

Affordable Housing SPD - Response to formal consultation

Respondent	Representation	Response
English Nature	Support the proposal in para 5.1.4 indicates that “ <i>schemes should enhance biodiversity through the use and design of appropriate landscaping</i> ”. They draw attention to English nature’s Accessible Greenspace Standards and recommend that the following words should be added to the sentence “...and how they will contribute to green infrastructure provision in the local area”.	It would not be appropriate to add these words as there is as yet no higher level Policy context in the LDF relating to the provision of “green infrastructure”. This is a matter being taken forward in the Managing Development and the Environment DPD.
Highways Agency	The issue of car parking has not been discussed. The Agency will require all new housing to provide car parking in accordance with the maximum guidelines in PPG13 and SPG4.	Para 8.1.8 indicates that parking for affordable housing will be provided to the same standards as for the market housing. Core Policy CP2 deals generally with the transport impacts of development. Car parking for residential development will be made in line with PPS3 having regard to SPG4.
	A full Transport Assessment including a Travel Plan should be required for any development that may impact on the Trunk Road network. The emphasis should be on reducing the need to travel.	Core Policy CP2 deal with the transport impacts of development.
SEERA	SEERA has no substantive comments to make	Noted
Sevenoaks District Council	No	Noted

	comments	
Aylesford Parish Council	Welcome changes to earlier draft. The revisions should help create more balanced communities.	Noted
Maidstone Weald PCT	The PCT would recommend Health Impact Assessment for any larger housing developments.	Noted. This is a matter that would apply to all housing and not just affordable housing developments.
Homebuilders Federation	Para 1.3.3 Whilst the HBF welcome this section they require clarification as to whom will be liable to pay for the financial analysis, or is the assumption that the cost will be shared equally with the developer.	The Borough Council currently absorbs this cost but this matter will be kept under review.
	Para 1.4.5 Whilst HBF welcome the redrafted para, the SPD should recognise that there may be circumstances where the Council will wish to prioritise the supply of affordable housing over and above	The Council will normally expect to give priority to the provision of affordable housing over other Section 106 requirements other than those

	<p>other Section 106 contributions.</p>	<p>necessary to ensure the developability of the site (eg access, etc). Reference to this fact has now been included in para 1.4.5.</p>
	<p>Para 3.1.2 PPS3 makes it clear that the proportions of housing size and tenure must be based on a Strategic Housing Market Assessment (SHMA). Such a study has not informed either the Core Strategy or the SPD. Once such a study has been completed both the Core Strategy and the SPD may need to altered accordingly.</p>	<p>The SPD is supplementary to Core Policy CP17 that was prepared prior to the requirement to undertake a SHMA. A SHMA is currently in the course of preparation jointly with Sevenoaks District Council and Tunbridge Wells Borough Council. One of the benefits of the Annexes being separate from the SPD is that the information on housing mix in Annex C will be able to be reviewed and updated once the results of the SHMA are available.</p> <p>Para 6.3.30 of the Core Strategy makes it clear that if justified by future studies the level of affordable housing may be reduced downwards through the preparation of a SPD (ie a less onerous requirement) . However, the level of affordable housing would only be increased through the preparation of a full statutory DPD. A new paragraph 3.1.3 has been included to explain the status of the SHMA and how its findings might be taken into account in the SPD.</p>
	<p>Para 3.2.2 There is a fundamental tension between the polices of urban containment and the desire to maximise the supply of family-sized affordable homes built to the minimum sizes and environmental standards set out in Section 5. These latter objectives can only</p>	<p>There is no shortage of available developable land for housing in Tonbridge and Malling Borough. The achievement of space standards is a matter of detailed design on those sites that are allocated or</p>

	realistically be achieved if the Council increases the supply of developable land. If it does not then it may secure well designed, spacious and environmentally friendly homes but fewer of them which will make the supply of affordable housing worse.	have permission for development.
	Para 3.6.2 The requirement to build affordable homes to the Lifetime Homes standard is not mandatory and therefore cannot be enforced. It is not a requirement of the Core Strategy. The requirement should therefore be deleted. Developers will nevertheless endeavour to build a proportion of affordable homes to this standard where feasible.	The word “seeking” is used, so it is not actually a “requirement”. However, the SPD is in-line with emerging government policy where social housing will be 100% Lifetime Homes Standard by 2011 – see CLGs report “ <i>Lifetime Homes, Lifetime Neighbourhoods: A National Strategy for Housing in an Ageing Society</i> ”.
	Para 3.7.1 The most user-friendly housing for wheelchair users and the elderly is the bungalow which is now actively discouraged by planning policy. Instead the elderly are accommodated at high density in flats which need to be serviced by lifts, the maintenance cost of which makes them less affordable.	There is no such planning policy in operation actively discouraging the building of bungalows. The issue of service charges is addressed by the amended reference to 10% service charge maximums. The SPD promotes Lifetime Homes and wheelchair accessible housing where there is an identified need whether this be bungalows or flats.
	Para 3.8.1 The concept of Key Workers is socially divisive. The failure to provide for all groups whatever the nature of their employment is a threat to social inclusion and the achievement of mixed neighbourhoods. The most equitable solution is to increase the supply of deliverable land and not to ration housing to certain groups. Any policy giving priority to Key Workers should be dropped from the SPD.	The concept of Key Workers is government policy which the SPD reflects but it goes further by including reference to “ <i>essential workers</i> ” which is a much wider definition (see Annex A).

	<p>Para 4.1.1 The words “site viability” should be changed to “site suitability” in line with the meaning in PPS3 (and associated practice guidance)</p>	<p>Paragraph 4.1.1 is specifically about site suitability for affordable housing and not about site suitability for housing generally which is what PPS3 is referring to. One aspect of a site’s suitability for affordable housing is the viability of development having regard to the sorts of issues set out in para 6.2.7 et seq.</p>
	<p>The words “<i>the need for development to be attractive to lenders of private finance</i>” require clarification.</p>	<p>These words have been deleted in order to aid clarification</p>
	<p>Para 4.1.2 Whilst welcoming the recognition of development viability in this paragraph it is considered to be slightly mischievous in that the need for essential infrastructure is not a pre-requisite for the delivery of affordable housing and may be all that the developer can afford, at least in the early phases of development and the percentage of affordable housing may have to be lower than the target of 40%. The provision of such essential infrastructure may be an important community benefit in its own right which means that in some circumstances the provision of affordable housing may not always be the most important priority. This should be made clear in the paragraph.</p>	<p>This paragraph merely recognises the fact that in some cases no development at all will be possible without the provision of essential infrastructure. Clearly this will need to take precedence over the provision of affordable housing; otherwise no housing at all will be delivered. The issue is how much affordable housing is it reasonable to expect under such circumstances. The fact that the provision of the essential infrastructure may have wider benefits is irrelevant to the level of affordable housing to be provided.</p>
	<p>Para 4.2.9 In selecting rural sites it will be necessary to involve not just Parish Councils but other stakeholders including housebuilders.</p>	<p>The paragraph refers to “a shortlist of sites being drawn up from Borough Council resources and</p>

	<p>The appropriate mechanism for identifying and assessing suitable housing sites is a Strategic Housing Land Availability Assessment (SHLAA).</p>	<p>local knowledge”. This would include the results of a SHLAA once undertaken. However, it should be noted that, by definition, Exception Sites are sites that would not normally be considered suitable for housing. Furthermore, they are normally exclusively developed by RSLs without the involvement of housebuilders.</p>
	<p>Para 5.1.2 In accordance with PPS3 the LPA cannot determine the size, type and tenure of the market element of homes. Housebuilders are best placed to respond to market demand in specific areas. This should be made explicit in the text.</p>	<p>Para 21 of PPS3 says that Local Planning Authorities should plan for a mix of housing on the basis of the different types of households that are likely to require housing over the plan period. It does not limit this statement to affordable housing. It also says that planning authorities should set out the likely profile of household types requiring market housing, but is accepted that it is only for affordable housing that the size and type can be specified.</p> <p>The paragraph does not actually say that the Council will determine the mix of market housing, merely that there should be a mix taking account of location and site characteristics. A sentence has been added to make it clear that the type and size of affordable housing should have regard to the advice in the SPD.</p>
	<p>Para 5.1.8 The Council cannot insist that housebuilders exceed the standards set in relation to dwelling size by the Housing Quality Indicators. To exceed these standards could jeopardise viability and</p>	<p>The wording of this paragraph has been changed to make it clear that the Council will be seeking to achieve higher standards subject to viability which</p>

	consequently the supply of homes. This requirement should be deleted.	would need to be demonstrated.
	The statement “ <i>units designed around minimum standards are considered unsustainable and can lead to estate management difficulties</i> ” is unclear.	The sentence has been clarified by the addition of an example of why such units are less sustainable (lack of storage/bed space for new forming households).
	Para 6.2.6 The HBF note that in the absence of Housing Corporation funding (or other public subsidy) the Council will consider “ <i>other arrangements</i> ”. The HBF would welcome clarification of what these alternative arrangements could be. Does it mean a reduction in the percentage requirement, for example?	This section of para 6.2.6 needs to be read in conjunction with para 6.2.5, the final sentence of which states “developers should clearly demonstrate through a cascading process how the addition of grant would allow the Council’s objectives to be met in full”. Thus the emphasis on outlining alternative arrangements is on the developer, not the Council.
	Para 6.2.8 it should be acknowledged in the SPD that in some circumstances even “ <i>normal</i> ” brownfield site remediation costs may be of such magnitude that this will impact on the viability of delivering affordable housing.	An “open-book” viability assessment will demonstrate whether this is the case.
	Para 8.1.7 The HBF Strongly object to any attempt to cap service charges at no more than 10% of the rent. To require housebuilders to absorb these costs is unreasonable. Such a requirement goes well beyond the bounds of land use planning and should be a matter for negotiation between the housebuilder and the RSL. The requirement should be deleted from the SPD.	The sentence has been amended to make it clear that the Council would not <u>normally</u> expect service charges to exceed 10% of the base housing cost.

<p>Showmens' Guild of Great Britain</p>	<p>Generally welcome the document and find most of its content clear. They are, however, concerned that there is no reference to the affordable housing needs of Gypsies, Travellers or Travelling Showpeople.</p>	<p>The needs of Gypsies and Travellers is being dealt with separately and does not form part of the 40 % affordable housing requirement. Core Policy CP20 establishes the strategic planning policy for Gypsies and Travellers. The need for additional pitches is being established through a partial review of the South East Plan. The Council will bring forward proposals as necessary depending on the level of identified need.</p>
<p>The London Green Belt Council</p>	<p>No comment on the document as such, but would express the hope that the Rural Exception Site policy will be strictly applied in the Green Belt.</p>	<p>Noted</p>
<p>Town and Country Housing</p>	<p>Believe the SPD to very clear and precise. It is a great improvement on SPDs they see in other authorities.</p>	<p>Noted</p>
	<p>We believe the Council's aims have always been strong and clear. Delighted to be working in the area. The Council clearly believe in the provision of affordable homes, not just in terms of numbers but also in terms of the quality of product with a focus on actual housing need.</p>	<p>Noted</p>
	<p>The overall process already works well. It is difficult to set out a clear process for the delivery of affordable housing but this SPD is a good</p>	<p>Noted</p>

	as has been seen. Developers should be able to understand its meanings and requirements.	
	The definitions are clear	Noted
	Pleased that the focus on family housing remains and the sizes quoted in Annex C are ones which the RSL can deliver and comply with.	Noted
	The level and nature of guidance on supported housing, sheltered housing, extra care housing, lifetime homes, wheelchair-user housing and housing for key and essential workers is very useful, though they may go further than actually required, but this can be a good thing for developers unsure about the standards and requirements of the Borough.	Noted
	The policy on qualifying sites reads very well and gives clear instruction on what sites will attract affordable housing	Noted
	The guidance on Rural Exception Sites provides clear guidance to vendors.	Noted
	The funding issue overall is very confusing but the approach taken in the SPD is sensible. The RSL agrees that the start point should be that absolutely no funding is available in any Section 106 schemes whatsoever.	Noted. This is made clear in Paras 6.2.2 & 6.2.7

	The model Section 106 is a very good starting point for negotiations	Noted
	As an affordable housing provider we believe that off-site provision should be produced as a worse-case scenario and in exceptional circumstances only. The SPD is as good as they have seen on this subject.	Noted.
Hyde Housing	Generally support the aims of the SPD and believe that in most cases the targets are deliverable.	Noted
	In terms of design and quality the RSL is obviously subject to Housing Corporation Design and Quality Standards 2007 for all new grant funded schemes and these will be carried over into any non-grant funded schemes where it is intended to use IMS as the recording database for such schemes.	Noted
	Hyde Housing support the inclusion of wheel-chair units but would ask the Council to exercise flexibility with regard to thresholds (number of units before the 10% requirement applies) and costs/grant.	Para 3.7.1 already provides sufficient flexibility but the word “ <i>expects</i> ” has been changed to “ <i>will seek</i> ”
	Wherever possible Hyde Housing expects to exceed HQIs and exceed Building for Life criteria but clearly with Section 106 schemes they would not wish to be tied to exceeding Housing Corporation	The wording of this section has been changed to make it clear that the Council is seeking to exceed these standards subject to viability.

	minimum standards.	
	In terms of costs Hyde Housing would like the SPD to include more of an explanation for developers to enable them to price sites.	The SPD follows the funding objectives of government, as set out by its agency the Housing Corporation, which has endorsed the approach being taken.
	Hyde Housing support the use of Economic Appraisal Toolkit (EAT) in order to demonstrate viability fro Section 106 sites, but sites purchased from the open market cannot be subject to these same constraints.	Noted
	It should be borne in mind that the Housing Corporation's drive for larger homes means higher costs and higher grant figures. They would therefore ask that grant is assessed on a per person basis rather per unit averages.	Whilst it is recognised that this approach is used in very high density areas such as London, it is not considered appropriate to adopt this method in a predominantly rural borough such as Tonbridge & Malling.
	Hyde Housing support the provision of supported housing especially if this can be made to work across boundary.	Noted
	Support the use of Local Lettings Plans to ensure continuing sustainability of schemes and reduce child densities.	Noted

Southern Housing Group	Maintain the view that Section 6 and in particular the process of justifying grant is incompatible with efficient land buying and delivery of housing.	The SPD follows the funding objectives of government, as set out by its agency the Housing Corporation.
	Southern Housing does not agree that it is Government policy to adopt the nil grant approach, given that 50% of the Housing Corporation's programme goes towards funding quota sites.	The Housing Corporations policy to keep grant to a minimum is described in para 6.2.1. In keeping with this, the SPD promotes a nil grant approach to help ensure "additionality" (see para 6.2.2).
	The use of cascade mechanisms in Section 106 agreements has also been promoted by research undertaken by English partnerships.	Noted
Moat Housing	<p>Moats supports the SPD, in particular:</p> <ul style="list-style-type: none"> • The tenure-blind approach to affordable housing on Section 106 sites; • The reference to high quality design; • The provision of special needs housing on very large sites; • The provision of rural housing on Exception Sites • The 40% target; • The principle of Lifetime Homes fro all housing, not just affordable; • The statements on car parking and service charges • The Council's definition of what is affordable for shared ownership. 	Noted
	The name and address for Moat in Annex F needs to be updated.	The name and address has been updated

Challenger Text Ltd	The purpose of the SPD is reasonably clear	Noted
	<p>The aims are generally clear but the following amendments are suggested:</p> <p>Revise the first aim to read:</p> <p>To secure provision of an appropriate amount and mix of tenures to meet housing need <u>and promote housing choice</u></p>	This SPD is about meeting affordable housing need. There is no choice in this respect so this change should not be made.
	<p>Delete the sixth aim and replace with:</p> <p><u>To create sustainable mixed communities in all areas, both urban and rural</u></p>	This change has been made.
	<p>Para 1.3.2 The approach to delivery of affordable housing is reasonably clear , but the last sentence in the paragraph (<i>Based on the most up to date information, the tenure type and size of unit needed in that area and on the site in question will be identified by Council officers.</i>) should be deleted. The tenure type and size should be set down in Council policy. There is a need for the applicant to know that information in advance.</p>	The distinction between the two parts of the document is important because it is designed to enable the Annexes to be regularly updated without the need for the full statutory process of SPD production to be followed. All of the policy content is in the first part of the document. The Annexes are there to amplify and inform the application of policy and contain information that needs to be updated on a regular basis. The figures in the Annexes form the start point for negotiations.

	<p>Para 1.4.5 revise the final sentence as follows:</p> <p>By this means the Council will seek to achieve the highest possible supply of affordable housing towards meeting the identified requirement, <u>subject to the target set in Policy CP17 of the Core Strategy and the viability of the scheme in the round</u></p>	<p>This proposed change is not necessary. The issue of viability is addressed by the cross-reference to para 6.3.26 of the Core Strategy. The highest possible supply in respect of any individual site will be 40% of the dwellings in line with Core Policy CP17. That is already made clear in the paragraph.</p>
	<p>Para 2.1.5 CTL support the definition of Affordable Housing as set out in Annex A which is similar to that in PPS3, but suggest that para 2.1.5 does not make it clear whether student housing would be required to make a contribution towards affordable housing provision given that the Council does not regard it to be affordable housing. Para 2.1.6 implies that there would not be such a requirement though it is not explicit. There should be a clear statement after Para 4.1.3.</p>	<p>The Borough Council sees no distinction between proposals for open market sheltered accommodation, student accommodation, and any other open market housing in terms of applying its affordable housing policies.</p> <p>In order to clarify things changes have been made to para 4.1.3 to make it consistent to para 2.1.5. There is a new heading for 4.1.3, and student housing is now included within 4.1.3.</p>
	<p>There are other forms of specialist housing which the Council appears to regard as affordable housing (eg extra care housing, etc). A statement should be included to make it absolutely clear which housing tenures the Council considers to be affordable.</p>	<p>It is agreed that there is a need to clarify that the SPD is dealing with “affordable” schemes in relation to definitions such as Extra Care Housing. Various amendments have been made to clarify this point in Sections 3.4 and 3.5.</p>
	<p>Although housing need is one factor to take into account when assessing the appropriate size and type of affordable housing to be provided there are other considerations that need to be taken into account. These include the need to create mixed communities with a variety of housing types and sizes and the need for family</p>	<p>This is addressed in paras 1.4.1, 3.1.1, 5.1.2, and 9.1.1.</p>

	accommodation. This should be made clear in the SPD.	
	With regard to the Medway Gap area the SPD appears to have ignored the findings of the HMNAS which points towards a need for smaller units to meet local needs.	Annex C describes the reasoning behind the re-weighting of the HMNAS data.
	Para 3.3.1 indicates that three key groups have been identified as a priority for new supported housing provision. Mental health and Young people are mentioned. What is the third group?	Para 3.3.1 has been amended to clearly identify the three groups being discussed.
	Any specialist provision should be within and not in addition to the housing percentage and should cost no more than the standard affordable housing.	Agree with comments an amendment has been made to para 3.3.1 to clarify this point.
	Para 3.4.1 Says that provision of Sheltered Housing is not a priority for the Borough. This reference should be deleted and replaced by the following: <i>This situation will be monitored. Any proposals brought forward will be assessed as to whether they meet need.</i>	Agree that this needs to be clarified. The para has been revised to make it clear that whilst sheltered housing is not currently a priority this situation will be kept under review.
	Para 3.6.2 The requirement for 100% of all affordable housing to be built to full Lifetimes Homes standard should be “ <i>subject to viability constraints</i> ”	It is clear that the Council is seeking to achieve this standard rather than requiring it to be met. The reference to “ <i>site-specific issues</i> ” is intended to

		address viability constraints.
	The definition of Lifetimes Homes in Annex A is vague. It is not clear what the requirement would be to meet this standard.	The definition has been revised and now includes a cross-reference to the Joseph Rowntree Foundation Website for more information.
	Para 3.7.1 The requirement for 10% of all affordable housing to be wheel-chair accessible should be <i>“subject to viability constraints”</i>	Para 3.7.1 already provides flexibility and the word “expects” has been changed to “will seek” which takes account of viability issues.
	Para 4.1.1 The third sentence should be revised to read: “The following should be considered in assessing the <u>amount and nature</u> of the affordable housing element.”	This is implied in the original text with the word The word “nature” is intended to encompass all aspects of the affordable housing provision.
	The fifth bullet point should be revised to read: “the availability of affordable housing <u>of a range of tenures and sizes</u> existing in the locality.”	The sentence has been changed to refer to the availability and type of affordable housing existing in the locality.
	A sixth bullet point should be added as follows: <i>“the housing need being addressed by the overall development”</i>	The SPD is concerned with meeting the need for ‘affordable housing’ and does not seek to influence the nature of private sale provision.
	Para 4.1.2 should be amended to read:	These matters are dealt with under para 6.2.10 in

	<p>“All new residential developments will therefore be expected to provide an element of affordable housing in accordance with the adopted Core Strategy unless the developer can show that the site can only come forward if essential infrastructure needs to be provided first <u>or there are other significant costs such as site remediation, flood alleviation, Section 106 contributions, highway works, etc</u> and that the provision of the required amount and type of affordable housing would make the development unviable”</p>	<p>relation to the viability of development and the need for grant subsidy. Para 4.1.2 is dealing with the specific circumstances where a development cannot proceed without the prior provision of infrastructure. It is accepted that there may be certain other costs that are necessary to ensure the feasibility of development and reference could be made to these. However, as a matter of principle all such costs should have been taken into account in determining the purchase price of the land. It is only in circumstances where it can be demonstrated that the 40% requirement for affordable housing would make such development non-viable that the percentage requirement may be reduced.</p>
	<p>Para 5.1.2 include a reference at the end of the first sentence to “<i>the level of housing need</i>” .</p>	<p>A reference to “<i>the nature of housing in need in the locality</i>” has been added.</p>
	<p>Revise the next sentence to read:</p> <p>“The Borough Council will not normally accept affordable housing which, either by its design or layouts, is separated or distinctive from the general market housing, <u>although it will have regard to the requirements of the RSL in terms of housing management</u>”.</p>	<p>The suggested addition has been included.</p>
	<p>Para 5.1.4 The reference to enhancing biodiversity is a generic policy that has no place in the Affordable Housing SPD.</p>	<p>Para 5.1.4 is a general paragraph identifying issues to be taken into account in the design of new housing developments. Enhancing biodiversity</p>

		is one such issue.
	Paras 5.1.8 - 5.1.9 They object to the approach which says that minimum HQI scores are not acceptable to the Borough Council. It is not clear what evidence the Council has that would justify this approach.	The wording of paragraph 5.1.8 has been changed to make it clear that the Council will be seeking to achieve higher standards subject to viability which would need to demonstrated
	Para 5.2.1 - Delete the reference to schemes having to include a laundry or washing machine. It is unclear why tenants or managers should not provide their own facilities and why the developer must fit out the accommodation. This is not a relevant planning consideration.	This paragraph is informative, and reflects directly guidance issued by the Housing Corporation for the development of supported housing.
	Para 6.2.8 The reference in the first sentence to the costs normally associated with the development of previously developed land not being considered abnormal is too vague to be helpful.	The word " <i>normally</i> " in the first line has been removed. What this paragraph is saying is that cost associated with the development of Brownfield sites should not be considered exceptional and should normally be taken into account in negotiating the purchase price of the land.
	There may be many exceptional costs associated with the redevelopment of a site that are not known at the point of sale, in particular off-site costs.	An open book viability assessment would need to demonstrate why such exceptional costs were not taken into account in determining the purchase price of the land.
	Para 6.2.10 Fourth bullet point should be amended to read: "Building contingencies, including increased building costs to meet particular standards, for example, Code for Sustainable Homes"	This factor is already referred to under "Cost Multipliers". Building contingencies are there to deal with unknown or unpredictable changes in building costs.

	Support the eighth bullet point that recognises a range of likely cost impacts.	Noted
	A final sentence should be added that reads: <i>“Viability should be assessed taking into account all scheme costs in the round, rather than focusing on particular aspects of costs.”</i>	Paragraph 6.2.10 makes it clear that viability will be affected by a range of factors. It is now made clear that all of these factors need to be taken into account.
	Para 6.2.15 This paragraph should be deleted. The Borough Council is not empowered to decide whether grant should be made available. If it is available and the Housing Corporation should fund it and the Borough Council should not interfere. It is not the role of the Borough Council to act as a filter between the RSL and the Housing Corporation.	The SPD makes clear the case for grant is subject to an economic scheme appraisal. The Housing Corporation as the provider of social housing grant strongly recommends the use of its Economic Appraisal Toolkit to determine whether grant is required and, if so, the amount. This is reflected in the SPD. The Council in turn is concerned that where grant is required a realistic level is bid for that ensures the greatest chance of support from the Housing Corporation, and therefore deliverability.
	Para 7.1.2 This paragraph should be deleted. The level of nomination rights is primarily a point for the RSL, not the developer. The RSL should control who occupies its properties in liaison with the Borough Council.	This paragraph is informative for those developers who may be unfamiliar with the process for the allocation of housing.
	Para 8.1.4 This paragraph should be deleted. Whilst the LPA can	This is in line with Housing Corporation guidance. The nature of disposal has the potential to

	<p>aim for long term affordability it should not determine the form of land transfer. This is not a planning matter.</p>	<p>significantly affect short and long term affordability which is a planning consideration. The SPD does not insist on any one form of disposal and makes clear the Council's position whether the disposal is freehold or leasehold to ensure affordability in the long term.</p>
	<p>Para 8.1.5 The last sentence should be amended as follows:</p> <p>“The sale price of completed affordable housing units to the nominated RSL will be at a level consistent with advice set out in this SPD and should not be depended on any form of public subsidy”</p> <p>This fails to recognise earlier guidance in the SPD where subsidy may be necessary.</p>	<p>The sentence has been revised to make it clear that the aim is to seek to ensure that the development is not dependent on public subsidy.</p>
	<p>Para 8.1.7 The reference to service charges not exceeding 10% should be deleted as it is overly restrictive. The charge should reflect the cost and should be the same as for the market housing. Market housing should not continually subsidise the affordable housing.</p>	<p>The sentence has been amended to make it clear that the Council would not <u>normally</u> expect service charges to exceed 10% of the base housing cost.</p>
	<p>Para 8.1.8 Amend the sentence to read:</p> <p>“Parking ratios will be provided in the same proportion for the affordable housing as for the open market housing, <u>unless evidence is submitted to show that the requirements of the RSL indicate otherwise.</u>”</p>	<p>This change should not be made. It is the Council's policy that the same ratios should apply across the whole development.</p>

	<p>Para 8.2.2 It should be made clear that the use of the preferred RSL partners is not a requirement – ie the Borough Council can not enforce the use of their preferred partner and cannot dictate the RSL the developer works with. To limit the available range of RSL providers will have an overall negative impact on best value and the amount of affordable housing provided in the Borough.</p>	<p>The first sentence of 8.2.2 has been amended to make it clear that the Borough Council strongly recommends early contact with its preferred partner RSLs.</p>
	<p>Para 8.2.5 The reference to the capping of grant should be deleted. The Council should not be capping grant if it has been made available. The management of the Housing Corporation’s funding is for the Housing Corporation not the Borough Council.</p>	<p>This sentence has been revised to make it clear that the amount of any grant should be consistent with the advice on grant averages as issued by the Housing Corporation from time to time.</p>
	<p>Para 9.1.5 The final sentence should be revised to read:</p> <p>“The provision of units off-site must be delivered in accordance with a timescale agreed by the Borough Council mindful of what could have been achieved on site <u>and the economics of the scheme.</u>”</p>	<p>The sentence has been revised to make reference to the independent financial appraisal</p>
Indigo	<p>It is important that the Council is flexible in seeking to apply the indicative housing mix in Annex C as may not be viable or appropriate to do so on certain schemes due to site constraints or particular location. For example, it may be more appropriate to provide a greater number of smaller units at higher density in Tonbridge Town Centre because of its accessibility.</p>	<p>Flexibility is reflected by the word “indicative”. It is the start point for negotiation</p>

<p>Tetlow King on behalf of Trenport Investments</p>	<p>Welcome the changes made to the draft in the light of their previous comments, but would make the following additional comments.</p>	<p>Noted</p>
	<p>Whilst some improvements have been made to the clarity of the SPD Tetlow King still maintains that there is unnecessary duplication of the Core Strategy. They also consider it inappropriate to make a distinction between the two parts of the SPD on the basis that the Annexes will change over time. They maintain that both parts will change in response to monitoring and other circumstances (eg grant availability)</p>	<p>It is considered helpful for the SPD to reproduce the relevant Core Strategy Policies to which the document is supplementary.</p> <p>The distinction between the two parts of the document is important because it is designed to enable the Annexes to be regularly updated without the need for the full statutory process of SPD production to be followed. All of the policy content is in the first part of the document. The Annexes are there to amplify and inform the application of policy and contain information that needs to be updated on a regular basis. The figures in the Annexes form the start point for negotiations.</p>
	<p>In terms of definitions they do not believe that the SPD should repeat the content of the Core Strategy. They do not agree that it is helpful for the document to be a self contained as possible. It would be erroneous to read the SPD in isolation from the Core Strategy.</p>	<p>On the contrary, it is considered helpful for the SPD to reproduce the relevant Core Strategy Policies to which the document is supplementary.</p>
	<p>There should be a reference to the emerging role of the Strategic Housing Market Assessment (SHMA) and to make it clear that this will be used in future as the basis for determining housing need. A</p>	<p>A new paragraph has been included to explain the role of the SHMA. The approach to Monitoring and Review is dealt with in the Core Strategy and</p>

	section in the SPD on Monitoring and Review would assist.	Development Land Allocations DPD. The SPD would not in itself be separately monitored.
	Para 3.2.4 Tetlow King are still concerned that the Council is seeking to transfer some of its statutory housing duties to developers, in particular that for “reasonable preference” groups. The paragraph should be restructured by removing some of the detail and by separating the requirement for developers to provide a mix of house types from the quite separate need for the Council to prioritise the housing of its preference groups.	The Council’s legal duties to those on the Housing Register are a legitimate factor for consideration in determining an appropriate mix of units. It is therefore reasonable for the strategic housing and planning authority to have regard to these and other groups in planning the future supply of affordable homes.
	They still contend that some forms of supported and Extra Care housing fall within Use Class C2 and that the letter from GOSE at Annex D would not apply in these cases. Applications like this are best considered on a case by case basis and it would be better to omit Annex D altogether.	Annex D is specifically referring to Sheltered Housing which is generally regarded as C3 housing. Extra Care Housing may sometimes be regarded as falling under Use Class C2 and paragraph 3.5.1 acknowledges that such proposals would have to be considered on a scheme by scheme basis.
	Para 4.1.2 still refers to the need to provide “ <i>an element</i> ” of affordable housing on qualifying sites. This needs further refinement in order to explain that the Council will accept adjustments to be made to the affordable housing offer in terms of either the amount or type should viability issues arise.	The words “ <i>an element</i> ” have been removed. The paragraph makes it clear that affordable housing should be provided in accordance with the requirements of Core Policy CP17 unless it can be demonstrated that it would not be viable to make such provision. Reference to variations in both the mix as well as the number of units has been added.

	<p>Para 5.1.2 Tetlow King do not agree with the last sentence which implies that affordable housing should never be separated from market housing on a site. Circumstances may occur where full integration, whilst desirable, is not possible. These may include such things as topography, management arrangements, service charges and scheme design.</p>	<p>The Borough Council's position is that it will not normally accept separation of affordable housing units from the market housing. This acknowledges that there might be some occasions when such separation is justified. A sentence has been added at the end to indicate that any variation from this requirement will need to be justified.</p>
	<p>Para 6.1.1-6.1.3 Tetlow King maintain the view that these paragraphs do not add anything to the SPD and should be deleted. If retained a cross-reference should be made to the flow chart following page 2.</p>	<p>These paragraphs are informative and have been retained as they provide useful context, especially to developers new to providing affordable housing.</p>
	<p>Para 6.2.5 and 6.2.6 Whilst Tetlow King acknowledge changes have been made they still feel the "alternative arrangements" referred to should be further explained. It would useful to provide an indication of what sort of alternatives might be considered. They also welcome the reference to the "cascading process" but these paragraphs need to explain the ramifications more clearly.</p>	<p>This section of para 6.2.6 needs to be read in conjunction with para 6.2.5, the final sentence of which states "developers should clearly demonstrate through a cascading process how the addition of grant would allow the Council's objectives to be met in full". Thus the emphasis on outlining alternative arrangements is on the developer, not the Council.</p>
	<p>Para 6.2.9 Tetlow King maintain the view that there is no basis for a 40% requirement or 70:30 tenure split from a viability analysis. The references should therefore be deleted. To do so merely duplicates what is in the Core Strategy.</p>	<p>This paragraph is indicating what an applicant needs to do in order to demonstrate that the requirements in the Core Strategy cannot be met for viability reasons.</p>
	<p>Section 7 The Core Strategy already sets out the parameters for ensuring affordable housing meets local needs and it is therefore</p>	<p>This paragraph is informative and has not been altered. It merely states the Council's legal</p>

	<p>unreasonable for the SPD to impose additional qualifying criteria (para 7.1.1). Deletion is the best option. Otherwise further explanation is necessary.</p>	<p>responsibility when housing someone. No further explanation is required. It does not set additional criteria over the Core Strategy.</p>
	<p>Para 8.1.2 welcome the changes to this paragraph. Support addition of the sentence clarifying the selection process of the preferred RSLs but note that this still fails to mention the “standards” to which affordable housing partner RSLs will be expected to apply. The tone of the paragraph is wrong in that it implies that applicants will be bound to using one of these partners. It does not acknowledge and provide scope for other methods of affordable housing delivery through the private sector.</p>	<p>The selection criteria are clearly stated within the paragraph. The standards expected of preferred partners are that they adhere to the contents of this SPD. The tone of the paragraph is entirely in keeping with the fact that it is the Councils preference that developers use a preferred partner only. As for acknowledging other methods of delivery in the private sector, the heading for the section is “Working with the Borough Council’s preferred partner RSL Partners”. No amendment has been made.</p>
	<p>Annex F Cannot understand why the Guinness Partnership has not been added to the list of Preferred RSL Partners since they have selected jointly by the Council and Trenport and the Housing Corporation as the partner RSL for the major development at Peters Pit.</p>	<p>The Preferred Partner list is revisited and amended at set intervals (3 years), and is not amended on an <i>ad-hoc</i> basis. The current partnership has expired and Guinness is being recommended for inclusion on the list.</p>
	<p>Annex L Tetlow King maintain the view that the law Society’s model Section 106 Agreement has been widely criticised. In their view both the model Section 106 Agreement and the model Condition (Annex K) both require considerable further work in collaboration with landowners, developers and RSLs before they are finalised. They welcome the fact that whatever is eventually used that it should be “<i>the start point for negotiations</i>”.</p>	<p>This is the Government’s recommended draft and is the start point for negotiations. Each Agreement will be different depending on the details of the scheme.</p>

	<p>Section 9 – Off-site provision Tetlow King do not believe that the changes made to this section serve to clarify the Council’s preferences and priorities. They suggest the Council lists its preferences in order.</p>	<p>This is a matter for negotiation and it would be wrong for the Council to predetermine a priority. It is a case of what is best suited in the circumstances taking into account any exceptional circumstances highlighted by the developer.</p>
<p>RPS for Fairview Homes</p>	<p>Para 4.1.2 Whilst Fairview Homes are not adverse to an “open-book” assessment to demonstrate viability it should be categorically stated that any financial information is provided on strictly confidential basis.</p>	<p>Para 1.3.3 makes it clear that the assessment would be confidential. The word “confidential” has been included before the words “open-book” throughout the document.</p>
	<p>Para 5.1.2 Whilst supporting the delivery of mixed and balanced communities, housing mix must be approached on a site by site basis.</p>	<p>Agree. The paragraph makes it clear that housing mix will be determined by location and site characteristics.</p>
	<p>Para 8.1.7 It is not lawful for market housing providers to subsidise service charges for affordable housing occupiers. In the case of flats it can therefore be necessary for the affordable and market housing to have as minimum separate cores if not separate blocks.</p>	<p>The paragraph has been amended to make it clear that the Council would not <u>normally</u> expect service charges to exceed 10% of the base housing cost</p>
	<p>Para 9.1.3 Fairview New Homes object to the expectation of a payment in lieu equivalent to the full market value of the total units of affordable housing forfeited. PPS3 refers to such payments being of “<i>broadly equivalent value</i>”. The wording of PPS3 should be used.</p>	<p>The word “<i>broadly</i>” has been introduced to ensure compatibility with PPS3.</p>
<p>RPS on behalf</p>	<p>TSH object to the 40% requirement on sites of 15 dwellings or more.</p>	<p>It is not the purpose of this SPD to review the</p>

<p>of Tonbridge Sovereign House (Oracle)</p>	<p>They make reference to the fact that the Core Strategy in para 6.3.30 indicates that if justified the requirement will be reduced through SPD. They propose that the SPD should emphasise that the 40% is simply an aspiration that will be discussed on a site-by-site basis with ultimate level depending on viability, sustainability and the availability of Housing Grant.</p>	<p>requirements of Policy CP17. Its purpose is to indicate how Core Policy CP17 should be implemented.</p> <p>What para 6.3.30 in the Core Strategy is referring to is a situation, which is most unlikely in the immediate future, where studies indicate that the percentage requirement or tenure mix should be made less onerous. Under these circumstances, such a change will be brought forward by a specific SPD. This is explained further in new paragraph 3.1.3 dealing with the Strategic Housing Market Assessment.</p>
	<p>Para 5.1.2 TSH support mixed and balanced communities, but dwelling mix should be approached on a site by site basis. Furthermore, on flatted developments separation may be required for management purposes. This paragraph should be altered to reflect this fact.</p>	<p>This paragraph makes it clear that dwelling mix will be determined having regard to location and site characteristics. A sentence has been added at the end to make it clear that any variation from the Council's requirement will need to be justified.</p>
	<p>Para 6.2.1 This states that the Council supports the Housing Corporation's approach to the payment of grant. However, the Housing Corporation's approach has no influence in planning policy terms and the Council should not therefore afford it any weight in the SPD.</p>	<p>Affordability is a planning consideration and it is reasonable therefore for the Council to advance the Housing Corporation's position as it is an agent of the government.</p>
	<p>Para 6.2.2 THS strongly objects to this paragraph which states that in the absence of grant land should be transferred to the RSL at nil value. This would not provide an economically viable scheme. PPS3 states in para 94 that in the absence of grant alternatives options</p>	<p>This paragraph needs to be read in conjunction with para 6.2.5, the final sentence of which states "developers should clearly demonstrate through a cascading process how the addition of grant would</p>

	should be considered such as intermediate housing. The concept of a cascade approach should be adopted in the SPD.	allow the Council's objectives to be met in full". Thus the emphasis on outlining alternative arrangements is on the developer, not the Council.
	Paras 6.2.7 -6.2.12 Describe the Council's approach to assessing viability and indicate that assessments should be based on existing site use value. THS propose that such assessments should be based on the actual site acquisition costs.	The SPD sets out a clear ' <i>open book</i> ' process for determining economic viability. Site acquisition costs form an inherent part of this process. Reference has to alternative use and site acquisition costs has been added
	Para 7.1.2 Where no grant is involved and a developer wishes to deliver affordable housing themselves the timeframe should be open to discussion. Para 7.1.2 should allow for this flexibility.	<i>The paragraph has been changed to indicate that the Council would expect similar arrangements where public subsidy is not forthcoming.</i>
	Para 8.1.7 The Council is too rigid in setting a service charge level at 10% which is not supported by any evidence on viability. They request greater flexibility.	The paragraph has been amended to make it clear that the Council would not <u>normally</u> expect service charges to exceed 10% of the base housing cost. It will need to be demonstrated why that level needs to be exceeded.
	Para 8.2.5 This refers to costs being Index Linked, but Housing Grant cannot be Index Linked because it is a one-off payment. THS believe that the Council's suggestion that the total cost of providing affordable housing should be Index Linked is not in compliance with Circular 05/05 which states that planning obligations " <i>should not be used as a means of securing a share of the profits of a development</i> ". THS want the paragraph to state that costs should be determined on	Social housing grant is not index linked so it is in the developer's interest to start on site at the earliest opportunity. The SPD does not attempt to ' <i>secure a share of the profits</i> ', rather, ensure the deliverability of affordable housing. The paragraph has been amended to reflect

	a site-by-site basis depending on the receipt of grant funding.	Housing Corporation's policy, and make clear the purpose of using index linking to inform decisions.
	Para 8.1.6 Some developments coming forward depend on generating sales at an early stage in order for the scheme to be viable. Proposals should be considered on a case-by-case basis.	The paragraph allows for exceptions to be made. It says that normally 50% of off-site affordable provision should be made by the time 50% of the market dwellings are completed unless otherwise agreed with the Council. An additional sentence has been added making it clear that the viability assessment would need to demonstrate why the Council should agree to any variation to this.
	Para 8.1.8 THS objects to the requirements for car parking being the same for both affordable and market housing. Car ownership for affordable housing is often lower than for market housing. Parking provision should be assessed on a site-by-site basis.	It is the Council's policy that the same level of parking should be provided for both the affordable and the market housing. It is agreed that parking provision should be assessed on a site-by-site basis and these words have been added to the paragraph.
	Para 9.1.3 THS object to the Council's approach to calculating commuted sums. It is too vague to be helpful. A more tangible formula should be provided and would offer a basis for negotiations. A method used by other Councils involves equating the commuted sum to the level of Housing Grant that an RSL would receive were it providing affordable housing on land within its ownership.	The approach is in line with government guidance.

	<p>THS object to the Council's expectation that a sum equivalent to the full market value of the house to be provided as a payment in lieu of on or off-site provision. PPS3 refers to a contribution of "<i>broadly equivalent value</i>" and Circular 05/05 states that commuted sums should be fairly and reasonably related in scale and land to the development proposed. The wording of PPS3 should be used.</p>	<p>The word "<i>broadly</i>" has been added to ensure compatibility with PPS3.</p>
<p>Timothy Wilson, Tonbridge</p>	<p>Any negotiations resulting in derogation from the 40% on-site requirement need to be captured within a legally enforceable Section 106 agreement and be independently auditable via open book accounting. Any financial gain that the developer receives as a result of such derogation should be shared with the Borough Council who should hypothecate it for the purpose of increasing affordable housing supply.</p> <p>Developers should be expected to pay for the Council's costs in carrying out the independent audit.</p>	<p>The Council will only accept a reduction in on-site affordable housing provision if justified by an open-book assessment, the detail of which must remain confidential but which could be independently audited if necessary.</p> <p>It would not be the intention that the developer would benefit in terms of financial gain as a result of any such a reduction. A reduction will only be agreed where this is necessary to ensure that the development is viable and proceeds to implementation.</p>