme is fully compliant with the Equality Act. The Order required to facilitate the Scheme is not anticipated to have any additional effects. The Council will undertake an Equality Impact Assessment before making the CPO.

9. PROPOSALS

- 9.1 As part of the collaborative relationship the District Council has with HUK it is proposed that the Council agrees the use of compulsory purchase powers to acquire

the land interests in Lower Mill Street if negotiations between HUK and the landowners do not progress satisfactorily. In order to make such progress, the Council will need to enter into further indemnity agreement(s) with HUK to enable initially the Notice to Treat to progress and, ultimately, the ownerships to be acquired without any costs to the Council in either obtaining external assistance and advice in preparing and making the CPO, including any inquiry costs should one be held, or in actually acquiring and holding the land interests until they pass to HUK.

10. FINANCIAL IMPLICATIONS

- 10.1 Before proceeding, the Council will be fully indemnified against the CPO value and any costs as a result.
- 10.2 Despite the full indemnification of all costs, if the CPO is made, this expenditure will still be classed as the Council's capital expenditure for accounting purposes. Accordingly, revision to the Capital programme to include the associated expenditure and matching funding will be required.
- 10.3 It is envisaged that significant VAT implications of the land and property transaction will be mitigated by careful tax management (exercising an option to tax) to protect the Council's overall VAT recovery position. It is highly likely that this will be the developer's expectation.

11. LEGAL AND POLICY IMPLICATIONS

- 11.1 The Town & Country Planning Act 1990 (s226) is the legislative background which enables the Council to use compulsory purchase powers to acquire land, as long as it is satisfied that the pre-requisites of the legislation are met in so doing.

12. RISK MANAGEMENT

- 12.1 The presence of the indemnity agreement proposed will ensure that the Council is protected from any risks associated with this proposal to compulsorily purchase the land interests identified.

13. CONCLUSION

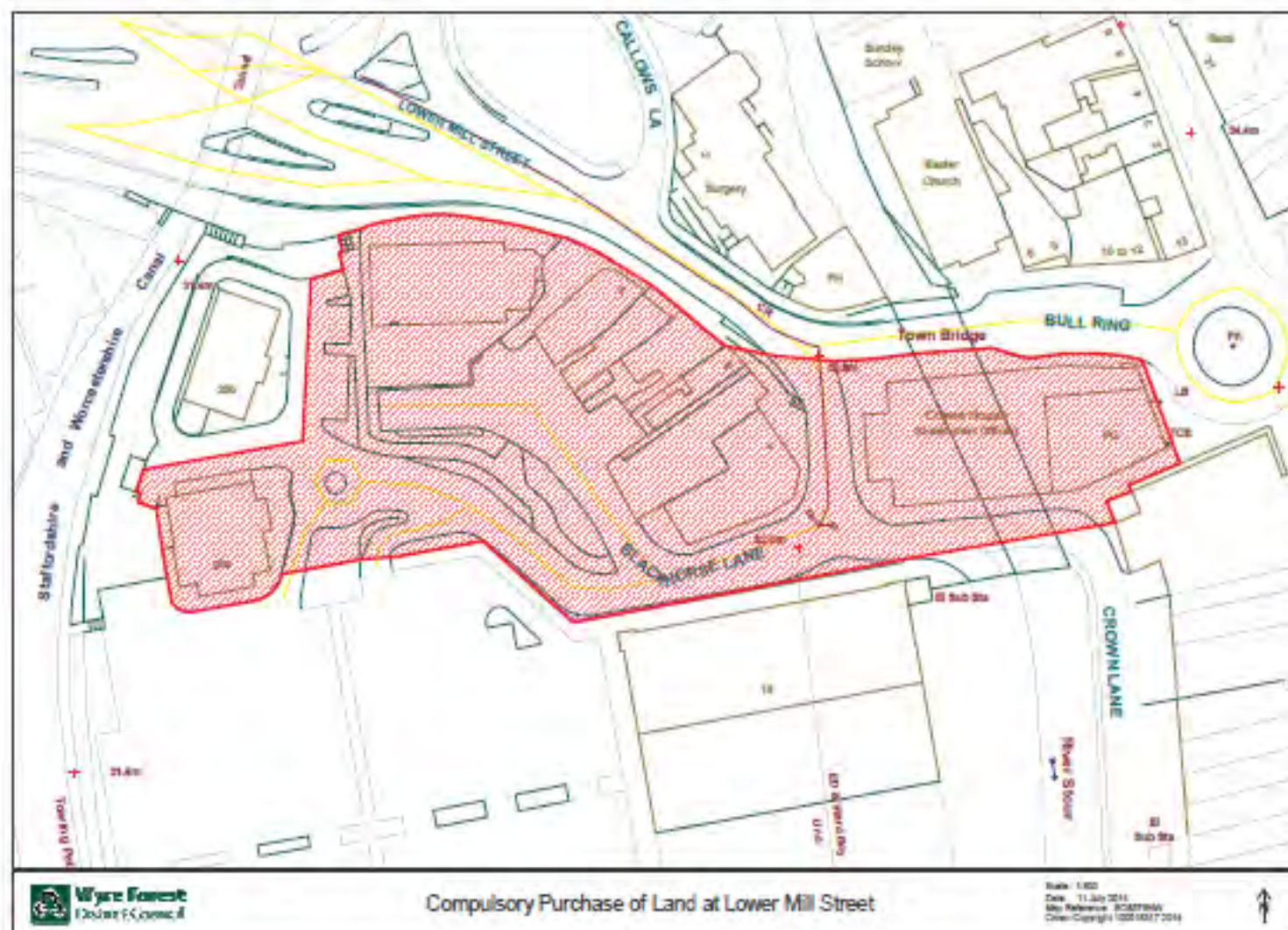
- 13.1 The Council has been working collaboratively with HUK to realise their mutual interests in achieving the comprehensive redevelopment of the northern edge of Weavers' Wharf to improve the gateway into Kidderminster town centre and better link Weavers' wharf to the traditional heart of the town. The pursuance of the Council's compulsory purchase powers is necessary to complete the acquisition of the land interests in Lower Mill Street. The Council is able to justify the use of CPO and meet the legislative and guidance tests for doing so.

14. CONSULTEES

- 14.1 Corporate Leadership Team.

15. BACKGROUND PAPERS

- 15.1 Kidderminster Central Area Action Plan DPD Adopted July 2013
- 15.2 Planning Application Ref 13/0670FULL



WYRE FOREST DISTRICT COUNCIL

**Cabinet
22nd July 2014**

**Overview and Scrutiny Committee
3rd July 2014**

Climate Change Update

The Committee considered a report from the Principal Health and Sustainability Officer on the updated Wyre Forest Climate Change Strategy and the associated action plan for 2014/15.

Recommend to Cabinet:

That the Climate Change Strategy and Action Plan 2014-15 as set out at Appendix 1 of the report to the Overview and Scrutiny Committee be approved.

Background papers:

Report to the Overview and Scrutiny Committee 3rd July 2014

<http://www.wyreforest.gov.uk/council/meetings/com193.htm#mt7333>