

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

25 February 2008

**Joint Report of the Director of Planning, Transport and Leisure
and Director of Health and Housing**

Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken
by the Cabinet Member)**

**1 AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT (SPD)
RESPONSE TO INITIAL CONSULTATION**

Summary

The draft Affordable Housing SPD has been subject to informal consultation. A number of generally constructive responses have been received and some suggested changes to the document are now recommended before it is published for formal consultation.

1.1 Introduction

1.1.1 The purpose of the SPD is to amplify the Council's affordable housing policy in Core Policy CP 17 and Rural Exception Site Policy (CP19). Its aim is to provide developers with more detail on what the Council will expect to secure in terms of affordable housing in new residential developments.

1.1.2 At the meeting in October 2007 a draft of this document was approved for the purposes of initial targeted consultation. It is the purpose of this report to set out the response to that consultation and, where appropriate, to recommend changes to the document before it is subject to formal consultation under Regulation 17 of the Local Development Framework Regulations.

1.2 Response to consultation

1.2.1 In line with the Council's adopted Statement of Community Involvement, the draft document was subject to targeted consultation over a period of 6 weeks starting on 6 November 2007. The consultation included the Housing Corporation, GOSE, SEERA, KCC, all neighbouring Council's, Parish Council's in the Borough, the HBF, CPRE and numerous other conservation, amenity and community groups, business organisations, Registered Social Landlords (RSLs) and selected developers and consultants. A general Press Release was also issued. In the event 14 responses were received and the majority of these included important

and, generally constructive, comments. The representations are summarised under **Annex 1** together with our recommended response.

1.2.2 In summary the response to consultation raised the following main issues:

- The basis of the guidance on size and type of affordable housing should be transparent and informed by the Housing Market and Needs Assessment Study (HMNAS) and should distinguish between flats and houses. It should also take account of the existing social mix in the locality.
- The need for affordable housing needs to be considered alongside other development contributions. It would have been better to prepare a comprehensive document dealing with Development Contributions in the round.
- The target and mix should be expressed in terms of rooms or bedspaces rather than dwellings.
- The need for supported housing should be quantified and prioritised and the requirement should only apply to larger developments.
- The requirement for off-site provision and the Council's preferred approach should be absolutely clear and not be unreasonable. The relative timing of off-site provision should be specified.
- There were some questions about clarity of purpose of the document, in particular, whether it also applies to Policy CP19 (which it does). There was some concern about its length and complexity and whether in some places it duplicated the Core Strategy. There were questions about the relative status of the Annexes compared to the main document.
- General concern about impact on development viability particularly in the absence of grant and about the process and criteria to be taken into account. Viability assessments should be collaborative, binding and paid for by the developer.
- Concerns about the issue of pepper-potting and whether the specified maximum size of dwelling clusters was too high or too low.
- Concerns about the level of service charges and whether it is right to seek to control them.
- Some concern was expressed about seeking to specify a preferred list of RSLs.
- There was concern about the length of lease specified at a minimum of 999 years.

- There was concern about the detailed wording of the model condition and Section 106 Agreement and about some of the definitions in Annex 1.
- Differing views were expressed about the level of car parking provision on affordable housing schemes.
- Concern about specifying design requirements.

In addition there were some comments on the Council's affordable housing policy generally that related more to the Core Strategy and were not relevant to the SPD.

1.3 Proposed Changes to the SPD

1.3.1 In the light of the response to consultation **Annex 1** identifies a number of places in the SPD where a change could usefully be made in order to clarify the meaning of the document and respond to some of the suggestions made. Accompanying this agenda Members will find a completely revised draft of the SPD with the main areas of change highlighted in grey. The main changes are as follows:

- Clarification that SPD supports Core Policy CP19 (relating to Rural Exception Sites) as well as the main affordable housing Policy (CP17)(para 1.1.2);
- Some refinement of the SPD objectives (para 1.1.3);
- Clarification that any independent assessment of the viability of a development would be undertaken collaboratively with the developer (paras 1.3.3 and 6.2.7);
- Clarification as to why there is no overall target for affordable housing provision. Our aim is to get 40% on all eligible sites with a view to getting the highest possible supply to contribute towards meeting the overall requirement (para 1.4.5);
- To add those with learning disabilities to the list of those requiring supported housing (para 3.3.1);
- To indicate that all affordable dwellings should be designed to Lifetime standards (para 3.6.2)and at least 10% to be wheelchair accessible (Para 3.7.1);
- Clarification of site suitability (paras 4.1.1 and 4.1.2);
- To remove the specific reference to the sizes of clusters in new developments (para 5.1.2);
- Inclusion of a reference to the cascade mechanism (para 6.2.5);

- Inclusion of examples of abnormal site costs (para 6.2.10)
- Clarification of grant arrangements (Para 6.2.14)
- Revision to the estate management charge limit from 30% to 10% of base housing costs (para 8.1.7);
- Inclusion of a timescale requirement for off-site provision (para 9.1.5);
- Some refinement and additions to the definitions under Annex A;
- Some clarification of the reasons for the Indicative Affordable Housing Mix under Annex C;
- Some amendments and clarification of Space Standards under Annex I;
- Clarification that the typical Planning Condition (Annex K) and draft Section 106 Agreement (Annex L) are only the starting points for negotiation.

Overall it is considered that these amendments will help the interpretation and usefulness of the document.

1.4 The next Stage

- 1.4.1 As explained in my report to the Board in October last year when preparing SPDs authorities are encouraged to undertake such early consultations they consider appropriate before the SPD is formally published for public comment. Because of the technical nature of this particular document our recommendation was that it would be sensible to consult stakeholders on a full draft of the document and that is what has been done.
- 1.4.2 The next stage of the process is now to formally consult under Regulation 17 on the document as revised. At this next stage there will be a statutory press notice and the document will be available for inspection at the Council offices, in local libraries and on the Website. A press release will be issued. All those who were previously consulted will be notified and those who actually made comments, together with certain other specified bodies, will be sent a copy of the revised document together with the schedule indicating how their comments have been dealt with. There is a statutory 6 week period for comment.
- 1.4.3 A draft Sustainability Appraisal was reported to your last Committee. Initial evaluation of the changes to the document does not indicate that there is any need to revise the draft Sustainability Appraisal. It will therefore now become the Final Appraisal that will accompany the SPD when it is published for public comment.
- 1.4.4 The intention will then be to report back to the next meeting of the Board with any further representations. If necessary, the document can then be revised again

before being reported to Policy Overview Committee which will be invited to recommend it to Cabinet and thence to Council for adoption as part of the Council's Policy Framework.

1.5 Legal Implications

- 1.5.1 The Council is committed to producing an Affordable Housing SPD in the 2007 Local Development Scheme. This SPD will provide guidance on the legal instruments that can be used to secure affordable housing through the planning system.

1.6 Financial and Value for Money Considerations

- 1.6.1 This SPD will provide important information to secure the amount and type of affordable housing that is needed in the Borough and represents good value for money in streamlining the process of promoting and pursuing one of the Council's key objectives.

1.7 Risk Assessment

- 1.7.1 The main risk is that without this SPD what the Council will expect to secure in terms of affordable housing in new residential development cannot be so clearly set out and defined. Consequently, the amount of affordable housing delivered may be less than with this SPD formally in place to supplement the Council's planning policy.
- 1.7.2 There is an inherent risk the full policy expectation of affordable housing on individual sites will not be achieved due to other planning considerations including viability. The role of the SPD, however, should assist in clarifying the approach to affordable housing so that it can be taken fully into account in the early stages of the development process.

1.8 Policy Considerations

- 1.8.1 By definition, this document takes forward and amplifies two of the Council's main Core Policies in its adopted Core Strategy.

1.9 Recommendation

- 1.9.1 That the Affordable Housing SPD, as amended, be formally advertised for public comment under Regulation 17 of the Town and County Planning (Local Development) (England) Regulations 2004.

The Director of Planning, Transport and Leisure and Director of Health and Housing confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:
Responses to consultation

contact: Brian Gates
Lawrence Dey

Steve Humphrey
Director of Planning Transport and Leisure

John Batty
Director of Health and Housing