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Date: 14th February 2019

Our ref: BR/HH/ID

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
Affordable housing supplementary planning document (2019) - draft for consultation**

We write on behalf of our client Hopkins Homes to make representations in respect of the above consultation document.

Hopkins are an award winning homebuilder and one of the largest in the East of England region. Our client has undertaken a number of development projects within the Norwich City area and has interests in pursuing further schemes in the future. This SPD would have significant implications for Hopkins Homes.

Definition of Affordable Housing Types in Norwich

Paragraph 2.3 of the SPD explains that the Council proposes to adopt its own definition of affordable housing with the intention of meeting local needs in Norwich (which have been defined in the Strategic Housing Market Assessment (SHMA)). At paragraph 2.4 the SPD states *"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 or varying the approach set out in NPPF paragraph 64, which clearly seeks to encourage more than 10% affordable home ownership (i.e. NPPF para 64, states *"....planning policies and decisions should expect at least 10% of homes to be available for affordable home ownership...."* (our underlining), which provides encouragement for developers to deliver more than 10%, except where there is an overriding housing need argument not to).

Paragraph 1.13 of the draft SPD has rightly stated that the statutory development plan has primacy (over the NPPF) and this argument is used in order to justify a variation of NPPF paragraph 64. However, this can only be the case where the adopted development plan is up to date. The Joint Core Strategy, which contains the key policy in relation to affordable housing provision (JCS4) is now out of date as at 11th January 2018.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 at Little Melton (Ref: 3205905), Blofield (Ref: 3205832) Stoke Holy Cross (Ref: 3200501) 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 / our client 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.



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Yours sincerely,

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