



Brettingham House, 98 Pottergate, Norwich NR2 1EQ
T 01603 631 319 F 01603 628 464 E info@lanproservices.co.uk

Date: 14th February 2019

Our ref: BR/

Norwich City Council Planning Service
City Hall
St Peters Street
Norwich
NR2 1NH

By post and email: LDF@norwich.gov.uk

Dear Sir/Madam,

Re: Norwich City Council Draft Affordable Housing SPD for consultation.

I write on behalf of my clients Boudica Developments Ltd to make the following representations in relation to the above consultation document. My clients currently have a planning application (18/01772) submitted for the regeneration of the Former Startrite Shoe Factory site (Site Allocation R18) on Mousehold Lane to a Residential Care Home with specialist dementia care and Supported Living Units for adults with learning disabilities. This draft SPD, if adopted would have serious implications that would threaten the delivery of the project.

Seeking Affordable Housing on Residential Allocations

Paragraph 2.18 of the SPD notes that there is no policy basis for seeking affordable housing on all proposals for purpose-built student accommodation. However, paragraph 2.20 states that *“Seeking affordable housing for care homes and purpose-built student accommodation on sites allocated for either housing or housing led development is justified on the basis that these are forms of housing, albeit not in the same use class as general market housing and their delivery will reduce pressure on the private rented sector;”*

We **object strongly** to the new requirement set out within the SPD for care home and student accommodation schemes on sites allocated for residential development or residential led development to make affordable housing provision. As the SPD itself states, there is no policy basis to justify this requirement and the JCS is in any case out of date. The NPPF does not set out any requirement for these uses to provide affordable housing and it is in our view unlawful for the Council to require it through an SPD, the purpose of which is intended to provide guidance on the interpretation and implementation of JCS policy 4, which contains no such requirement. The SPD should not be used to add additional policy requirements. If such a requirement is to be considered, it should be properly examined through the forthcoming Local Plan process and not put into place following the limited opportunity for interested parties to influence requirements through this SPD.

The provision of care home accommodation and purpose-built student accommodation has the benefit of reducing pressure on private rented dwellings within the city and frees up general market housing within the local area. The National Planning Policy Guidance (NPPG) *recognises “The need to provide housing for older people is critical as people are living longer lives and the proportion of older people in the population is increasing.”* It also states that *“encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock.”* (Paragraph: 020 Reference ID: 2a-020-20180913). These benefits should be recognised in their own right without adding requirements through an SPD for affordable housing provision. This requirement would place an onerous

burden upon developers at a time when there is significant investment uncertainty for all development schemes and the viability implications of such an approach have not been properly examined. This is a particularly onerous burden in circumstances where planning applications are already under consideration on sites, such as my clients. If the SPD is adopted in its current form then it is very likely that the opportunity for the Mousehold Lane site to provide much needed accommodation for elderly people and vulnerable adults will be lost, together with the opportunity to redevelop a long-term derelict site with a high-quality scheme that is supported by local residents and local Councillors alike. This will have a negative impact on meeting local housing needs rather than the positive impact that the SPD aims to produce.

We also **object** to the proposed formula for calculating affordable housing requirements for individual sites, which in general seems to result in a requirement for more affordable housing to be provided than the site allocations assumed would be delivered. For example, The Former Startrite Shoe Factory site (R18) is allocated to deliver approximately 40 dwellings on the site which would deliver 13 affordable units. The current care home and supported living scheme on the site, if taken as a whole would need to deliver 15 dwellings under the formula set out within the SPD when it is already providing significant benefits through the delivery of dementia care and supported living units for adults with learning disabilities.

For these reasons we consider that the requirement for affordable housing from care home and student accommodation schemes on allocated sites should be deleted from the SPD and should instead be properly examined through the development plan process.

Definition of Affordable Housing Types in Norwich

Paragraph 2.3 explains that the Council proposes to adopt its own definition of affordable housing with the intention of meeting local needs in Norwich as defined in the SHMA. The NPPF requirement in paragraph 64 requiring at least 10% of housing on major development sites for affordable home ownership is considered incompatible with the identified housing need in the SHMA.

We do not consider that there is any justification for rewriting the NPPF requirement set out at paragraph 64 which clearly seeks to encourage more than 10% affordable home ownership through its requirement for *“at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site)”*.

Paragraph 1.13 of the draft SPD rightly states that the statutory development plan has primacy and this argument is used in order to justify the variation against the NPPF. However, this can only be the case where the adopted development plan is up to date, and the Joint Core Strategy, which contains the key policy in relation to affordable housing provision is now out of date as at 11th January 2018. Therefore, the NPPF requirement should now have primacy until a new Development Plan policy has been properly tested and adopted.

Furthermore, the SHMA which is used as the basis for seeking a different mix of affordable housing types has not been tested through the Development Plan process and limited weight should, therefore, be placed upon it. It does not provide any tested overriding housing need case which would justify a change from the NPPF. Recent appeal decisions including Norwich Road, Stoke Holy Cross and Blofield Heath have confirmed that limited weight can be applied to the SHMA. The Stoke Holy Cross decision stated the SHMA *“has not been examined or had any rigorous external assessment that has been brought to my attention...”* With regard to the Blofield Heath appeal the Inspector stated at paragraph 23: *“the SHMA evidence has not been the subject of independent examination and is not based on the standard method of assessing local housing need as*

currently expected by the Framework and set out in the Planning Practice Guidance. Consequently, I consider that, for the purposes of this appeal, the relevant policies remain to be considered as not up-to-date."

Therefore, we do not consider that there is any justification at this time for the Council to depart from the NPPF requirement at paragraph 64 and to devise its own definition of affordable housing. Indeed, there are many homebuyers who would be penalised by this breach of national policy and we **object strongly** to this element of the draft SPD.

Application Requirements

Paragraph 2.28 of the draft SPD states: *"Unless matters of design, layout, scale and external appearance are included within the outline submission, viability assessments of outline schemes will be afforded little weight in the decision-making process. Outline planning applications without this level of detail should as a minimum secure the full affordable housing provision in accordance with JCS Policy 4."*

We **object** to this requirement of the SPD which is considered unreasonable because it is forcing developers to provide full planning applications by the back door. An outline application with the amount of detail specified above is virtually a full planning application with the exception of access and landscaping matters. Most outline applications would need to include full access details upfront which would leave only landscaping as a reserved matter.

It should be possible for developers to submit simple outline planning applications for sites to test the feasibility of development and viability of schemes without requiring them to invest in onerous full building design costs upfront. Placing the above restrictions on the submission of applications is not in accordance with the NPPF which states *"Local Planning Authorities should approach decisions on proposed development in a positive and creative way"* (paragraph 38).

Vacant Building Credit

Paragraph 2.36 of the SPD states; *"...it will not be possible to claim both CIL exemption and Vacant Building Credit consecutively on a single development in Norwich."*

There is nothing in national planning policy or guidance that supports this approach. Equally, there is no supportive development plan policy and no justification is provided within the draft SPD as to why it is justifiable for a different approach to be taken in Norwich. We, therefore, **object strongly** to this new requirement being introduced through the SPD when it should be properly supported by national planning policy and examined through the Development Plan process.

We trust that you will take on board these comments and provide a thorough response to the issues raised prior to considering adoption of the SPD. It is our view that the SPD should not be adopted in its current form and that it would be appropriate for these substantial matters to be considered through the review of the Development Plan.

Yours sincerely,



Beccy Rejzek
Associate Director, Planning