



Ref:

(For official use only)

DRAFT AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT

Public Consultation – Response Form

North West Leicestershire District Council has prepared a draft Affordable Housing Supplementary Planning Document (SPD).

The draft SPD can be viewed at

https://www.nwleics.gov.uk/pages/supplementary_planning_guidance

You can make comments on the draft SPD by completing the form below and emailing it to planning.policy@nwleicestershire.gov.uk or posting it to Planning Policy, North West Leicestershire District Council, Council Offices, Whitwick Road, Coalville LE67 3FJ.

All responses must be received by the **end of Friday 22 October 2021**.

PART A – Personal Details

If you are responding on behalf of yourself, or your own organisation, please fill in all the 'Personal Details' fields. If an agent is appointed, please complete only the Title, Name and Organisation boxes in the Personal Details column, but complete all the 'Agent's Details' fields.

	Personal Details	Agent's Details (if applicable)
Title		Mr
First Name		Mark
Last Name		Harris
Job Title (where relevant)		Partner
Organisation (where relevant)	Davidsons Developments Ltd	Bidwells
Address Line 1		John Ormond House
Address Line 2		899 Silbury Boulevard
Address Line 3		Central Milton Keynes
Address Line 4		
Postcode		MK9 3XJ
Telephone		██████████
Email address		████████████████████

Do you wish to be notified of the Council's decision on the Affordable Housing SPD?

Yes

No

PART B – Your Representation

In the left column below, please state which part of the draft Affordable Housing SPD your comment relates to (for example which section, page or paragraph). In the right column, please write your comments.

You can comment on as many different parts of the SPD as you wish (please add more lines if required).

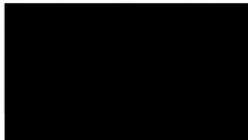
Section, page or paragraph (please specify for each comment)	Comments
	Please see attached letter

Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publically available and may be identifiable to my name / organisation.

I acknowledge that I have read and accept the information and terms specified under the Data Protection and Freedom of Information Statement.

Signed:



Date:

21/10/2021

DATA PROTECTION AND FREEDOM OF INFORMATION STATEMENT

The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act. It will be used only for the preparation of the Affordable Housing Supplementary Planning Document as required by the Town and Country Planning (Local Planning) (England) Regulations 2012, save for requests of such information required by way of enactment. Your name, organisation and representations will be made publicly available when displaying and reporting the outcome of this consultation stage and cannot be treated as confidential. Other details, including your address and signature, will be treated as confidential.

You should not include any personal information in your comments that you would not wish to be made publicly available.

Please send your completed form to planning.policy@nwleicestershire.gov.uk or Planning Policy Team, NWLDC, Council Offices, Whitwick Road, Coalville LE67 3FJ

The deadline for responses is the end of Friday 22 October 2021

Your ref: Affordable Housing SPD
Our ref: Davidsons
DD: [REDACTED]
[REDACTED]
Date: 20/10/2021

Planning Policy Team
North West Leicestershire District Council

BY EMAIL ONLY: PLANNING.POLICY@NWLEICESTERSHIRE.GOV.UK

Dear Sir/Madam

**DRAFT AFFORDABLE HOUSING SPD
COMMENTS ON BEHALF OF DAVIDSONS DEVELOPMENTS LTD**

Thank you for the opportunity to comment on the Draft Affordable Housing Supplementary Planning Document (SPD) published for consultation until 22nd October. We write on behalf of Davidsons Development Ltd, a family owned and managed house builder with their head office in Ibstock and land interests in the area, including sites in Ibstock, Donisthorpe and Whitwick.

The draft SPD generally sets out further detail of how policies H4 and H5 of the adopted Local Plan should be implemented. On review, we considered there are a number of areas where it is felt that the draft SPD needs to be amended to ensure it does not move beyond the remit of a SPD and to provide clarity for users of the document.

As set out in the introductory sections of the draft SPD, the NPPF provides a clear framework for the delivery of affordable housing both through s106 requirements on larger, market sites, and through the use of rural exception and entry level exception sites. The key aspects of affordable housing policy for market led developments are the level of affordable housing which can be viably provided on site, which has already been established through the development and examination of the Local Plan, and the size, type and tenure of affordable houses to be provided, on which the Local Plan is less specific.

The draft SPD highlights the changes to the NPPF since the adoption of the Local Plan which have an impact on this second point. These include the specific requirement of 10% of homes to be provided for affordable home ownership (as part of the overall affordable housing requirements) and the need for at least 25% of affordable dwellings to be provided as first homes, a discount market product where there are certain restrictions to the value at which new dwellings can be sold. As acknowledged under bullet e of paragraph 2.16, the Planning Practice Guidance on First Homes (Paragraph: 015 Reference ID: 70-015-20210524) sets out that once the 25% First Home requirement has been provided, social rent homes should be delivered in the same percentage as set out in the Local Plan.

In the case of the NWLDC Local Plan, there is no specific requirement for a certain percentage of affordable housing to be provided at social rented levels, instead leaving the split open and listing a number of criteria that will be considered on a scheme by scheme basis. Therefore, the wording at paragraph 2.17 of the draft SPD which states that it is '*the Council's strong preference*' for the balance of any requirement to be met by social rented units is probably as strong as the SPD can be on this point as the SPD cannot set a requirement for the social rented units which is not already imbedded in

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Development Plan policy. To do so would be outside of the remit of the SPD and would stray into the territory of the Charnwood Housing SPD, which was quashed in the courts (William Davis Ltd & Ors v Charnwood Borough Council [2017] EWHC 3006 (Admin) (23 November 2017)).

Indeed, whilst recognising that social renters are those who are in greatest housing need, it maybe that the wording goes too far suggesting the whole balance should be provided as social rent, given the Council's own viability evidence looked at an equal share of social and affordable rent (e.g. 40.5% social rent), which would not constitute '*the balance*' of affordable housing after 25% first homes are taken into account. Therefore, on balance, we consider that the wording should be adjusted to place less emphasis on remaining 75% of homes on site, after First Homes are provided, being socially rented. This could be done by cross reference back to the criteria in policy H4, which sets out the factors that will be considered in assessing schemes.

The position set out at 2.18 which clarifies that changes to the First Homes criteria to make them more locally specific should be established through a Local Plan and justified by evidence is accurate. However, in addition, we feel that this paragraph would benefit from recognition that the impact on affordable housing viability and tenure split as whole will need to be picked up by the Local Plan review as it is not just the local specificity of the criteria that will need to be reviewed.

Section 3 of the draft SPD covers the approach to cascading the delivery of affordable housing, with a preference for onsite provision. The approach set out is generally in line with adopted Local Plan policy H4. However, as is rightly recognised, there may be occasions where on site provision is not appropriate or possible. In this case, the first alternative is off site provision, followed by a commuted sum. The draft SPD sets out at paragraph 3.8 and 3.9 the stages that will need to be gone through to justify why provision cannot be met on site. Whilst we agree with the general approach of looking at reducing the level of affordable housing and amending the tenure split as the first step when viability is an issue, the list of 6 further factors to consider at 3.9, in our view, needs to be considered in more detail as it may give rise to a conflict with the points on First Homes and Affordable Home Ownership, discussed above. For example, it is not realistic to look at an all rented scheme given the requirement for Affordable Home Ownership set out in national policy. Therefore, we suggest the list needs to be reviewed and a note added recognising that the issues need to be considered in accordance with the limitations of national policy.

In the discussion of off-site provision at section 3.10-3.12 of the draft SPD, greater up front clarity is needed as to what is meant by '*equivalent*' - is it equivalent in value, mix, tenure etc... These factors need further clarity ahead of paragraphs 4.3-4.6 because as it stands the guidance is ambiguous and open to interpretation.

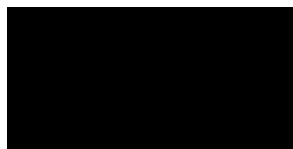
With regard to commuted sums, we agree that there are likely to be limited situations where this can be justified, particularly given the need to first negotiate what can be provided viably on site. Whilst the approach to calculating the commuted sums in different scenarios (i.e. in the case of viability or equivalency) appear appropriate, other than reference to market values, there is a lack of clarity as to what factors will be taken into consideration in establishing the value of the commuted sum. This could have an impact on any developer or promoter seeking to take out an option on land and we suggest more detail needs to be added to provide a greater degree of certainty.

We also feel that there may be some merit in outlining how commuted sums may be spent, possibly linked to the Council's emerging Housing Strategy on which we made separate comments, or locational factors that would be considered, as this would help ensure a clear link through to the efficient use of commuted sums to meet identified need. It would also be beneficial if the timescales for spending the commuted sums were provided.

Section 6 of the draft SPD touches on design considerations and we are pleased to see that the wording does not start to introduce new, specific policy standards on which development should be judged, such as the level of pepper potting of affordable units. This would take the SPD beyond its remit and should be avoided in any future revisions.

Thank you for the opportunity to provide these comments on the draft Affordable Housing SPD. If there are any matters you wish to discuss further, please do not hesitate to contact me.

Yours sincerely



Mark Harris, MRTPI
Partner