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**APPENDICES (SEE VOLUME 2)**

**RT/A      STATEMENT OF QUALIFICATIONS AND EXPERIENCE**

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## **Section 1**

### **Introduction**

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- 1.1 My qualifications, experience and credentials are set out in **Appendix RT/A**.
- 1.2 Tetlow King Planning were first instructed by Midas Homes in July 2007 to provide representations on the South Hams Affordable Housing DPD.
- 1.3 Our further submission relates to Policies AH2, AH2, AH3 and AH4 and their reasoned justification as well as the topic of Implementation and Monitoring. The further submission is based on the objections made to the Submission Draft of this DPD in March 2008 on behalf of our client.
- 1.4 Each matter is dealt with in a separate submission statement. **This statement deals with Policy AH1 General Affordable Housing Provision.**
- 1.5 A summary of the objection is provided together with the suggested policy response. This is then elaborated in more detail under the relevant issue, with reference to current policy, guidance and research on housing and affordable housing matters. The key points relating to the tests of soundness against which the policy is considered to fail are summarised in the conclusion and the relevant recommendation(s) to make the policy 'sound' are set out at the end.
- 1.6 Where reference is made to an item on the Council's Core Documents list, this is shown in emboldened text in brackets with the prefix 'CD'.

## Section 2

### AH1

#### Summary

2.1 Summary of objection to Policy AH1 of the Affordable Housing DPD and suggested policy response:

What part of the DPD is unsound?	Policy AH1
Which of the soundness test(s) does it fail?	7 The strategies/policies/allocations fail to represent the most appropriate in all the circumstances, having considered the relevant alternatives, and they are not founded on a robust and credible evidence base.
Why does it fail?	See paragraphs 2.2 to 2.6.
How can the DPD be made sound?	<p>Revise first paragraph as follows:</p> <p><i>'Where proposals for housing or mixed use development on allocated and unallocated sites meet the following criteria, the District Council will seek an affordable housing contribution towards meeting the Core Strategy target of 50%:</i></p> <ul style="list-style-type: none"> <li><i>a) the site is capable of accommodating x dwellings or more;</i></li> <li><i>b) the site benefits from reasonable access to local services and public transport; and</i></li> <li><i>c) the precise quantum of affordable housing and the mix of tenures will be negotiated on a site by site basis taking account of other planning considerations that affect delivery, including:</i> <ul style="list-style-type: none"> <li><i>i. the viability of the development bearing in mind the need for, and cost of, on and off-site infrastructure including transport, education and other community facilities and the need for the development to be attractive to the lenders of private finance;</i></li> <li><i>ii. any specific abnormal costs relating to the site;</i></li> <li><i>iii. the availability of housing grant or other subsidy;</i></li> <li><i>iv. the location and character of the site and its general</i></li> </ul> </li> </ul>

	<p style="text-align: center;"><i>suitability for affordable housing;</i></p> <p><i>v. the type of housing needed and most appropriate to the locality;</i></p> <p><i>vi. the availability of existing affordable housing in the locality; and</i></p> <p><i>vii. the creation of mixed and balanced communities’.</i></p> <p>Revise second paragraph as follows:</p> <p><i>‘Planning permission will be subject to a planning obligation or condition to ensure that the affordable housing will remain available in the longer term to meet local housing needs’.</i></p> <p>Delete third paragraph.</p>
What change is sought?	As above.

### **Does the DPD make adequate provision for development viability?**

- 2.2 This policy is phrased in such a way that it makes affordable housing provision compulsory with no flexibility or scope for negotiation. The use of the phrase *‘shall contribute’* in paragraph 1 is inconsistent with *‘should provide’* as used in the Core Strategy (**CD179**). The Inspector, in his Report on the Core Strategy (**CD180**), noted that the Council was forced to concede at the examination that *‘the use of the term “should” in the policy would be more appropriate than “is required” to’* the latter being contrary to Government guidance (paragraph 13.1). For consistency with the Core Strategy and Government policy the same approach should apply here.
- 2.3 This approach does not provide enough scope for the Council to take into consideration the various factors that may affect provision on an individual site. The Council states in the second sentence that the capacity of the site will be *‘the basis’* for determining the contribution that will be made but fails to cite other factors. Several other factors were listed in the Preferred Options DPD (**CD181**) and should be re-included and expanded on as per the suggested rewording for the first paragraph above.
- 2.3 The Affordable Housing Viability Study (**CD173**) does not support such a rigid application of policy as currently drafted for AH1. Paragraph 31 makes it clear that development viability will vary from site to site and encourages to the Council to *‘outline the general circumstances in which a departure from targets might apply’* (paragraph 30). This has

not been followed up and the proposed rewording allows for more adequate consideration of development viability.

**Would the DPD hinder the delivery of the overall supply of housing?**

- 2.4 Without the changes recommended above, and in our other submissions, yes.
- 2.5 The unsubstantiated increase in targets and reduction of thresholds through the application of a sliding scale as proposed in Policies AH2 and AH3 respectively would be particularly detrimental to overall housing delivery, especially in rural areas where the policy requirements are especially onerous. This would serve only to undermine the delivery of affordable housing where the resultant reduction in market housing would limit the amount of fewer developer contributions that could be levered. This would effectively leave rural exception sites under Policy AH5 as the only scope for delivery in the District's villages.
- 2.6 The Council's failure to take a full and proper account of development viability together with limited scope for negotiation noted above and in our submissions on Policies AH2 and AH3 underpin this problem.

**Does the DPD make allowance for affordable housing delivered since 2002 and affordable housing provided as part of the Sherford New Community development?**

- 2.7 In our representations at the submission stage we referred to the failure of the Housing Market and Needs Assessment (HMNA) (**CD175**) to provide a realistic account of past and future affordable completions, and in so doing overestimating the level of unmet need in the District.
- 2.8 The HMNA purports there to be a need for 606 affordable homes per annum which is the second lowest of the four local authority areas included in the assessment. However, this is based on an assumption, in Table 8, that there is currently no new affordable housing being delivered in the District. This is not the case, the Council's AMRs indicate that an average of 79 were delivered each year between 2002 and 2007 (84 in 2004/05; 133 in 2005/06 and 20 in 2006/07). When these are taken into account the level of outstanding need is reduced to 527 (606-79).
- 2.9 The HMNA also makes the assumption that the Sherford New Community will not meet the District's housing needs. Paragraph 7.51 of the adopted Sherford Area Action Plan (**CD186**) indicates that the new community will in fact meet some of its needs.

- 2.10 While we have no doubt that there is a high level of need in the District, this should be more accurately reflected through the proper use of data.

**Does the DPD need amending in the light of the Panel's report into the RSS?**

- 2.11 This is particularly relevant to paragraph 3.9 of the DPD. Textual changes are required to update with reference to the Panel Report but recognising that this has yet to be finalised by the Secretary of State.

**Would the retention of affordable housing in perpetuity and the blanket removal of permitted development rights be consistent with national planning policies?**

- 2.12 Retaining affordable housing in perpetuity is not consistent with PPS3 which only makes provision for such a measure on rural exception sites (paragraph 30). It is therefore inappropriate that it is used in a blanket fashion. In any case this approach is contradicted by the Council's Draft Affordable Housing SPD (paragraph D4.5) (**CD195**) where this sets out the mechanisms by which the Council will recycle subsidy released through the sale of intermediate housing (i.e. through staircasing). The rewording for the second paragraph which is proposed above resolves this.

- 2.13 The removal of permitted development rights is contrary to Circular 09/95 which states that the removal of Article 4 Permitted Development rights is only warranted in exceptional circumstances where there is a '*real and specific threat*'. It is far from clear that the prospect of modest extensions to individual properties would represent any sort of threat should be deleted.

**Should there be reference to the separate Affordable Housing SPD?**

- 2.14 As drafted, the DPD makes very little cross-reference to this SPD. This raises questions about the role of the SPD as a document which is intended to provide guidance on the implementation of the Council's affordable housing policies. It is unhelpful and confusing to those who will be using the documents.

- 2.15 This underlines our general concern that the links between the affordable housing elements of the LDF are disparate and fragmented. We do not agree that there is a legitimate need for a separate DPD on affordable housing, but that this would be better incorporated within the Development Control Policies DPD (**CD190**) to engender a more holistic and simplified approach.

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## **Section 3**

### **Conclusions**

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- 3.1 For the reasons set out in Section 2, the approach to securing affordable housing provision in Policy AH1 is overly restrictive and contrary to the Core Strategy and recommendations made in the Affordable Housing Viability Study. It fails to take into account the range of factors including viability which can affect the contribution that an individual site can make. This flawed approach has underpinned the proposed increase in targets and reduction of thresholds in Policies AH2 and AH3 which, if adopted, would lead to an overall decrease in housing delivery including affordable housing due to their onerous nature. In addition, AH1 makes unnecessary and unjustified provisions for securing affordable housing in perpetuity and the removal of permitted development rights. **It therefore fails on the seventh test of soundness.**
- 3.2 In order to make this policy sound, we recommend that the first and second paragraphs are significantly reworded and the third is deleted.