

**Affordable housing supplementary planning document:
Consultation Statement in accordance with regulation 12(a) of the Town and
Country Planning (Local Development) Regulations 2012**

1. The Town and Country Planning (Local Development) regulations of 2012 stipulate in regulation 12(a) that before adoption of a supplementary planning document, the local planning authority must prepare a statement setting out:
 - i) the persons the local planning authority consulted when preparing the supplementary planning document;
 - ii) a summary of the main issues raised by those persons, and;
 - iii) how those issues have been addressed in the supplementary planning document.
2. In accordance with regulation 12(a) this statement sets out in appendix A the persons and organisations consulted in preparing the Affordable Housing supplementary planning document (SPD), and sets out in Appendix B the responses received to the consultation and how the issues have been addressed in the final version of the document.
3. The draft consultation document was published on the council's website and placed on public deposit at the council's main offices at City Hall, St Peters Street, Norwich and at the Forum Library, Millennium Plain, Norwich, on 17th January 2019. The period of public consultation ran for four weeks between 17th January and 14th February 2019. Persons and organisations listed in Appendix A were informed of the consultation by email.
4. Details of the consultation can be found here:
https://www.norwich.gov.uk/info/20239/closed_consultations/2240/consultation_closed_draft_affordable_housing_supplementary_planning_document_2019
5. The consultation has followed the protocol for SPDs as set out in Norwich City Council's Statement of Community Involvement (SCI) adopted in 2016, which can be found here:
https://www.norwich.gov.uk/info/20225/planning_policies_supporting_documents/1506/statement_of_community_involvement

Appendix A: List of those consulted

Agents, developers, architects, estate agents and organisations

Aldwych Estates Ltd
Alsop Verrill
Anglia Design Associates
Anglia Innovation Partnership LLP
Arcus Consultancy Services Ltd
Arnolds Keys
Atkins OSM
Aukett Fitzroy Robinson Ltd
Barton Willmore
Beacon Planning Ltd
Bidwells
Bob C Gotts
Building Partnerships
Building Plans Ltd
Carter Jonas LLP
Centenary Asset Management
Chaplin Farrant
Charles Emberson Architect
Chartplan (2004) Ltd
CIM Planning
Citygate Developments
Code Development Planning
Cornerstone Planning
Crispin Lambert Architecture
David Barrett
Dencora
Denis Tuttle
DevPlan
DFAL
DLP (Planning) Ltd
Dove Jeffery Homes Ltd
Durban Associates
East Anglian Property Limited
EJW Planning Limited
Emery Planning Partnership
Evolution Town Planning
Fairhurst
Farrer and Co
Fielden & Mawson
Fine City Properties LLP
Firstplan
Florida Group
FW Properties Ltd
Geoffrey Lane Town Planning
GL Hearn
GVA Grimley
Haart Estate Agents

Harvey & Co
Heaton Planning
Hewitsons LLP
Home Builders Federation
Hopkins Homes
Hopkins Homes
Hudson Architects
Iceni Developments Ltd
Indigo Planning Limited
Ingleton Wood
Jarrod & Sons Ltd
JB Planning
John Long Planning
Jonathan Hall Associates
Kevin Cole
Knight Benjamin
Lanpro Services
Les Brown Associates
Levvel
Linden Homes
Longborough Developments Legal on behalf of Valhalla (UK) Limited
Lovell Partnerships Ltd
LSI Architects
Lucas Hickman Smith
Martin Robeson Planning Practice
McArthur Tring Associates LLP
McCarthy and Stone (Developments) Ltd
Michael Reynolds Architect
Mike Haslam Associates
Mills and Reeve
Mono Consultants
Morston Assets Limited
Nathaniel Lichfield and Partners
NHBC
One Planning Ltd
Orbit Homes
Outdoor Advertising Association
Peacock and Smith
Pegasus Group
Persimmon Homes
Persimmon PLC
Peter Codling Architects
Peter Colby Commercials Ltd
Places for People Group
Planning Issues Ltd
Planning Potential Ltd
Plansurv Ltd
Planware Limited
Potter and Co.
R G Carter Ltd

Rapleys LLP
RG+P Ltd
Richard Jackson Engineering Consultants
Richard Pike Associates
Roche Chartered Surveyors
Roger Tym and Partners
Ronaldsons
RPS
Saint Vincent Holdings Ltd
Savills
Savills (Cambridge)
Savills (L&P) Limited
Scott Brownrigg Planning
Serruys Properties (SPC)
SSA Planning Limited
Steggles Lerner Property Management
Strutt and Parker LLP
Studio UB
Targetfollow
Taylor Wimpey plc
TaylorWimpey Strategic Land
Tesni Properties Limited
Tetlow King Planning
The Interesting Building Company
The Landscape Partnership Ltd
The Sirius Group
The Tyler Parkes Partnership
Thomas Eggar LLP
TOPS Property Services Ltd.
Turley Associates
Vincent Howes Chartered Surveyors
Walsingham Planning
Watsons
White Mountain Ltd
Wilson Bowden Developments
Jarrold and Sons Ltd
Norwich Business Improvement District
Broads Society
New Anglia Local Enterprise Partnership
Norwich Charitable Trusts
NPS Property Consultants Ltd

Registered Providers

Broadland Housing Association
Clarion Housing Group
Flagship Housing Association
Habinteg Housing Association
Hanover
Home Group

Housing 21
Iceni
Norwich Housing Society
Notting Hill Genesis
Orbit Housing Association
Orwell Housing Association
Places for People
Saffron Housing
Sage Housing
Shelter
St Martins Housing Trust
Sussex Street Cohousing
Victory Housing
YMCA

City Councillors

(Bowthorpe) Cllr Sally Button, Cllr Mike Sands, Cllr Susan Sands
(Catton Grove) Cllr Gail Harris, Cllr Paul Kendrick, Cllr Mike Stonard
(Crome) Cllr David Bradford, Cllr Marion Maxwell, Cllr Alan Waters
(Eaton) Cllr Judith Lubbock, Cllr James Wright, Cllr Caroline Ackroyd
(Lakenham) Cllr Keith Driver, Cllr Patrick Manning, Cllr Rachel Trevor
(Mancroft) Cllr David Fullman, Cllr Kevin Maguire, Cllr Martin Peek, Cllr Martin Schmierer, Cllr Jo Smith
(Mile Cross) Cllr Jacob Huntley, Cllr Vaughan Thomas, Cllr Vivien Thomas
(Nelson) Cllr Denise Carlo, Cllr Hugo Malik, Cllr Emma Hampton
(Sewell) Cllr Julie Brociek-Coulton, Cllr Matthew Packer, Cllr Ed Coleshill
(Thorpe Hamlet) Cllr Jo Henderson, Cllr Ben Price, Cllr Cavan Stewart
(Town Close) Cllr Karen Davis, Cllr Ian Stutely, Cllr David Raby
(University) Cllr Matthew Fulton-McAlister, Cllr Beth Jones, Cllr Roger Ryan
(Wensum) Cllr Erin Fulton-McAlister

Portfolio Holder - Deputy leader and social housing: Cllr Gail Harris
Portfolio Holder - Sustainable and inclusive growth: Cllr Mike Stonard

Norwich Green Party
Norwich Liberal Democrats
Norwich Labour Party Group

County Councillors

(Bowthorpe) Mr Mike Sands
(Catton Grove) Mr Steve Morphew
(Crome) Mr George Nobbs
(Eaton) Mr Brian Watkins
(Lakenham) Mrs Brenda Jones
(Magdalen) Mrs Colleen Walker
(Mancroft) Mr Danny Douglas
(Mile Cross) Ms Chrissie Rumsby
(Nelson) Ms Jess Barnard
(Sewell) Mrs Julie Brociek-Coulton

(Thorpe Hamlet) Dr Chris Jones
(Thorpe St Andrew) Mr Ian Mackie
(Town Close) Ms Emma Corlett
(University) Mr David Rowntree
(Wensum) Miss Kim Clipsham

Other Councils

Breckland District Council
Broadland District Council
Broads Authority
Great Yarmouth Borough Council
Kings Lynn Borough Council
North Norfolk District Council
South Norfolk District Council

CNC Building Control

Sport England

National and Regional Government

Environment Agency (Anglian Eastern Area)
Highways England
Historic England
HM Prison Service
Homes England
Natural England
Norwich Magistrates Court

Member of Parliament - Chloe Smith
Member of Parliament - Clive Lewis

Crime and Safety

Norfolk Constabulary
Norfolk Police

Care Homes, community groups, Student Accommodation

Norse care
Caring Homes
Break Charity
Norwich Access Group
Alumno developments
Brown & Co (on behalf of Alumno)
CRM Students (Crown Place, St Stephens Norwich)
Devlukia Properties Ltd.
Estateeducation
Heathfield Student Community Home
Lanpro Services

Health and Social Care

Age UK Norwich

Equal Lives
MAP
Mind
NHS England Midland and East (East)
NHS Norwich CCG
NHS Property Services Ltd
NHS Property Services Ltd
NNAB
Norfolk and Norwich University Hospital
Norfolk County Council (Public Health)
Norfolk County Council (Social Services)
Norfolk County Council (Social Services)
Norwich Access Group
Norwich Independent Living Group
Norwich Older Persons Forum
Shelter
The Matthew Project
Voluntary Norfolk

Education/Youth

Norwich University of the Arts
University of East Anglia
YMCA Norfolk

Environment Heritage

CPRE Norfolk
The Norwich Society
The Woodland Trust

Transport and Utilities

Norwich International Airport
National Grid
National Grid Plant Protection
Woodland PLC (on behalf of National Grid)
Anglian Water Services
EE
Three

Known landowners of allocated housing sites

Bartram Mowers Ltd
Great Hospital Trust
Royal Mail Group Ltd.
(c.o. Cushman and Wakefield)
Soheila Moghtader

Appendix B: Summary of consultation responses to draft SPD and the Council's response.

Organisation / individual	Ref	Summary of response	Council response	Proposed change
Soheila Moghtader	1	Where are the affordable houses being built?	Clarification provided that this is not a proposal to build affordable housing in specific locations but is a proposed update to policy guidance relating to affordable housing in Norwich.	No change.
Cllr Kevin Maguire	2	This is an excellent revision of the SPD for affordable housing.	Noted.	No change.
Natural England	3	The topic of the SPD does not appear to relate to NE's interests to any significant extent, so no comment has been provided. However should the plan be amended in a way which significantly affects its impact on the natural environment, then please consult NE again. Also NE notes that strategic environmental assessment (SEA) is only required for SPDs in exceptional circumstances.	Noted. Planning Practice guidance clarifies that supplementary planning documents do not require sustainability appraisal (SA) but may in exceptional circumstances require a strategic environmental assessment (SEA). For clarification, SEA is not required for this SPD as it is not considered to have any significant environmental effects that have not already been assessed in the SA for Norwich's local plan documents.	No change.
Norfolk Constabulary	4	Recommends that the council engages the Secured by Design guidelines with specification, design and build of new homes	Noted. The draft SPD refers to policy which would apply to all proposed development including for affordable housing. The explanatory text for DM3 in the local plan already makes reference to Secured by Design.	No change.
Norfolk County Council	5.1	Location of housing - should there be a comment that the affordable housing should be located in sustainable locations that provide good quality walking and cycling links to local services/facilities?	Policy DM28 (sustainable travel) applies to all development including for affordable housing. For clarification it is proposed to add reference to DM28 to the text relating to relevant local plan policies in paragraph 1.20.	Amend second bullet in paragraph 1.20 to read "Policies DM2 (amenity), DM3 (design) and DM28 (encouraging sustainable travel) apply to all proposed developments."

	5.2	Section 4 Planning Obligations – an additional bullet could be included in paragraph 4.2 setting out that planning obligations will still need to be used to deal with the transfer of land e.g. for a new school.	The list at paragraph 4.2 relates specifically to the wording of policy DM33 (Planning Obligations) which does not include reference to transfer of land. However it would be helpful to make reference in the paragraph to the city council's Regulation 123 list; this includes reference to planning obligations relating to the transfer of land.	Amend second sentence of paragraph 4.2 by adding "(see also the city council's published Regulation 123 list)".
	5.3	The SPD does not raise any significant cross-boundary issues with Norfolk County Council.	Noted.	No change.
Historic England	6	Response states that HE has no specific comments to make.	Noted.	No change.
Norwich Housing Society	7	The Norwich Housing Society supports the overall aims and intentions of the consultation document. However it considers that given the ageing population, the existence of need for affordable housing for older persons should be specifically referenced in the SPD. It also believes that reference should be made to the different standards and amenity considerations that may be applicable to this type of housing, and the fact that it needs to be considered as a special case in terms of its design and provision.	Overall support noted. The SPD refers to housing needs set out in the SHMA which include those for older persons' housing. Change is proposed to paragraph 2.1 to reference paragraph 61 in the NPPF. Agree that the SPD could acknowledge that design requirements can be different for specialist accommodation for older people. Change proposed.	Add new second sentence in paragraph 2.1: "The NPPF in paragraph 61 clarifies that this includes a range of groups in the community including those who require affordable housing, families with children, older people, students and people with disabilities." Amend paragraph 2.24 by adding new final sentence: "However it is acknowledged that there may be need for an element of flexibility in relation to the design of affordable housing for older people, for example relating to car parking

				provision and the even distribution of development.”
Broads Authority	8.1	Perhaps the Executive Summary could refer to the relevance of this SPD to the Broads as the main document does in paragraph 1.11.	Agreed.	Add new sentence to end of 5 th paragraph of Executive Summary to read: ‘The SPD will also apply to housing proposals within the Broads Authority Executive Area of Norwich.’
	8.2	Paragraph 1.5 – could the change to planning obligations and national policy be another factor? That change increased the threshold.	The factors in paragraph 1.5 are not exhaustive, however it would be appropriate to add reference to other factors too.	Amend para 1.5 by adding ...’, changes to national policy, and introduction of the Community Infrastructure Levy.’
	8.3	Paragraph 1.8 – it is interesting to know the other ways that affordable housing are being delivered, but this could be read by a developer who may conclude that they don’t need to do anything as the City Council and RPs are doing a good enough job. Suggest adding a statement that says that despite these additional ways of providing affordable housing, developers are still expected to provide affordable housing in line with policy requirements.	Agree it would be useful to reinforce the policy requirements for affordable housing in paragraph 1.8.	Amend first sentence of paragraph 1.8: ‘Although this delivery is predominantly on council land, the figures will be added to...’ Add new third sentence: ‘The likely increase in affordable housing delivered through public sector activity, whilst very positive, does not however take away from the need to ensure increased affordable housing delivery on private sector developments, as proposed in this SPD.’

	8.4	Paragraph 1.10 – ideally the SPD would be taken into account when a scheme is being prepared.	Paragraph 1.10 does refer to the SPD being taken into account in preparation of proposals.	No change.
	8.5	Paragraph 1.15 – is it worth being clear to say that because of the then Written Ministerial Statement and now as a result of the NPPF the 5-9 dwelling part of the policy is not in use (if indeed that is the case)?	This is referred to in more detail in paragraphs 2.12 – 2.14. Paragraph 2.14 in particular explains that the current (2015) SPD has a threshold of 10+ units so effectively is not delivering the part of JCS 4 relating to sites of 5 to 9 units.	No change.
	8.6	2.2/1.3 – re adopted policy having primacy over the NPPF. Is there an issue with dates? The JCS is older than the 2018 NPPF.	The JCS is still the adopted plan despite pre-dating the 2018 NPPF. A Supreme Court ruling in 2017 clarified that the NPPF does not displace the primacy of the statutory development plan in respect of non-housing policies when considering planning applications. Also see council response at row 9.1 below.	No change.
	8.7	Paragraph 2.4 – refers to affordable housing being provided and maintained in perpetuity. There are parts of page 13 that imply that those types of affordable housing are not in perpetuity. Is this contradictory or is it worth providing some explanation? For example on page 13 it says that purchasers can staircase to <i>owning</i> 100% of the property, discounted market sale housing is <i>purchased</i> at a discounted price and Rent to Buy refers to a tenant being able to <i>buy</i> the property.	There is reference in the first paragraph of Table 2 (Definition of Affordable Housing) to the subsidy being recycled for alternative provision. Also reference to recycling in the first sentence of paragraph 2.4.	Amend paragraph 2.3 to provide further clarification: ‘The council proposes to adopt the following definition of affordable housing with the intention of meeting local needs in Norwich as defined in the SHMA. The definition is based on the principle that housing is provided at prices below current market rate in perpetuity which people in Norwich are able to afford. Consequently all types of affordable housing must include provisions to

				<p>remain at an affordable price for future eligible households or for the subsidy/sale proceeds to be recycled to provide alternative housing.’</p> <p>Also amend first sentence of paragraph 2.4 for consistency: “Affordable housing will be expected to be provided and maintained in perpetuity in accordance with JCS policy 4 or for the subsidy/sale proceeds to be recycled for alternative affordable housing provision.”</p>
8.8	3.6 refers to paragraph 34, but paragraph 34 of which document?	This refers to paragraph 34 of the NPPF.	Amend paragraph 3.6, by adding ‘...of the NPPF’ to the end of the second sentence.	
8.9	3.24 onwards – could a review lead to contributions going down?	Planning practice guidance clarifies that review mechanisms are not a tool to protect return to the developer but to strengthen local authorities’ ability to seek compliance with relevant policies, implying that contributions should go up rather than down through viability review.	No change.	
8.10	Section 6 – suggest the examples are put in boxes. It is not clear when the example 3 actually ends – does 6.11 onwards refer to the examples or are they general text?	Paragraph 6.11 relates to example 3. Agree that it would help to put the examples in boxes.	Amend section 6, paragraphs 6.7 – 6.11, by presenting the 3 examples in boxes.	
8.11	Section 6 – is it worth mentioning our likely adopted policy that seeks off-site	A proposed modification to the Broads Local Plan seeks off-site contributions for affordable	No change.	

		contributions for schemes of 6-9 dwellings? That is another scenario where off-site contributions may be sought.	housing for sites of 6-9 units in accordance with the adopted standards and policies of the relevant District Councils. However the SPD sets out the reasoning behind not seeking contributions from such development (paragraphs 2.12-2.14) including government policy to reduce burdens on small developers and increase delivery of small scale sites, and the evidence that seeking such contributions is unlikely to deliver significant affordable units. This is also the approach in 2015 SPD.	
Lanpro Services Ltd	9.1	<p>Object strongly to the council departing from the NPPF requirement at paragraph 64 and devising its own definition of affordable housing. There is no justification for rewriting the NPPF requirement (paragraph 64) which clearly seeks to encourage more than 10% of homes to be available for affordable home ownership on a site. Although the development plan has primacy over the NPPF, the Joint Core Strategy is now out-of-date as of 11th January 2019, and the NPPF should have primacy until a new development plan has been adopted.</p> <p>Furthermore the SHMA has not been tested through the development plan process and therefore limited weight should be placed on it. Reference is made to the Blofield Heath appeal where the inspector stated that the SMHA evidence had not been subject of independent examination and is not</p>	<p>Paragraph 64 of the NPPF is not a mandatory requirement in so far that it states that “planning policies and decisions <u>should</u> expect at least 10% of the homes to be available for affordable home ownership” (emphasis added). Therefore the council is not re-writing the NPPF requirement, rather it is interpreting it in relation to local need.</p> <p>The fact that the JCS is over 5 years old does not mean that it is out-of-date as a whole, or that all of policy JCS is out-of-date. Paragraph 73 of the NPPF states that where a local plan has been adopted for more than five years the requirement for overall housing supply should be measured against the government’s standard methodology and overall need figures in the local plan should be treated as being out of date. However, it does not follow that the remainder of JCS4 which deals with housing mix, affordable housing, housing with care and gypsies and travellers should also be treated as being out of date, especially when the policy remains supported by an up-to-date evidence</p>	No change.

	<p>based on the standard method of assessing local housing need, and found the relevant policies not up-to-date.</p>	<p>base. The requirements set out in JCS4 relating to affordable housing tenure are supported by the most recent evidence in the 2017 SHMA.</p> <p>The SHMA has been subject to public consultation in 2018 as part of the GNLP Preferred Options consultation, and remains the most up-to-date evidence on housing need.</p> <p>Annex 1 (Implementation) states that "...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework.</p> <p>The weight to be given to the NPPF and paragraph 64 will be a matter for the city council as decision maker having regard to the relevant policy and evidence base (in this case the most recent SHMA).</p>	
9.2	<p>Object strongly to new requirement seeking affordable housing for purpose built student accommodation (PBSA) and care homes on sites allocated for residential or residential led development. There is no policy requirement and the JCS is out-of-date. The NPPF does not contain such a requirement and it is unreasonable to require it through a SPD. Such a requirement should be properly examined through the forthcoming local plan process and not included in this SPD, with limited opportunities for interested parties to influence requirements.</p>	<p>As stated in paragraph 2.20, the SPD justifies seeking affordable housing on such sites as they would have delivered affordable housing in accordance with JCS policy 4 if developed for the allocated use.</p> <p>JCS policy 4 is not considered out-of-date because the plan is now over 5 years old, as noted above.</p> <p>Viability tends to be much less of a consideration for PBSA development in particular as evidenced by the great increase in planning applications for this use in recent years. As well as not currently providing any affordable housing, PBSA development also</p>	No change.

		<p>PBSA and care homes have benefit of reducing pressure on private sector housing. The proposed requirement would place an onerous burden on developers and viability implications have not been properly examined. This is particularly onerous where planning applications are already being considered on such sites.</p>	<p>attracts a very low rate of Community Infrastructure Levy (CIL) in comparison with residential development (£7.10 and £106.47 per square metre respectively), whilst C2 development does not pay any CIL. However where applicants consider that there is a viability issue for particular developments, this can be taken into consideration through the normal viability assessment process.</p> <p>In any case it is not proposed to change the types of development to which JCS4 applies as such, but rather to clarify the approach to be taken where there is a conflict with site allocations for housing and where an element of affordable housing would have been expected.</p>	
9.3	<p>Object to proposed formula for calculating affordable housing requirements on individual sites, which seems to result in a requirement for more affordable housing than the allocation envisaged. Specific examples are provided at the former Start-rite Shoe Factory on Mousehold Lane, and land at Queens Road and Surrey Street. These developments are already proposing significant benefits.</p>	<p>Paragraph 2.19 provides an example of how affordable housing contribution would be calculated for PBSA or care home development on sites allocated for housing or residential led development. The formula proposed is the one used by government in the Housing Delivery Test rulebook as set out in footnote 3.</p> <p>The formula will only result in more affordable housing provision than the original allocation if the proposed PBSA / care home is of a sufficient scale to trigger this.</p>	No change.	
9.4	<p>Object to paragraph 2.28 (application requirements) which is considered unreasonable because it forces developers to provide full applications by the back door.</p>	<p>The revised SPD does not force developers to bring forward full applications by the back door. The weight given to outline proposals with very little detail has not changed since the 2015 SPD; as viability assessments for such proposal do not contain sufficient information to make a judgement about viability, they can be afforded little weight in the decision-making</p>		

			<p>process. There is nothing to prevent outline proposals to continue to come forward on that basis. What has changed is in the draft 2019 SPD is the proposal that weight will be given to those outline applications which do include matters of design, layout, scale and external appearance.</p>	
9.5	<p>Object strongly to paragraph 2.36 (vacant building credit) – there is nothing in national planning policy or guidance that supports the statement that “...it will not be possible to claim both CIL exemption and Vacant Building Credit consecutively on a single development in Norwich.”</p>	<p>In the absence of a definition of a ‘vacant building’ within the NPPF paragraph 63 and PPG paragraphs 021-023, reference to the CIL regulations in the definition of what constitutes vacant has been used by a number of other Local Authorities (including Mid-Sussex, Suffolk Coastal and Waveney, Bath & North East Somerset, and South Gloucestershire Councils - for example)</p> <p>CIL is charged to provide money for infrastructure. The charges are paid per m² of net new floorspace, whereby an existing building in lawful use is subtracted from the total charge. This recognises the existing impact of the lawful use and therefore the need only to mitigate the impact of the additional, new use. Where that existing lawful use has ceased, i.e. where it has not been in use for a continuous period of at least six months in the preceding three years, then the charge becomes liable on the gross floorspace, with no deduction of existing floorspace.</p> <p>The Written Ministerial Statement 2014 which introduced Vacant Building Credit states the intention of credit is “...to boost development on brownfield land and provide consistency with exemptions from the Community Infrastructure Levy”.</p>	No change.	

			<p>According to PPG Planning Obligations paragraph 022 Reference ID:23b-022-20160519 (Rev. 19/05/2016) The Vacant Building Credit applies “...where a vacant building is brought back into lawful use, or is demolished to be replaced by a new building,...”</p> <p>It is therefore considered incongruous to claim that a building is vacant in order to claim Vacant Building Credit at the same time as claiming a building is in use to claim CIL relief on existing floorspace.</p> <p>CIL regulations 2010 (as amended) do not provide relief to vacant buildings.</p>	
North Norfolk District Council	10.1	Paragraph 2.4 (NPPF requirement in paragraph 64 for at least 10% of units for affordable home ownership): potential to capitalise on NPPF definition of at least 20% below market value and align this with local levels of affordability?	The approach taken in the SPD definition is focussed on meeting the need in the SHMA which is predominantly for affordable rented housing. The suggested approach would not achieve this.	No change.
	10.2	Paragraphs 2.16 - 2.21: Supports requirement to seek affordable housing contributions from both C2 and PBSA. Careful consideration should be given to ensure that the affordable housing requirements do not impact on the C2 requirement as set out in the SHMA.	For clarification, the SHMA does not include a requirement figure for C2 housing. A requirement for C2 housing is set out in Norfolk County Council’s Living Well strategy for extra care housing. Viability of C2 proposals on sites allocated for residential or residential led development can be addressed through a process of viability appraisal where appropriate.	No change.
	10.3	Paragraphs 2.27 – 2.30: NNDC support the application requirements set out here. However this could be strengthened to emphasise that all proposals should be fully policy compliant unless it can be	Agree this would be a useful clarification. Change proposed.	Add new para 2.27 at start of this section: “All development proposals should be fully policy compliant unless it can be demonstrated through

		demonstrated through a full viability assessment that this is not possible.		a full viability assessment that this is not possible.”
	10.4	Paragraph 2.29: clarify here that the price paid for land is not a relevant justification for failing to accord with relevant plan policies (as already stated in 3.15)	Agree this is appropriate. Change proposed.	Amend paragraph 2.29 by adding a new sentence prior to the final sentence: “ As noted in paragraph 3.15, planning practice guidance clarifies that the price paid for land is not a relevant justification for failing to accord with relevant plan policies.”
	10.5	Paragraphs 2.31- 2.32: NNDC supports the approach taken to the subdivision of large sites.	Noted.	No change.
Lanpro on behalf of SYC Student Accommodation Ltd.	11.1	<p>Object strongly. The adoption of the draft SPD in its current form so as to require sites for student accommodation to make a contribution towards affordable housing would be unlawful.</p> <p>The objection is based on a legal opinion from Reuben Taylor QC of Landmark Chamber summarised as follows:</p> <ul style="list-style-type: none"> • Regulation 8(3) of the 2012 Town and Country Planning Regulations state that any policies in a SPD must not conflict with the adopted development plan. • Policy JCS4 does not apply to sites where student accommodation is proposed given that it is in a different use 	<p>The objection and comments from Reuben Taylor QC misrepresent the change proposed within the SPD. In no way does the proposed change in the SPD generally seek to widen the uses to which affordable housing applies. Contrary to the QC comments JCS4 does not specifically state that it does not apply to PBSA or C2 uses. It does however apply to housing and therefore housing allocations.</p> <p>The approach in the SPD is <u>not</u> that it is proposed to apply affordable housing policies to all PBSA and C2 proposals. Indeed if that were the case the QC comments may be arguable.</p> <p>So far as this matter is concerned the SPD clarifies the Council’s approach to the interpretation of site allocation policies rather than JCS4 as such. Affordable housing is only sought for PBSA and C2 on sites allocated for</p>	No change.

		<p>class from general market housing. The approach enshrined in JCS4 is that no affordable housing is to be sought from student accommodation schemes.</p> <ul style="list-style-type: none"> • Therefore the SPD conflicts with policy JCS3. The SPD cannot be used to broaden the application of the policy to sites that its wording does not currently embrace, and cannot be lawfully used to create a policy basis for requiring payment of an affordable housing contribution where there currently is none. As a result the draft SPD cannot be adopted as proposed as this would be contrary to Reg 8(3) of the 2012 Regulations. 	<p>housing where it is reasonable to assume that an element of affordable housing would normally be expected. In no way therefore does the SPD conflict with the adopted development plan. It does however make clear the council's approach where there is a conflict with site allocation policies due to other forms of accommodation being proposed.</p>	
	11.2	<p>There is no justification for rewriting the NPPF requirement in paragraph 64 requiring at least 10% of housing on major sites for affordable home ownership. The development plan no longer has primacy as the Joint Core Strategy is out of date. Furthermore the SHMA which is used for the basis for seeking a different mix of affordable housing types has not been tested through the Development Plan process.</p>	<p>See council's response at row 9.1 above.</p>	<p>No change.</p>
	11.3	<p>Object strongly to the new requirement set out within the SPD for student accommodation and care home schemes on sites allocated for residential and residential led</p>	<p>See council's response at row 9.2 above.</p>	<p>No change.</p>

		development to make affordable housing provision.		
	11.4	Object to the proposed formula for calculating affordable housing requirements for individual sites which seems to result in a requirement for more affordable housing to be provided than the assumed by the site allocations.	See council's response at row 9.3 above.	No change.
David Patey, Director Heathfield (Norwich) Ltd	12.1	Supports the proposal to treat purpose-built student housing on a par with other forms of housing, and to seek affordable housing as part of such developments. Failure to do so unbalances the playing field by artificially making PBSA a more attractive proposition than other housing types to a developer. This more attractive financial model does not usually feed through into more affordable rents for student occupiers.	Noted.	No change.
	12.2	The National Union of Students regards student accommodation as affordable if it costs less than 50% of the maximum student support available: in the current academic year that means a rent of no more than £4,350.	Noted.	No change.
Mary Ledgard, Chair, Norwich Older People's Forum	13.1	The application of the SPD is as important as the document itself. While we understand the need for flexibility and the concept of viability assessments, we believe that it is important to maximize the number of affordable housing units built in	Noted. The overall aim of the SPD is to maximise delivery of affordable housing in Norwich whilst addressing viability considerations.	No change.

		Norwich. We are concerned that not providing affordable housing in the Anglia Square and, we understand, the St Mary's Works developments should not set a precedent.		
	13.2	We agree that affordable housing should cater for all sectors of the community. We feel that it is important that the needs of older people and those affected by the "bedroom tax" should be taken into consideration. We understand that the NPPF is a guidance document only and should not be treated as a statute but it is important that Norwich creates places that are "safe, inclusive and accessible" (NPPF 127f) and ideally adheres to the Government's optional standards for accessible and adaptable homes for at least some of the properties.	Noted. See proposed changes at row 7 above. The NPPF will continue to be a key material consideration in both plan making and decision-making. The reference to its status in 1.13 is pertinent to the definition of affordable housing in the NPPF and in particular to the requirement for 10% of units on major sites to be affordable home ownership.	No change.
Simeon Jackson	14.1	Notes the shocking decline in the amount of affordable housing delivered in Norwich since the publication of the NPPF in 2012. Whilst the City Council should be applauded for its direct delivery of affordable housing, the obligation of developers to contribute is being eroded by insufficiently robust policy at both a national and local level. Further clarification needed in Introduction about poor delivery in the past. Also need to state the extent to which the council hopes affordable housing will be delivered by it directly and through planning obligations.	Noted. The purpose of the Introductory section is to provide an overview of affordable housing delivery, providing figures back to 2008/09. It is difficult to predict the extent of future delivery by the council and private developer with any accuracy. Reference to Anglia Square in paragraph 1.8 is included as an example of current private sector proposals. The intention of paragraphs 1.6 – 1.8 is to give a flavour of the contribution that has been, and is anticipated will be made, by the council as this is obviously an important component of delivery. Please also note proposed change at	No change.

			row 8.3 above.	
14.2	The definition of affordable housing in Table 2 does not state how some of the intermediate housing options would remain affordable in perpetuity. This should be within the definition in order to be robust.	Not accepted. In addition to reference within the first paragraph of the definition in Table 2, the SPD also refers to this in paragraphs 2.3 and 2.5. Further clarification is provided in the proposed changes to these paragraphs set out at row 8.7 above.	No change.	
14.3	Paragraph 2.18 refers to timescale of GNLP – put in Introduction instead.	Not accepted. This paragraph refers to emerging policy on purpose built student accommodation so reference to the GNLP timescale is appropriate here.	No change.	
14.4	Seeking affordable housing on residential allocations is a really positive addition to the SPD, particularly in relation to PBSA.	Noted.	No change.	
14.5	The document does not provide a process to ensure a mix of affordable tenures (paragraph 2.23) or a method of making sure that the development is as attractive as possible to Registered Providers (paragraph 2.26). It is counter-productive to require no distinction between affordable and market units (para 2.24).	The methodology set out in paragraph 2.23 is considered to be appropriate, involving early discussions with RPs who will advise on their requirements.	No change.	
14.6	Paragraph 2.28 (application requirements) is vague and contradictory in relation to weight to be given to viability assessments. Potential for alternative wording to aid clarity.	It is not accepted that 2.28 is contradictory. This paragraph specifies the approach to the weight to be given to viability assessments for outline applications.	No change.	
14.7	The document states that the weight given to a Viability Assessment is a matter for the decision maker (paragraph 3.1) but fails to specify under what circumstances a Viability Assessment may or may not be given weight.	Not accepted. It is not possible to specify the weight to be given to viability assessments in all cases as this will depend on the merits of individual cases. However, as noted above, paragraph 2.28 provides advice about the weight to be given to outline applications, as does paragraph 2.29 in relation to viability assessments where the applicant is not	No change.	

			proposing to deliver the scheme.	
14.8	Paragraph 2.29 should be irrelevant as land value cannot reflect the amount paid for the land.	<p>The issue of land value is acknowledged in paragraph 3.15 of the SPD. The purpose of paragraph 2.29 is to incentivise delivery of housing including affordable housing, by giving limited weight to viability assessments where the applicant is not proposing to deliver the scheme.</p> <p>Whilst it is correct that the price paid for land is irrelevant it does not stop developers overpaying and, where they do, this can lead to an impasse when considering viability and therefore non-delivery of sites. The suggested approach looks to stop land owners gaining consents with reduced land affordable housing contributions and then selling on at over-inflated land values leading to non-delivery.</p>	No change.	
14.9	There are a number of references to “land-owners” profit (paragraphs 3.3 and 3.5), which are contrary to the NPPG, as these should instead be referring to the developer’s profit. The NPPG states that the land-owner’s incentive to make the land available for development should be factored in within the value of the land.	Agree some clarification is required. Changes proposed.	<p>Amend paragraph 3.3 by replacing “landowner” with “developer”.</p> <p>Amend paragraph 3.5 second sentence, final clause: “...to render the site viable and incentivise the development.”</p>	
14.10	Paragraph 3.12 is contradictory by stating that assessments should follow the PPG but that the council also wants to adopt alternative approaches to land value and reasonable profit.	Accept that this appears contradictory as written. Change proposed.	Amend paragraph 3.12 to read: “Paragraphs 3.13 – 3.18 below clarify how the local planning authority will assess land value uplift and reasonable profit for planning applications in Norwich.”	

	14.11	There is no guidance on who is responsible for developing the plan-making stage viability assessment (paragraph 3.6).	Guidance is provided in PPG for plan-makers. Change proposed for clarification.	Amend paragraph 3.6 to include the following text at the end of the final sentence: “...(guidance is provided in Planning Practice Guidance on Viability).”
	14.12	There is no real acknowledgement that the acceptable level of profit for both land-owner and developer should be based on risk, not arbitrary percentages (paragraphs 3.14, 3.16 and 3.18). This document should set out a framework to assess whether the level of profit is reasonable, based on the risks inherent within the site. Contingency should be set at 0% by default.	The range of reasonable profit to the developer proposed in the SPD does inherently acknowledge different levels of risk – see paragraph 3.17. In relation to contingency, the council benchmarks construction costs based on a standard development; it is reasonable that a contingency allowance is included for abnormal unforeseen circumstances depending upon the risk of the development. This is the industry standard approach.	No change.
	14.13	The document also does not state whether or not the viability assessment should take into account the risk of planning refusal. This is particularly relevant to reserved matters stage (3.29), where the risks to the developer will be substantially lower due to already having permission in principle.	Not accepted. This is not a relevant risk item to be taken account of in the viability assessment.	No change.
	14.14	Review of viability at reserved matters stage may lead to reduced profit.	See council response at row 8.9 above.	No change.
Lanpro on behalf of Boudica Developments Ltd	15.1	Object strongly to new requirement seeking affordable housing for purpose built student accommodation (PBSA) and care homes on sites allocated for residential or residential led development. There is no policy requirement and the JCS is out-of-date. The NPPF does not contain such	Not accepted. See council’s responses at rows 9.2 and 11.1 above.	No change.

		<p>a requirement and it is unreasonable to require it through a SPD. Such a requirement should be properly examined through the forthcoming local plan process and not included in this SPD, with limited opportunities for interested parties to influence requirements.</p> <p>PBSA and care homes have benefit of reducing pressure on private sector housing. The proposed requirement would place an onerous burden on developers and viability implications have not been properly examined. This is particularly onerous where planning applications are already being considered on such sites.</p>		
	15.2	<p>Object strongly to the council departing from the NPPF requirement at paragraph 64 and devising its own definition of affordable housing. There is no justification for rewriting the NPPF requirement (paragraph 64) which clearly seeks to encourage more than 10% of homes to be available for affordable home ownership on a site. Although the development plan has primacy over the NPPF, the Joint Core Strategy is now out-of-date as of 11th January 2019, and the NPPF should have primacy until a new development plan has been adopted.</p> <p>Furthermore the SHMA has not been tested through the development plan process and therefore limited weight should be placed on it. Reference is made to the Blofield Heath appeal</p>	Not accepted. See council's response at row 9.1 above.	No change.

		where the inspector stated that the SMHA evidence had not been subject of independent examination and is not based on the standard method of assessing local housing need, and found the relevant policies not up-to-date.		
	15.3	Application requirements: Object to paragraph 2.28 (application requirements) which is considered unreasonable because it forces developers to provide full applications by the back door.	Not accepted. See council's response at row 9.4 above.	No change.
	15.4	Vacant building credit: Object strongly to paragraph 2.36 (vacant building credit) – there is nothing in national planning policy or guidance that supports the statement that "...it will not be possible to claim both CIL exemption and Vacant Building Credit consecutively on a single development in Norwich."	See council's response at 9.5.	No change.
Green Party	16.1	Viability assessment should only be used when it is necessary for the council's policies to be achieved, not produced for developers to enlarge their profits.	Noted. The SPD reflects the statement in the NPPF / PPG that the weight to be given to a viability assessment is a matter for the decision maker (see paragraph 3.1 for example).	No change
	16.2	The range of homes to meet the needs of future generations will need to acknowledge the impact of climate change.	Noted. This is a matter dealt with in current local plan policy and will be addressed in the emerging GNLP.	No change.
	16.3	More detail needed explaining how dwellings can be kept available for rent, and how more intermediate housing will be made available over the long term and not lost to local supply.	Noted. This is addressed in response to earlier comments. Please see proposed change at row 8.7.	No change.
	16.4	Pleased to see the affordable housing	Noted.	No change.

		contribution for purpose built student housing.		
	16.5	If viability assessment is carried out at plan making stage it should not be revisited.	National policy and guidance allow for viability assessment at a later stage and clarifies that the weight to be given to viability assessment is a matter for the decision maker.	No change.
Retirement Housing Consortium (representing Renaissance Retirement, Pegasus Life, McCarthy and Stone, and Churchill Retirement Living)	17.1	<p>Application of policy to C2 uses:</p> <ul style="list-style-type: none"> • Inappropriate to apply generic affordable housing policy to C2 residential uses (has been established at appeal) • This has not been set out in local plan policy and it is inappropriate to introduce this through SPD rather than the local plan examination process. • JCS4 is based on a 2010 viability study which fails to test viability of retirement housing typologies. The council cannot suggest that the policy will not have a negative impact on C2 housing. • SPD should be amended to remove this requirement due to the characteristics and costs of providing such facilities. 	<p>The intention is not to require affordable housing contributions from all C2 proposals across the board but only where these are on residential or residential led local plan allocations. As stated in para 2.20 the SPD justifies affordable housing provision on such sites as they would have delivered affordable housing if developed for their allocated use.</p> <p>See council's responses at rows 9.2 and 11.1 above.</p>	No change.
	17.2	Principle of off-site contributions: Cash in lieu payments to address affordable housing is the most equitable solution to addressing AH requirements for specialist housing for older people. There should be recognition of its unique characteristics in the SPD. Flexibility should be provided for specialist housing for older people to ensure that providers of such housing will be assured of sufficient	Noted. The SPD allows for commuted sums to address affordable housing provision.	No change.

		flexibility in the affordable housing policy.		
17.3		Viability evidence base: the viability analysis supporting the affordable housing policy locally fails to adequately test typologies for specialist housing for older people. There is a lack of recognition how such proposals differ in viability terms from general needs housing. The SPD should be amended to ensure there is such recognition.	The viability of proposals for C2 development on residential or residential led allocations can be addressed through the viability assessment process.	No change.
17.4		Vacant building credit: the SPD seeks to expand upon the criteria for VBC by not allowing its application on allocated sites. This is not in line with the guidance in PPG which states that the credit should not apply to buildings that have been abandoned.	Not accepted. The PPG is not prescriptive and allows authorities to consider a number of factors. The SPD states that VBC will not apply in a range of circumstances including where a site is allocated for an alternative land use to what is proposed. This is considered reasonable as the council would not wish to incentivise, through VBC, the development of a site allocated for an alternative use.	No change.
17.5		Viability assessment: <ul style="list-style-type: none"> in relation to land value the SPD should acknowledge that every site should be assessed on its own merits and that alternative use values may be relevant as well as existing use value. It is inappropriate limit profit assumptions to 15-17.5% of GDV. This contradicts paragraph 3.16. This needs to acknowledge that specialist housing proposals for older people are riskier developments for a number of reasons including restricted 	<p>The approach taken in the SPD to calculating the land value (existing use value plus) reflects the Planning Practice Guidance.</p> <p>Any risks associated with specialist older peoples housing, and how this relates to reasonable profit, can be addressed through the viability assessment process.</p> <p>It is appropriate to include review mechanisms in SPD (PPG 009 does not preclude this) - the current 2015 SPD for affordable housing already includes a affordable housing viability review clause.</p>	No change.

		<p>occupancy, slow sales rates and a very slow payback period.</p> <ul style="list-style-type: none"> Review mechanisms should not be introduced through SPD and should be established through the local plan process as required by PPG para 09 		
	17.6	Commuted sums: blind application of Appendix 3 commuted sum figures is likely to make many proposals unviable.	The viability of proposals for C2 development on residential or residential led allocations can be addressed through the viability assessment process as appropriate.	No change.
Lanpro on behalf of Hopkins Homes	18.1	<p>There is no justification for rewriting or varying the NPPF approach in paragraph 64 which clearly seeks to encourage more than 10% affordable home ownership. Although the development plan has primacy over the NPPF, the JCS is out of date and therefore the NPPF requirement should have primacy until a new development plan policy has been adopted.</p> <p>Furthermore the SHMA has not been tested through the development plan process and therefore limited weight should be placed on it. Reference is made to recent appeal decisions including the Blofield Heath appeal where the inspector stated that the SMHA evidence had not been subject to independent examination and is not based on the standard method of assessing local housing need, and found the relevant policies not up-to-date.</p>	Not accepted. See response set out at row 9.1 above.	No change.
	18.2	Application requirements: Object to paragraph 2.28 (application requirements) which is considered	Not accepted. See response at row 9.4 above.	No change.

		unreasonable because it forces developers to provide full applications by the back door.		
	18.3	Vacant building credit: Object strongly to paragraph 2.36 (vacant building credit) – there is nothing in national planning policy or guidance that supports the statement that “...it will not be possible to claim both CIL exemption and Vacant Building Credit consecutively on a single development in Norwich.”	See Council’s response at row 9.5 above.	No change.
OFFICER CHANGES				
Paragraph 2.25	1	Clarification required in relation to the technical standards referenced in paragraph 2.25, to be consistent with policy DM12 criterion (f).	Change proposed.	Amend first sentence of paragraph 2.25 to read: “It is expected that a proportion of affordable units will be built in accordance with technical standards level 2 as set out in Approved Document M of the Building Regulations, in line with the requirement in policy DM12. This is broadly equivalent to the Lifetime Homes Standard...”
Paragraph 2.37	2	Paragraph 2.37 as written means that an application for housing-related development on a site allocated for housing but currently in an alternative use, would need to be actively marketed for the existing use prior to submission of a planning application. This is not the intention of the paragraph and should be amended / clarified.	Change proposed.	Amend second sentence of paragraph 2.37 to read: “Unless the site is already allocated for housing, an application for vacant building credit....”

