

TONBRIDGE AND MALLING BOROUGH COUNCIL

AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT

Consultation Statement

July 2008

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1. Introduction

1.1 Consultation Statement

- 1.1.1 A Consultation Statement in respect of the preparation of a Supplementary Planning Document (SPD) is defined under Regulation 17(1)(b) of the Town and Country Planning (Local Development)(England) Regulations 2004 as a statement setting out:
- The names of any person (or body) whom the authority consulted in connection with the preparation of the SPD;
 - How those persons were consulted;
 - A summary of the main issues raised in those consultations;
 - How those issues have been addressed.
- 1.1.2 At the stage of adoption the Council is required to produce a similar document under Regulation 18(4)(b) which includes a summary of the main issues raised in response to consultation under Regulation 17 and an indication of how these issues have been addressed in the adopted SPD. This Consultation Statement includes both the response to original informal consultation and the response to formal consultation under Regulation 17. The process is described below.

1.2 Consultation Process

- 1.2.1 Because of the relatively technical nature of the Affordable Housing SPD the Council decided that it would be most productive to consult informally on a full draft of the document before it was subject to formal consultation under Regulation 17.
- 1.2.2 In line with the Council's adopted Statement of Community Involvement, a consultation draft of the SPD was published for public comment on 6 November 2007 with a 6 week period for comment, the deadline being 21 December 2007. A News Release was issued (see **Annex A**). The document was available for inspection at the Council Offices at Kings Hill and Tonbridge Castle and at libraries throughout the Borough. It was also available to view on, and download from, the Council's Website.
- 1.2.3 Consultees at the informal stage included the Housing Corporation, GOSE, SEERA, SEEDA, KCC, all neighbouring Councils, all Parish Councils in the Borough, the HBF, CPRE and numerous other conservation, amenity and community groups, business organisations, Registered Social Landlords and selected developers and consultants. Complimentary copies of the document were sent to a total of 64 organisations as listed under **Annex B** and a further 285 bodies, listed under **Annex C**, were also notified of the availability of the document. The letters were accompanied by a brief questionnaire (**Annex D**) to assist in structuring responses.

- 1.2.4 Following consideration of the response to informal consultation the Council published a revised draft and undertook formal consultation under Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004. The revised draft SPD was published for public comment on 7 March 2008 with the six week period for comment ending on 18 April 2008. A further News Release was issued (**Annex E**) and statutory advertisements appeared in the three local newspapers circulating in the area (**Annex F**). As with the earlier draft, the revised document together with its accompanying Consultation Statement was available for inspection at the Council Offices at Kings Hill and Tonbridge Castle and at libraries throughout the Borough. Both documents were also available to view on, and download from, the Council's Website.
- 1.2.5 All of the same organisations and individuals as at the draft SPD stage were notified. The statutory consultees, Parish Councils and anyone who had commented on the draft were sent a copy of the revised SPD together with the Consultation Statement. Everyone else was simply notified of its availability.

1.3 Response to informal consultation – November 2007

- 1.3.1 In total 14 responses were received the majority of which included important and, generally constructive, comments. The representations are summarised under **Annex G** together with the Council's response.
- 1.3.2 In summary, the response to consultation raised the following main issues:
- The basis of the guidance on size and type of affordable housing should be transparent and informed by the Housing Market and Needs Assessment Study (HMNAS) and should distinguish between flats and houses. It should also take account of the existing social mix in the locality.
 - The need for affordable housing needs to be considered alongside other development contributions. It would have been better to prepare a comprehensive document dealing with Development Contributions in the round.
 - The target and mix should be expressed in terms of rooms or bedspaces rather than dwellings.
 - The need for supported housing should be quantified and prioritised and the requirement should only apply to larger developments.

- The requirement for off-site provision and the Council's preferred approach should be absolutely clear and not be unreasonable. The relative timing of off-site provision should be specified.
- There were some questions about clarity of purpose of the document, in particular, whether it also applies to Policy CP19 (which it does). There was some concern about its length and complexity and whether in some places it duplicated the Core Strategy. There were questions about the relative status of the Annexes compared to the main document.
- General concern about impact on development viability particularly in the absence of grant and about the process and criteria to be taken into account. Viability assessments should be collaborative, binding and paid for by the developer.
- Concerns about the issue of pepper-potting and whether the specified maximum size of dwelling clusters was too high or too low.
- Concerns about the level of service charges and whether it is right to seek to control them.
- Some concern was expressed about seeking to specify a preferred list of RSLs.
- There was concern about the length of lease specified at a minimum of 999 years.
- There was concern about the detailed wording of the model condition and Section 106 Agreement and about some of the definitions in Annex A.
- Differing views were expressed about the level of car parking provision on affordable housing schemes.
- Concern about specifying design requirements.
- In addition there were some comments on the Council's affordable housing policy generally that related more to the Core Strategy and were not relevant to the SPD.

1.4 Changes to the draft SPD

- 1.4.1 In the light of the response to consultation **Annex G** identifies a number of places in the SPD where it was accepted that a change could usefully be made in order to clarify the meaning of the document and respond to some of the suggestions made. The Reg 17 Consultation version of the SPD identifies the main areas of change highlighted in grey

1.4.2 The main changes are as follows:

- Clarification that SPD supports Core Policy CP19 (relating to Rural Exception Sites) as well as the main affordable housing Policy (CP17)(para 1.1.2);
- Some refinement of the SPD objectives (para 1.1.3);
- Clarification that any independent assessment of the viability of a development would be undertaken collaboratively with the developer (paras 1.3.3 and 6.2.7);
- Clarification as to why there is no overall target for affordable housing provision. Our aim is to get 40% on all eligible sites with a view to getting the highest possible supply to contribute towards meeting the overall requirement (para 1.4.5);
- To add those with learning disabilities to the list of those requiring supported housing (para 3.3.1);
- To indicate that all affordable dwellings should be designed to Lifetime standards (para 3.6.2)and at least 10% to be wheelchair accessible (Para 3.7.1);
- Clarification of site suitability (paras 4.1.1 and 4.1.2);
- To remove the specific reference to the sizes of clusters in new developments (para 5.1.2);
- Inclusion of a reference to the cascade mechanism (para 6.2.5);
- Inclusion of examples of abnormal site costs (para 6.2.10)
- Clarification of grant arrangements (Para 6.2.14)
- Revision to the estate management charge limit from 30% to 10% of base housing costs (para 8.1.7);
- Inclusion of a timescale requirement for off-site provision (para 9.1.5);
- Some refinement and additions to the definitions under Annex A;
- Some clarification of the reasons for the Indicative Affordable Housing Mix under Annex C;

- Some amendments and clarification of Space Standards under Annex I;
- Clarification that the typical Planning Condition (Annex K) and draft Section 106 Agreement (Annex L) are only the starting points for negotiation.

Overall it is considered that these amendments will help the interpretation and overall usefulness of the document.

1.5 Response to formal consultation under Reg 17 – March 2008

- 1.5.1 21 responses were received at the formal consultation stage which is more than at the informal draft stage. Of those who had commented previously, most recognised that improvements had been made to the document but they still argued that some further changes were necessary. The representations at this stage in the process are summarised under **Annex H** together with the Council's response.
- 1.5.2 Most RSLs strongly support the document, one indicating that it is the best of its type they have seen. Consultants, landowners, developers and the Homebuilders Federation were more critical, though most recognised that improvements had been made compared to the informal draft. In summary, they raised the following main issues:
- There was still some concern about the length and complexity of the document and whether in some places it duplicated the Core Strategy
 - There were questions about the relative status of the Annexes compared to the main document.
 - There was still general concern about impact on development viability particularly in the absence of grant and about the process and criteria to be taken into account. Viability assessments should be confidential with clarification as to who should pay for them.
 - There were concerns about the level of service charges and whether it is right and possible to seek to control them in the long term.
 - There was still some concern about the detailed wording of the model condition and Section 106 Agreement.
 - There was concern expressed about the fact that the same level of car parking provision was specified for both the affordable housing and market housing elements of a scheme.

- It should be made clear that Council generally wishes to give priority to affordable housing over other development contributions
- There was concern that the affordable housing policy had not been based on a Strategic Housing Market Assessment (SHMA) and clarification was sought on how the results of such an assessment would be taken into account.
- There was concern about the requirement to build to Lifetime Homes Standard and to require a proportion of homes to be wheelchair accessible
- There was concern about provision for Key Workers and Student accommodation.
- There was also concern about the requirement to exceed minimum Housing Quality Indicator standards
- Clarification was sought as to what “other arrangements” could be entered into if sufficient grant is not available;
- Some changes to the aims were suggested;
- Specialist Housing should be within and not additional to other forms of affordable housing;
- There was concern about the requirement to mix affordable housing seamlessly with the market housing on a site;
- There was general concern about the extent to which the Council can influence the availability of grant for individual schemes;
- Likewise there was concern about the use of nomination rights and form of land transfer;
- There was general concern about specifying preferred RSL partners and the absence of criteria against which they would be judged;
- The indicative housing mix in Annex C to the SPD should be interpreted flexibly;
- There should be greater clarification of the “cascade mechanism” and of the Council's sequential preferences for off-site provision.
- The Council's whole approach to off-site provision is unacceptable and unreasonable

1.6 Further changes to the SPD

1.6.1 In the light of the response to consultation the Council agreed that further changes could usefully be made in order to clarify the meaning of the document and respond to some of the suggestions made and the finally adopted version of the SPD incorporates these changes. Most are minor changes aimed at clarifying or amplifying certain statements in the SPD, but the most significant changes are as follows:

- In para 1.4.5 it is now clarified that the Council will normally give priority to the provision of affordable housing over other development contributions.
- A new paragraph (3.1.3) has been added to explain the relationship of the SPD with the Strategic Housing Market Assessment (SHMA).
- It is made clear in para 3.3.1 that any specialist housing provision (eg for the elderly) lies within, and is not additional to, the affordable housing requirement.
- Throughout the document there are now numerous references to the affordable housing requirements being subject to a viability assessment and to the factors that might affect that assessment.
- Since the whole document is the start point for negotiations its tone has been changed in certain places to reflect the fact that the Council is seeking to achieve certain objectives rather than actually requiring them to be met and that each case will be considered on its merits depending on the circumstances of the site.
- It is made clear throughout the document that the open-book viability assessment would remain confidential.
- In para 7.1.2 it is now made clear that that the Council will expect to receive 100% nomination rights whether a scheme is wholly or only partly funded by public subsidy.
- Para 8.2.5 has been substantially rewritten to reflect the latest policy of the Housing Corporation in relation grant availability and to index linking.
- Para 9.1.3 has been changed in line with PPS3 to make it clear that any payment-in-lieu of on-site provision will have to be broadly equivalent to the value of the total units forfeited.
- The Guinness Trust has been added to the list of preferred RSL partners in Annex F of the SPD.

Overall, The Council considers that these amendments have helped the interpretation and usefulness of the document. None of them materially affect the sustainability of the SPD. The document was therefore adopted by the Council including these amendments at its meeting on 8 July 2008.

Annex A



NEWS RELEASE

NEWS RELEASE *NEWS RELEASE*

NR/03

7 November 2007

Consultation on draft affordable housing document set to begin

Tonbridge & Malling Borough Council is launching a six-week public consultation on its draft Affordable Housing Supplementary Planning Document on Friday 9 November.

The document expands on the information in the Council's recently adopted Local Development Framework Core Strategy and gives developers more detail on what they will need to provide in terms of affordable housing when building new residential developments.

The consultation is targeted at key stakeholders including Registered Social Landlords, the Homebuilders' Federation, Kent County Council, Government Office of South East (GOSE), South East England Regional Assembly (SEERA) and local parish councils but members of the public are also encouraged to comment on the document, which will be online from 9 November at www.tmbc.gov.uk and will also be available to view at the Council's Kings Hill and Tonbridge Castle offices.

The document will play an important role in ensuring that local housing needs are met and covers key areas such as:

- The type and size of affordable housing required
- The amount of affordable housing to be provided
- Minimum design standards for affordable housing
- How supported housing needs should be addressed
- How the housing needs of key and essential workers should be met
- The minimum energy efficiency measures that should be implemented

Cllr Matthew Balfour, Cabinet Member for Planning and Transportation, says: “There is an urgent need for more affordable housing in Tonbridge and Malling and this planning document will help us meet the wide-ranging housing needs of local residents over the next few years.”

All comments on the draft document must be submitted by Friday 21 December 2007 in writing to: Planning, Policy and Conservation Section, Tonbridge & Malling Borough Council, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ or by email to ldf@tmhc.gov.uk

Ends

For more information please contact: Linda Moreau, Media & Communications Manager
Tel: 01732 876009 or email: linda.moreau@tmhc.gov.uk

ANNEX B

Affordable Housing SPD Supplied with complimentary document (64)

16 Plus Team
Acorus Rural Property Services Limited
Action with Communities in Rural Kent
Age Concern
Bluebell Hill Preservation Group
Bridge Trust
Commission for Architecture and the Built Environment
Connexions Access Point
CPRE, Tonbridge & Malling District Committee
Department of the Environment, Food and Rural Affairs
East Malling Conservation Group
Friends of the Earth
Friends of Watlingbury Village
Government Office for the South East – Kent Planning Team
Government Office for the South East – Rural Team
Government Office of the South East
Gravesham Borough Council
Hadlow Society
Harvester Trust
Hildenborough Conservation Group
Home Builders Federation
Home Start
HOPE (Kent)
Housing Corporation (South)
Hyde Housing Association
Kelsey Housing Association
Kent Association of Parish Councils
Kent County Council
Kent County Council
Kent County Council Corporate Services Property Section
Kent County Council Social Services
Kent Downs AONB Unit
Kent Federation of Amenity Societies
Kent Probation
London and Quadrant Housing Trust
London Green Belt Council
Maidstone Borough Council
Malling Society
Medway Council
Medway Gap Action Group
Moat Housing Group
Natural England

Affordable Housing SPD
Supplied with complimentary document (64)

Natural England
Orbit Housing Association
Power, Mr P
Rural Housing Trust
Russet Homes
Russet Homes
Sanctuary Housing, South East
Sevenoaks District Council
Shelter Kent Housing Aid
Shipbourne Housing Trust
South East England Development Agency
South East England Regional Assembly
Southern Housing Group
St Mary's Platt and District Society
Stansted and Fairseat Society
Supporting People Team
Tonbridge Civic Society
Town and Country Housing Group
Trottiscliffe Society
Tunbridge Wells Borough Council
West Kent Housing Association
West Kent YMCA

Annex C

Affordable Housing SPD Notification letter only (285)
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Acert
Age Concern Malling
Age Concern Tonbridge
Alliance Environmental & Planning Ltd
Alvid New Homes Limited
Anthony Keen Chartered Surveyor
Area Youth and Community Office
Ash-cum-Ridley Parish Council
Association of Tonbridge Industries
Barden Tenant Federation
Barratt Kent
Barton Willmore Planning Partnership
Barton Willmore Planning Partnership
Barton Willmore Planning Partnership
Bax Standen
Beazer Homes (East) Limited
Bell Cornwell Partnership
Bellway Estates
Bidborough Parish Council
Birketts
Birling Manor Estate
Birling Place Estate
Birling Village Society
Bloomfields Ltd
Borough Youth Coordinator
Borough Green Chamber of Commerce
Bowman Planton Limited
Boxley Parish Council
Boyer Planning
Brachers Solicitors
Brian Madge Ltd
Brimble Lea and Partners
Broadbent Partnership
Broadlands
Brookworth Developments Limited
Bryant Homes Weald Limited
Brymor Limited
Burham Action Group
Burham Tenant Federation
Cage Green Residents' Association
Capel Parish Council
Carter Jonas
CB Richard Ellis Hamptons International Ltd
CB Richard Ellis Hamptons International Ltd

**Affordable Housing SPD
Notification letter only (285)**

CB Richard Ellis Limited
CBRE
CGMS
Chancellors
Charles Church Developments
Charles Planning Associates
Church Commissioners
Cliff Walsingham and Co
Clovis Lande Associates Limited
Cluttons
Cluttons
Cluttons LLP
Commission for Racial Equality
Cooper Estates
Country Land and Business Association
Countryside Residential (Southern) Limited
Crispin and Borst (Kent) Limited
Croudace Homes
Cushman & Wakefield
Davgold Limited
David Hicken Associates
David Hicken Associates
David Hicken Associates
Defence Estates
Denbigh and St Bernard's Residents' Association
Development Planning and Design
Development Planning Partnership
Development Planning Partnership
DHA Planning
Diocese of Rochester
Direct Build Services
Ditton Conservation Group
DPDS
Drive Residents' Association
Drivers Jonas
East Malling Research Station
East Peckham Residents' Association
East Street Area Residents' Group
Eastern Square Property Group
Employment Service
Environment Agency
Environment Agency
Equal Opportunities Commission
Escrick Park Estate
Fairlawne Estate Co Limited
Fairseat Residents' Association

**Affordable Housing SPD
Notification letter only (285)**

Fairview New Homes Plc
Federation of Small Businesses (Tunbridge Wells/Tonbridge)
Federation of Small Businesses (Weald Branch)
Federation of Small Businesses Kent Regional Office
Fidelity International Limited
Fordham Research Ltd
Forest Grove Residents' Association
FPD Savills
Fraser Wood Properties
Freeholders Residents Association
Fusion Online Limited
G W Finn and Sons
Gallagher Group
George Wimpey Strategic Land Office
Gerald Eve
Gerry Lytle Associates
Gleeson Homes Ltd
Golden Green Association
Gough Planning Services
Graham Simpkin Planning
GVA Grimley
GVA Grimley
Gypsy Council
H + H Celcon Limited
Hadlow College of Agriculture & Horticulture
Hadlow Park Residents' Association
Hadlow Residents' Association
Hallam Land Management Limited
Halling Parish Council
Hanover Retirement Housing
Haydens Management Limited
Healey and Baker
Help the Aged
Higham Residents' Association
Hildenborough Residents' Association
Hillreed Developments Limited
Hillreed Homes
Hillreed Homes Limited
Howard Chapman Limited
Howard Sharp & Partners LLP
Ibbett Mosely
Ibbett Mosley
Ightham Common Residents' Group
Invicta Community Care NHS Trust
J C Cunnane
John Childs and Associates

**Affordable Housing SPD
Notification letter only (285)**

Jones Day
JP Elliott Chartered Surveyors and Property Consultants
KCC Minority Communities Achievement Serv.
Kemsing Parish Council
Kemsley T W and B W and Son
Kent and Medway Strategic Health Authority
Kent County Council
Kenward Trust
Kings Estate Agents
Kings Hill Residents' Association
Kitewood Estates
L C P Properties
Lacuna Developments
Lafarge Cement UK
Lafarge Redland Aggregates
Lambert and Foster
Lambert Smith Hampton
Land and Mineral Management Limited
Land and Property Partnership
Landmark Information Group Limited
Leigh Parish Council
Levvel Consulting Limited
Liberty Property Trust UK Limited
Lloyd Hunt Partnership
Locate in Kent Ltd
Locate in Kent Ltd
Longmead Residents' Association
Lovell Johns
Luddesdown Parish Council
Magnum Opus Developments
Maidstone and Mid Kent Chamber of Commerce
Maidstone and Tunbridge Wells NHS Trust
Maidstone Weald Primary Care Trust
Malcolm Judd and Partners
Malling Area Volunteer Bureau
Malling Lions
Martin Grant Homes Limited
Martin Robeson Planning Practice
Marwalk Developments Limited
Maunsell and Partners
McCarthy and Stone Developments Limited
Meopham Parish Council
Mereworth Estate
Michael Gittings Associates
Michael Parker Associates
Mid Kent Healthcare Trust

**Affordable Housing SPD
Notification letter only (285)**

Millwood Designer Homes Limited
MKH Clokes
Molyneux Architects
National Farmers' Union (South East Region)
Nettlestead Parish Council
Nevill Court Residents' Association
New Hythe Residents' Association
NHS West Kent Shared Services Agency
North Tonbridge Residents' Association
Oakley Land and Development Limited
Orpines
Palmtree Farm
Parsons Brinkerhoff
Paul Dickinson and Associates
Pelham Homes Limited
Persimmon Homes South East
Peter Brett Associates
Pinyon Homes Limited
Planning Potential
Planning Potential
Post Office Property Holdings
Prime Construction Consultants
Prospective Planning
Quarry View Residents' Association
Rail Property Board
Rapleys LLP
Rapleys LLP
Rickmond, Ms
RMC Group Services Limited
Robinson Escott Planning
Ross, Ms
Royal British Legion Industries
Royal Institute of British Architects
Royal Institute of Chartered Surveyors
RPS Planning
RPS Planning
RPS Planning
RPS Planning
RPS Planning
Rydon Homes Limited
Saltings Road Residents' Association
Savills
Scott Wilson
Seal Parish Council
Seekers Trust
Sevenoaks and Tonbridge Conservation Volunteers

Affordable Housing SPD
Notification letter only (285)

Shipbourne Road Residents' Association
Sibley Pares
Skinners Company
Slade Area Residents' Association
Smiths Gore
Smiths Gore
Smurfit Townsend Hook
Snodland Labour Party
South West Kent Primary Care Trust
South West Kent Primary Care Trust
Southborough Parish Council
St Clere Estates
Stephen Bowley Planning Consultancy
Stepstile Residents' Association
Strutt and Parker
Strutt and Partner
Styletech
Taylor Woodrow Developments Limited
Terence O'Rourke
Tesco Stores Limited
Teston Parish Council
Tetlow King Planniing
Tetlow King Planning
The Riverside Group
TNT Express (UK) Limited
Tollgate Residents' Association
Tonbridge Access Group
Tonbridge Christian Leaders
Trench Wood Residents' Group
Trident House Design
Tunbridge Wells Health Authority
Vincent and Gorbing
Vincent and Gorbing Planning Associates
Wallace and Tiernan Limited
Ward Homes
Wateringbury Residents' Association
Wates Build Homes
Weald Parish Council
Wealden Homes South East Limited
Weatherall Green and Smith
West Farleigh Parish Council
West Kent Chamber of Commerce
West Kent College
West Kent College
West Kent Council for Voluntary Services
West Kent NHS and Social Care Trust

**Affordable Housing SPD
Notification letter only (285)**

West Kent PCT
West Kingsdown Parish Council
West Malling Chamber of Commerce
White and Young Green Planning
Wilson Connolly Home Counties
Wood Frampton
Woodlands Residents' Association
Woolf Bond Planning LLP
Wouldham Action Group
Yalding Parish Council
Youth and Community Service

Annex D

AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT QUESTIONNAIRE

A copy of this Questionnaire is available on the Council's Website. It can be downloaded as a Rich Text Format (rtf) document, completed, and returned as an email attachment to ldf@tmbc.gov.uk

1. Is the purpose of the Supplementary Planning Document clear?
2. Are the aims of the document clearly identified? Should any additional aims be added?
3. Is the process for delivering affordable housing clear?
4. Are the definitions of affordable housing clear?
5. Do you agree with the guidance on size and type of affordable housing, in particular the advice on indicative housing mix in Annex C?
6. Is the level and nature of guidance on supported housing, sheltered housing, extra care housing, lifetime homes, wheelchair-user housing and housing for key and essential users helpful?
7. Is the policy on qualifying sites clear and helpful?
8. Is the guidance on the interpretation and implementation of the Rural Exception Sites policy (Policy CP19) clear and helpful?
9. Is the guidance on design helpful, in particular the advice on Housing Quality Indicators (in Annex H) and Space Standards (under Annex I)?
10. Is the guidance on Funding helpful?
11. Is the section on Allocations and Lettings helpful?
12. Is the section on Delivery helpful, particularly the inclusion of the typical condition (in Annex K) and the model Section 106 Agreement in (Annex L)?
13. Is the section on off-site provision helpful?



NEWS RELEASE

NEWS RELEASE

NEWS RELEASE

Annex E

3 March 2008

Consultation on revised draft affordable housing document set to begin

Tonbridge & Malling Borough Council is launching a six-week public consultation on its revised draft Affordable Housing Supplementary Planning Document on Friday 7 March.

The document expands on the information in the Council's recently adopted Local Development Framework Core Strategy and gives developers more detail on what they will need to provide in terms of affordable housing when building new residential developments. The draft has been revised to include many of the changes suggested during the first round of public consultation in November last year.

This second consultation is again targeted at key stakeholders including Registered Social Landlords, the Homebuilders' Federation, Kent County Council, Government Office of South East (GOSE), South East England Regional Assembly (SEERA) and local parish councils but members of the public are also encouraged to comment on the document, which will be online from 7 March at www.tmbc.gov.uk and will also be available to view at the Council's Kings Hill and Tonbridge Castle offices.

The document will play an important role in ensuring that local housing needs are met and covers key areas such as:

- The type and size of affordable housing required
- The amount of affordable housing to be provided
- Minimum design standards for affordable housing
- How supported housing needs should be addressed
- How the housing needs of key and essential workers should be met
- The minimum energy efficiency measures that should be implemented

Cllr Matthew Balfour, Cabinet Member for Planning and Transportation, says: “We are very grateful to everyone who commented during the first round of consultation last year and we’ve taken many of the suggestions on board in this revised draft. I hope that people will take the time to comment on this key planning document, which will help us meet the wide-ranging housing needs of local residents over the next few years.”

All comments on the draft document must be submitted by Friday 18 April 2008 in writing to: Planning, Policy and Conservation Section, Tonbridge & Malling Borough Council, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ or by email to ldf@tmbs.gov.uk

Ends

For more information please contact: Linda Moreau, Media & Communications Manager
Tel: 01732 876009 or email: linda.moreau@tmbs.gov.uk

Annex F

TONBRIDGE & MALLING LOCAL DEVELOPMENT FRAMEWORK AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT

Notice of preparation of the Affordable Housing SPD

Planning and Compulsory Purchase Act 2004 Town and Country Planning (Local Development) (England) Regulations 2004 – Regulation 17

Tonbridge & Malling Borough Council has prepared an Affordable Housing SPD. Once adopted this will form part of the Local Development Framework for Tonbridge and Malling Borough. The Affordable Housing SPD applies to the entire Borough and is prepared pursuant to Policies CP17 and CP19 of the adopted Core Strategy. It provides more detail of what the Council will expect to secure in terms of affordable housing in new residential development.

Copies of the SPD and the Consultation Statement and Sustainability Appraisal are available for public inspection free of charge at the Council Offices at:

Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent ME19 4LZ

Tonbridge Castle
Tonbridge
Kent
TN9 1BG

Between 8.30am and 5pm (Mon – Fri)

Between 8.30am and 5pm Mon –Fri
Saturdays 9.30am and 4pm
Sunday 10.30am and 4pm

Copies are also available at all libraries in the Tonbridge & Malling Borough area. Check with the library for opening times and days. The documents can also be viewed and downloaded from the Council's website www.tmhc.gov.uk.

Representations made under Regulation 17 must be made in writing or by email during the period Friday 7 March 2006 **Friday 18 April 2006**. They may include a request to be notified at a specific address of the Council's decision to adopt the SPD.

Policy & Conservation Section,
Planning & Transportation Services
Tonbridge & Malling Borough Council,
Gibson Building, Gibson Drive,
Kings Hill. West Malling.
Kent ME19 4LZ

Email: LDF@tmhc.gov.uk or Fax: (01732) 876317

Affordable Housing SPD - Response to informal consultation

Respondent	Representation	Response
Housing Corporation	The purpose of the SPD is clear	Noted
	The aims are clear and no additional aims are needed	Noted
	The process of delivering affordable housing is clear	Noted
	The definitions in the document are clear	Noted
	It is important that the guidance on size and type of affordable housing in Annex C agrees with the findings of the of the HMNAS. They need to meet Housing Corporation minimum standards if grant is required, but also have to fit Housing Corporation regional/national targets	Annex C has been amended to make clear that the indicative mix is based on the findings of the HMNAS.
	The guidance on supported housing is very useful	Noted
	The policy on qualifying sites is clear. It is good that it is made clear that site-specific issues will be assessed on a case-by-case basis.	Noted
	The guidance on Rural Exception Sites is clear	Noted
	The guidance Housing Quality Indicators and Space Standards is helpful, especially to partners looking to develop with Housing Corporation grant, because they would need to comply with those standards at the time of bidding.	Noted

	The guidance on Funding is helpful. The emphasis on the use of the Economic Appraisal Toolkit is welcome. The G=Housing Corporation confirms a that it will only fund additionality. Also under para 6.2.14 regular market engagement will be a more formal “in year” bid arrangement.	Noted – the SPD has been amended to reflect the fact that regular market engagement will be a more formal “in year” bid arrangement.
	The section on Allocations and Lettings is helpful. It is important to have a policy which creates sustainable communities.	Noted
	The section on Delivery, including the model condition and Section 106 Agreement is helpful.	Noted
	The Chapter on off-site provision is helpful, particularly Section 9.1 . The Housing corporation only funds Purchase and Repairs in exceptional circumstances as defined in the Regional Housing Strategy, so the reference to “no grant aid” in para 9.1.5 is welcome.	Noted
SEERA	No comment	Noted
SEEDA	The document is well aligned to the Regional Economic Strategy (RES). Particularly welcome the 40% target which complements target 9 of the RES.	Noted
Kent County Council	The need for affordable housing sits alongside other claims for funding physical and community infrastructure including those most directly related to the needs generated by the development of the site. The totality of these community infrastructure claims may impact on the viability and sustainability of the development. The Affordable Housing SPD addresses but one facet of developer contributions. It would benefit from a more holistic approach and it would therefore be better if guidance could be produced on development contributions generally.	<p>The Council regards the provision of affordable housing as a “top slice” from all housing development above the defined thresholds. It is accepted that certain infrastructure is required to make the physical development of such sites practicable and that this is necessary expenditure to ensure the delivery of the affordable housing.</p> <p>The provision, prioritisation and funding of other social and</p>

		community infrastructure is a matter of judgment that can best be made on a site-by-site basis depending on the location, nature and viability of development. In this respect, regard is paid to the County Council's Guide to Development Contributions and the Council's own requirements for open space and other facilities. A general SPD on Development Contributions would not assist the balance of judgements that can only be made on a site-specific basis.
	The draft SPD is clearly presented and comprehensive. Its aims and purposes are generally clear as are the definitions. However, what is not clear is exactly how much affordable housing is expected to be delivered and how this relates to the overall level of provision of housing in the Borough and recent levels of delivery.	The HMNAS concluded that the annual requirement for affordable housing was 554 units which is 123% of the total annual requirement of 450 dwellings in the RSS (as recommended to be changed). Any requirement for affordable housing at or above 100% of all provision is clearly unrealistic, particularly bearing in mind that only a proportion of new housing comes from sites above the thresholds. The Council has therefore set no specific target, since its objective is to achieve the highest reasonable level of provision on every eligible site having regard to the criteria set out in para 6.3.26 of the Core Strategy. It is agreed that it would be helpful to include a reference to this fact in the SPD,
	Para 2.1.4 Does the target for equity share under shared ownership relate to 25% or 50% equity share or does it lie within a range of 25%-50%?	It relates to a range and the document should be amended to make this clear.
	A target based upon number of units may produce a bias in favour of small units whereas para 3.2.2 refers to maximising family sized accommodation. Might it not be better to apply the target on the basis of habitable rooms, bedspaces or perhaps net residential floorspace?	The Council is aware that London authorities use this approach. However, floor area based models are complex and time consuming to negotiate. The current approach adopted by the Borough Council has proved successful in securing a range of house types. The draft SPD seeks to add greater weight to the case for family size accommodation through providing a clear strategic steer and guidance over the size of units required to meet identified needs.

	<p>Although the factors taken into account in arriving at the indicative affordable housing mix in Annex C are stated, the specific derivation of the proportions and/or weightings applied to the factors could be explained more fully. For example, do they derive from Housing Register data? Will the proportions in Annex C constitute part of the monitoring framework?</p>	<p>Annex C has been amended to make clear that the indicative mix is based on the findings of the HMNAS.</p>
	<p>Supported and Sheltered Housing KCC welcomes the recognition given to the need for extra care and lifetime housing, but would it not be helpful to give some quantitative indication of need for this type of housing? The definitions exclude people with learning difficulties. KCC's "Active Lives" policy seeks to support such people to lead independent lives.</p>	<p>Work to quantify need is ongoing with the county council and will be incorporated in the revised Housing Strategy 2008-2011. Accommodation for people with a learning disability is being addressed for the Kent PFI initiative and other RSL schemes currently for development.</p> <p>The document has been amended to include learning disability and to set out more clearly the Council's strategic priorities for supported housing.</p>
	<p>Under Section 5 or Annex G it might be helpful to include the website address for "Kent Design".</p>	<p>This can usefully be included</p>
	<p>Funding: Under Section 6 (or in an Annex) a worked example of explaining how the grant funding mechanism operates would be helpful. Para 6.2.8 might be elaborated to indicate what development costs would be considered normal or conversely abnormal in the context of site appraisals.</p>	<p>It is agreed that the inclusion of a worked example would be helpful. By their very nature abnormal costs tend to be site specific and therefore unpredictable but it is agreed that examples of such costs could usefully be included in para 6.2.10.</p>
	<p>Off-site provision Consideration of alternatives to on-site provision should not give rise to inadvertent financial incentives for off-site provision. In order to maintain parity there should be a higher number of off-site affordable units as the initial development would be accommodating 100% market housing. Offsite provision should maintain the 60:40 ratio overall.</p>	<p>It is agreed that there should not be a financial incentive to deliver affordable housing off-site. Paragraph 9.1.7 has been amended to make clear that no overall loss of units should arise from delivering affordable housing on an alternative site.</p>

Aylesford Parish Council	<p>The purpose of the document is not entirely clear. Whilst the terms of Policy CP17 are clear the SPD goes on to outline various acceptable variations and exceptions to the policy. For example it appears to state that in rural areas 40% of new housing should be affordable irrespective of whether an existing settlement is predominantly rented accommodation. Similarly it appears that provided the percentage is achieved it does not have to be built in the same settlement area. This could lead to all social housing being grouped together creating ghettos.</p>	<p>The purpose of document is clearly set out in para 1.1.2. It is to add detail to the way in which Policy CP17 is to be interpreted and implemented. It does not change the Core Policy, neither does it identify exceptions to policy but it does explain that it is only the start point for negotiation</p> <p>The policy seeks to provide both social rented and intermediate housing with the actual mix on any particular site being determined by local circumstances. The policy does allow for off-site provision in exceptional circumstances. In the case of Exception Sites in rural areas the mix would be determined by a local housing needs assessment.</p>
	<p>If affordable housing is to be provided as a fixed percentage then the existing levels of affordable housing must be included in any calculation. Thus in some areas there may be no need to permit anything other than social housing and in other nothing but market housing.</p>	<p>The Council's policy is that on all sites above the thresholds 40% of dwellings should be affordable. The start point is that 70% of the affordable element should be social rented housing but this may be varied depending on local circumstances. In exceptional cases provision may be made off-site. In the case of Rural Exception sites the level of affordable housing would be 100% with the mix being determined by the results of a Local Housing Needs Study.</p>
	<p>The document should unambiguously state that all affordable housing should be fully integrated with private housing to ensure ghettos are not created.</p>	<p>It is agreed that this should be the case and the document has been amended accordingly.</p>
	<p>The aims are clearly identified.</p>	<p>Noted</p>
	<p>The process is not clearly explained – there is too much jargon and unnecessary repetition.</p>	<p>The process is clearly explained in Section 1.3. A process diagram is to be included.</p>
	<p>The definitions are clear.</p>	<p>Noted</p>

	In Annex C the number of single bedroom shared ownership units appears to be too high.	The findings are based on the independent Housing and Market Needs Assessment study 2005. The Council is also working with parishes to develop a programme of rural housing needs surveys which will provide greater detail on the precise housing needs in rural parts of the borough.
	The guidance on supported and sheltered housing is clear.	Noted
	The objectives relating to Qualifying Sites are clear but the means of achieving them are not.	Some amendments are proposed to Section 4.2 to aid clarification.
	The section on Rural Exception sites is clear.	Noted
	The sections on funding, allocations and lettings and delivery are helpful. The section on off-site provision is helpful but not entirely clear.	A worked example has been included to aid clarification. The section on off-site provision has been revised to make it clearer.
Southern Housing Group	Annex A – Definitions The definition of Shared Ownership is incomplete without a reference to affordability. Under Discounted Sale a reference is made to an income maximum of £27,500. The same reference should be made within the Shared Ownership definition. In addition annual housing costs (mortgage and rent) should not exceed a third of gross salary (as per the Government's guidance on intermediate tenure)	Agree. The definition has been amended accordingly.
	Annex C – Housing Mix The reference to 2 beds would be more exact if occupancy level was also specified (eg 3 or 4 persons). 3 person occupancy would almost certainly imply flats rather than houses.	Reference to indicative occupancy levels has been included

<p>Annex I – Dwelling Type The floor area range for the 2 bed/4person type falls below the Housing Corporation's HQI standard (d) which is 67 - 75 sq m.</p>	<p>The indicative floor areas at Annex I make a distinction between houses and flats. A larger floor area is proposed for 2 bedroom houses</p>
<p>Section 6 Funding Southern Housing welcome the adoption of the principle embodied in the SPD that serviced land for affordable housing should be transferred to a RSL at nil value, However, the SPD also states that there is an expectation that there will not be any grant available from the Housing Corporation for affordable housing achieved through planning gain .</p> <p>This is incompatible with the objective of securing 70% of affordable housing for rent. The income from target rents will generate a value that is 30-48% of Open Market Residential value. This would imply that the developer contribution would have to exceed nil land value and that an additional subsidy will be required. This would have a very high impact on land value, particularly when combined with other contributions, to the extent that in many "change of use" redevelopments residential use will not be a viable option and the delivery of housing will be undermined.</p> <p>The Council's interpretation of the Housing Corporation's position on grant is incorrect. In fact, a large proportion of the Corporations programme funds planning gain schemes. The more critical point is the level of grant required to achieve the desired quota and tenure preference and that a mechanism is in place should grant not be available which allows a cascade to a lower quota or tenure profile.</p> <p>The SPD describes the position on grant as dependent on proving additionality and non-viability. In practice this introduces a high degree of uncertainty into the development and land buying process. It does not take account of the competitive nature and practicalities of purchasing land. Clearer guidance and more certainty is required to reduce the risk of over valuation and abortive marketing.</p>	<p>The Borough Council considered setting indicative social housing grant (SHG) levels. However, this was not consistent with Government policy advocated by the Housing Corporation (HC) which makes clear that SHG should only be sought where it provides 'additional' units.</p> <p>Paragraph 6.2.2 has been amended to make clear that while NIL land value may not guarantee a grant free scheme it is the starting point for negotiations.</p> <p>The approach adopted in this SPD has been endorsed by the Housing Corporation</p> <p>The Borough Council acknowledges the degree of uncertainty for RSLs when bidding for schemes. However, the SPD reflects the Government's approach to grant funding for affordable housing. .</p>

	<p>An alternative approach is suggested:</p> <ul style="list-style-type: none"> • The 40% quota, tenure split and dwelling mix is the start point; • The price that an affordable housing provider RSL will generate for the quota can be determined as either nil land value or a figure provided by a RSL; • If the RSL provides a price this will be based on either: <ul style="list-style-type: none"> (a) advice from the Borough Council on the grant level assumption (the expectation is that this would be consistent but would be adjusted on an annual basis); or (b) the RSL provides the price based on nil grant for 100% shared ownership. The assumption would then be that grant is available to achieve the level of 70% social rented accommodation. <p>The RSL would then assume this level of grant was available and make a judgement about how realistic it was .</p> <ul style="list-style-type: none"> • The Section 106 would include a cascade should grant not be available. <p>The above methodology is simple and will achieve certainty. It will also facilitate some competition between RSLs and creates an incentive to maximise the value of the affordable housing.</p>	<p>Refer to above comments on the Government's preferred approach to grant funding which is consistent with this SPD.</p>
	<p>Southern Housing support the references in para 8.1.5 relating to the sale of completed units to a Housing Association and in Para 8.1.8 relating to car parking.</p>	<p>Noted</p>
<p>Hyde Housing Association</p>	<p>The purpose and aims of the SPD are clear. No additional aims are needed.</p>	<p>Noted</p>

The process is clear but the need for early discussions with Housing Officers about housing mix should be stressed.	Agree – this to be emphasised more clearly in document.
Agree with the guidance in Annex C on size, but believe a distinction should be made between flats and houses as the highest need is for houses for rent.	Agree – an amendment has been made.
The level of Lifetime Homes should be set at 50%.	Noted. The document has been amended at para 3.6.2.
The reference to Wheelchair Housing should be further developed possibly with a target proportion on larger schemes. Is there sufficient evidence on the level of need?	This section has been revised to express more clearly what is expected of wheelchair designed housing. Only existing evidence is from HMNAS which SPD reflects. A target of at least 10% has been set for Lifetime Homes standard.
The need for Keyworker Housing should be more specific.	A West Kent study has previously been conducted which highlighted the need to provide housing opportunities for 'essential workers' in the region. The needs of Key Workers are in effect 'ring fenced' through the Government's national housing programmes. The SPD already seeks to place greater emphasis on the unmet needs of essential workers.
The guidance on Qualifying Sites and the Rural Exception Sites Policy is clear.	Noted
The guidance on design in Annex H is helpful but design standards are not solely to meet Housing Corporation grant requirements but are generally required by RSLs to ensure good quality accommodation.	Noted. Annex H has been amended to reflect this point.

Otherwise in situations where no grant is available a developer may argue that the standards can be reduced.	
In the view of the RSL a cluster of 40 flats is too large. 20 is a more sustainable level.	The section has been amended to make it clear that Affordable housing should be fully integrated with the private market housing but without being specific about minimum or maximum cluster sizes because this will depend on the size, location and nature of the site and of the affordable housing mix.
Sometimes affordable housing is of a different appearance to the market housing because of the RSLs higher standards.	Noted
Annex I – Floor areas are agreed apart from 2 bed/4person accommodation which should be a minimum of 67 sq m.	Agree, and an amendment has been made accordingly
The section on Funding is helpful, but it should be noted that that it is almost impossible to ensure a grant free scheme based upon nil land value developer contributions alone. There also has to be some mechanism to control the build costs.	Paragraph 6.2.2 has been amended to make clear that while NIL land value may not guarantee a grant free scheme it is the starting point for negotiations.
The section on Allocations and Lettings is helpful but should there not be some mention of the “Choice Based Lettings Scheme”.	Agreed. Reference to Choice Based Lettings is now included at para 7.1.1.
The section on Delivery is helpful but the cap on service charges is too high. A more affordable level for estate charges would be around 15% of rent plus charges for specialist items such as lifts.	Agree. The document has been amended to emphasise the Borough Council’s expectation that service charges will be kept to a minimum to ensure affordability for occupants.
The section on off-site provision is helpful but there could usefully be some reference to the timing of delivery of off-site affordable housing linked to the development of the main site.	Agree – the document has been amended accordingly at para 9.1.5.

<p>Tetlow King on behalf of Trenport</p>	<p>The purpose of the SPD is not clear. The stated purpose is to “inform applicants in more detail of what the Council will expect to secure in terms of affordable housing on new developments”. This is not entirely consistent with either the Core Strategy or the Inspector’s Report. Both these documents see the key purpose of the SPD as a means of monitoring the provision of affordable housing and reviewing the level to be sought.</p>	<p>Most other respondents consider the purpose off the SPD to be clear. Its purpose is to provide more detail than is appropriate in the Core Strategy of what the Council will require.</p> <p>Para 6.3.30 of the Core Strategy is referring to two quite separate SPDs. The Annual Monitoring Reports will review the delivery of affordable housing and the HMNAS will be reviewed on a periodic basis as part of a Strategic Housing Market Assessment. It will only be if the conclusion is that the percentage requirement should be reduced below 40% that a SPD will be prepared. This is most unlikely in the foreseeable future. The current SPD is that referred to in the final sentence of para 6.3.30 which says that “further advice on the provision of affordable housing will likewise be contained in an Affordable Housing SPD”.</p>
	<p>It is stated that the SPD amplifies Core Policy CP17, but it also addresses Core Policy CP19 relating to Rural Exception Sites.</p>	<p>The reference in the SPD to Core Policy CP19 was intended to be ancillary to the main thrust of the document. However, on reflection, it would probably be better if it was made clear in the introduction that the SPD relates both to Policy CP17 and CP19.</p>
	<p>The SPD should explain that paras 6.3.23 to 6.3.37 take precedence over anything contained in the SPD.</p>	<p>This is not necessary. There is nothing in the SPD that is at variance with what is said in either of these paragraphs.</p>
	<p>The lack of clarity and purpose manifests itself throughout the document. There is unnecessary duplication of the Core Strategy and unnecessary verbiage spread throughout the document.</p>	<p>This is not a view reflected by most other respondents. The Housing Corporation support the document as written.</p>

	<p>The aims of the document are insufficiently focused:</p> <ul style="list-style-type: none"> • The first aim should be expanded to include “<i>and to create sustainable, inclusive, mixed communities in both urban and rural areas</i>”. • The second aim should focus more on providing “<i>high quality</i>” homes • The third aim should focus more on achieving the seamless integration of affordable housing within schemes without prejudicing total housing delivery throughout the Borough, 	<p>The aims of the SPD should focus on its specific purpose which is to deliver affordable housing. The suggested changes to the first aim are too high level for the Affordable Housing SPD.</p> <p>Reference to “high quality” rather than “appropriate design standards” now included which better reflects the content of Section 5 of the document.</p> <p>An additional aim has been included to refer to tenure-blind integration of affordable housing within private housing developments.</p>
	<p>The format as described in para 1.2.1 is flawed. There is no useful distinction between the two parts of the document. Both contain elements which are likely to change in the very near future.</p>	<p>The distinction between the two parts is important because it is designed to enable the latter part to be regularly updated without the need for the full statutory process of SPD production to be followed.</p>
	<p>The process as described in para 1.3.1 is generally welcomed subject to the following suggestions:</p> <ul style="list-style-type: none"> • Applicants should be “encouraged” (not required) to submit an Affordable Housing Statement in support of an application. • The preparation of the independent development appraisal should be a collaborative process in line with para 11 of PPS3. • A simple flow chart setting out the various stages of the consideration of affordable housing within the planning application process would assist interpretation of the whole document 	<p>An Affordable Housing Statement is a local validation requirement that that we must be submitted with an application for development of a qualifying site to enable the Council even to start processing the application. So it is correct to say that it is a “requirement”</p> <p>Agreed that the development appraisal should be a collaborative process, and amendment is proposed to this effect, but it also needs to be seen to be independent. Ultimately the Council will have to assess it and decide the weight to be given to it.</p> <p>It is agreed that this would be helpful and a flow chart has been included.</p>

	<p>Section 3 – Definitions There is much in this section that duplicates the Core Strategy and/or PPS3 (para 2.1.1 and 2.1.2 in particular).</p>	<p>It was considered helpful for the document to be as self-contained as possible to avoid the need for continual cross-referencing to other documents.</p>
	<p>The juxtaposition of the terms “<i>low cost home ownership</i>” (para 2.1.4) and “<i>low cost market housing</i>” (para 2.1.5) which have entirely different meanings is likely to cause confusion. The former term has no basis in PPS3 and no definition in AnnexA. It should be substituted by reference to “<i>intermediate forms of home ownership</i>”.</p>	<p>Paragraph 2.1.4 has been amended to be consistent with the Government’s definitions.</p>
	<p>Annex A is very useful in setting out definitions but the lack of correlation with the definitions in Section 2 is disappointing. In all cases where a term is defined in Annex A there should be a cross-reference to it.</p>	<p>The above amendments should address this criticism. It is not agreed that it would be helpful to cross-refer to Annex A every time a term is referred to. This would make the document unreadable.</p>
	<p>There is insufficient reference to Strategic Housing Market Assessment as a collaborative and interactive process. The process by which affordable housing needs will be reviewed and monitored is not transparent. Indeed there is no explicit reference to Annex C of PPS3 and its associated Practice Guidance. The dangerous assumption appears to be that the Study carried out by DCA will remain fit for purpose for the foreseeable future.</p>	<p>This is not a matter for the SPD. The SPD is intended to amplify the requirements of the already adopted Core Strategy. What is being referred to by Tetlow King is the process of reviewing the Core Strategy. This will be done if the results of monitoring and a Strategic Housing Market Assessment indicate that a review of the Core Strategy policy is necessary. If the resulting requirements are less onerous then it is suggested in para 6.3.30 of the Core Strategy that this can be implemented through SPD. Any more onerous requirement would need to go through the full statutory plan review process.</p>
	<p>Concerned at the inference that the Council is seeking to transfer some of its statutory housing duties to developers, in particular the reference in para 3.2.4 to housing “<i>reasonable preference</i>” groups.</p>	<p>The Council has a legal duty to meet the accommodation needs of certain groups. It is therefore felt appropriate to emphasise the accommodation needs of these groups in planning for new affordable housing</p>

	<p>It is helpful to have an up-to-date indicative affordable housing mix for the three sub-areas set out in Annex C. It is not, however, fully transparent as to what factors have been taken into consideration in deriving these figures. Some of the variations between sub-areas are very marked and warrant explanation. For example why should 60% of shared ownership dwellings in the Medway G have 3 bedrooms or more?</p>	<p>Annex C has been amended to make clear the adjustments made to the indicative mix arising from the HMNAS 2005.</p>
	<p>The interface between supported housing and affordable housing as set out in Sections 3.3 and 3.5 is far from clear. Furthermore some of this housing is likely to fall within Use Class C2 and therefore beyond the scope of the RSS housing requirements.</p>	<p>The provision of supported affordable housing in the context of the SPD does not form User Class C2. It is consistent with Government guidance and that of the Housing Corporation in planning to meet the needs of not only those with a general housing need but those with a supported housing need.</p>
	<p>Section 5 – Qualifying Sites.</p> <ul style="list-style-type: none"> • The text regarding mixed communities (paras 4.1.1 and 4.1.2) is superfluous in this section. • The terminology regarding “<i>site suitability</i>” in para 4.2.1 is not as clear as it should be. The listed criteria should actually be defined as relating to assessing the quantum and type of affordable housing to be provided and whether it should be on or off-site. The premise being that all sites are <i>pima facie</i> “suitable” to make an affordable housing contribution. • The criteria are generally supported but it would be helpful to separate out abnormal or particular costs inherent to the site from the achievement of other potentially competing planning objectives as two separate criteria. 	<p>It is agreed that these two paragraphs are superfluous in this section of the document and they have been deleted</p> <p>Amendments are proposed to para 4.2.1 to aid clarification</p> <p>The references to development costs have been deleted from this paragraph because they duplicate what is in para 6.2.10. A cross-reference has been made</p>

	<ul style="list-style-type: none"> The wording of para 4.2.2 is unclear. "An element", as referred to in the first sentence, could relate to any proportion or type of housing. The last sentence should make it clear that it is both the amount and the type which might be varied. In the context of the wording of Policy CP17 and what is said in para 4.2.1 it is stretching credulity to state that less than the sought affordable housing provision will only be agreed in "very exceptional circumstances". 	Some amendments have been made to para 4.2.2 in the light of these comments.
	Trenport support the maximum clusters proposed and the need for physical integration referred to in paras 5.1.1 and 5.1.2 .	Noted, but in the light of other comments received the document has been amended to remove all reference to specific sizes of clusters.
	A clearer distinction should be drawn between development standards which the Council is seeking to apply to all affordable housing schemes and those which apply only to Housing Corporation funded schemes (paras 5.1.5 to 5.1.9).	Paragraph 5.1.7 has been amended to make clearer the application of the Housing Corporation's design standards.
	It should be made clear that the internal floor areas set out in para 5.1.9 and Annex I are "indicative" and not absolute minimum "requirements".	The document now makes this clear in both locations.
	Section 6 – Funding - The introductory paragraphs as written (Paras 6.1.1 to 6.1.3) are confusing and meaningless.	A flow chart has been included to make clearer the process for taking schemes forward.
	The basis for the Council's approach to grant funding (paras 6.2.1 to 6.2.5) is accepted. However, it is evident that " <i>circumstances where it can be proven that the absence of funding or future commitment to grant funding</i> " are likely to be common rather than " <i>the exception</i> ". It is unclear what is meant by " <i>any alternative arrangement</i> ".	The document has been amended at para 6.2.6 to make clearer the Council's position.
	Trenport is not aware that any generic viability assessment has been undertaken to demonstrate that 40% affordable housing (with a 70:30	None has been undertaken and for this reason the document seeks site-specific appraisals on a case-by- case basis.

	split in favour of social rented accommodation) is deliverable without grant. Even if it had there will be inevitably be fluctuations in the local housing market over time and variations across the Borough.	
	The SPD is not sufficiently explicit that the Council will enter into cascade agreements to cater for the eventuality of funding shortfalls.	Paragraph 6.2.5 and 6.2.6 have been amended to make clear the Council's position.
	<p>The general approach towards assessing viability (paras 6.2.7 to 6.2.12) is supported but could be improved as follows:</p> <ul style="list-style-type: none"> • The assumptions should be agreed at the beginning of the process in a collaborative way (para 6.2.7); • Both the scale and nature of any abnormal development costs as well as how unusual or predictable they might be are relevant ((para 6.2.8)) 	<p>It is agreed that the independent assessment should be carried out as a collaborative on the basis of open-book information provided by the developer, but it is important that the assessment is seen to be independent. Ultimately the Council will have to decide how much weight is to be given to it. Some amendments to the document have been made to make this clear.</p> <p>The point made in para 6.2.8 is that no matter what the costs might be they should have been taken into account in the residual valuation of the site. It is only in circumstances where such costs come to light after acquisition that they can reasonably be taken into account.</p>
	The Core Strategy sets out the definition of affordable housing. There is no reference to the Housing Register or the criteria for joining the Register which may change over time. It is unreasonable to impose additional qualifying criteria via the SPS (para 7.1.1).	The information provided here is to inform readers of where future 'nominees' to new affordable housing schemes will come from. The statement does not impose any additional qualifying criteria on developers. The Borough Council can only legally nominate applicants from its Housing Register and in accordance with its Allocations Scheme.

	The proposed nomination arrangements (para 7.1.2) are accepted. This should ensure that the vast majority of lettings are to households meeting the Housing Register criteria.	Noted
	The principle of a “Local Lettings Plan for larger developments (para 7.1.3) is strongly supported.	Noted
	The Council is entitled to have a preferred list of RSLs but not to impose particular RSLs (para 8.1.1 and 8.1.2). If the Council is to maintain a preferred list (Annex F) it must be explicit about both the selection criteria and the general standards these partners have signed up to.	The document has been amended at para 8.1.2 to set out the selection criteria.
	Trenport understand that Guinness Trust is to be added to the list based upon the outcome of recent affordable housing competition for the Peters Village development.	The list of preferred RSL partners will be reviewed during 2008/09 and no decision has yet been taken on the inclusion or rejection of Guinness Trust. Once revised the Annex in the SPD will be updated.
	Affordable housing is only required to be provided “ <i>in perpetuity</i> ” in relation to Rural Exception Sites (para 8.1.3). This reference should therefore be amended to refer to simply securing affordable housing “ <i>for future eligible households</i> ” in line with the PPS3 definition.	Agreed. The documents has been amended accordingly at para 8.1.3.
	A requirement for leases to be no less than 999 years is unduly onerous (para 8.1.4). Leasehold disposals of 99 to 125 years to RSLs are no uncommon and have proved to be acceptable to the Housing Corporation.	This is a typographic error. It should have read 99 years.
	The principle of model planning conditions (Annex K) and model Section 106 Agreements (Annex L) is commended. However the Law Society/DCLG model has been widely criticised. Both Annex K and	The section 106 Agreement is that recommended by Government. However, it is made clear in Annex L that in the case of the Section 106 Agreement there will be circumstances

	Annex L require considerable further work in collaboration with landowners, developers and RSLs before they are finalised.	where it may need to be changed. Some additional words have been included both in the Annexes and in the text of the document to make it clear that they are the start point for negotiations.
	Section 10 – off-site Provision This section is generally welcomed but there is a lack of clarity as to where the Council's preferences lie. Trenport would have expected the least favoured option to be a commuted sum, but this is acceptable in " <i>exceptional circumstances</i> " whereas the purchase of existing properties is only acceptable in " <i>very exceptional circumstances</i> " (Paras 9.1.3 and 9.1.4). Furthermore, Trenport would have expected " <i>alternative sites</i> " to be the Council's preferred option but this is not apparently the case.	The section has been amended to better reflect the Council's position regarding affordable housing off-site. Priority will be established on a scheme by scheme basis.
Rydon Homes	Section 3.1 - Meeting affordable housing need – Any assessment of housing need must be undertaken on a parochial basis, not across the Borough as a whole. Any need identified in a specific location should be met in that location, not elsewhere.	This is not in accordance with Government guidance which now requires housing needs to be assessed at a sub-regional level. However, it is agreed that local needs assessments are essential if Rural Exception Sites are to be proposed (paras 4.3.6-4.3.8 of the SPD refer)
	Section 3.3 – Supported Housing - Supported housing is not appropriately accommodated within market led developments where general needs affordable housing is more suited and should take precedence. Any such need should be met directly with RSLs and relevant care agencies.	Strongly disagree. PPS3 makes it clear that local authorities should plan for a mix of housing having regard to the accommodation requirements of specific groups including, inter alia, disabled people. The HMNAS identified that there is a need for supported housing within the Borough the precise need for which is continually being refined. It is not inappropriate on larger developments for the Council to seek a proportion of housing to meet these specific needs.
	Section 3.7 - Wheelchair-user Housing - Whilst it is considered appropriate to address the needs of this particular group, any requirement for fully adapted dwellings should be restricted to larger	Paragraph 3.7 has been amended to better reflect the Council's expectations and the unit types considered appropriate for wheelchair user housing.

	developments and only where demand is demonstrated. The implications of larger car parking spaces should also be recognised.	
	Para 4.2.2 – Site Suitability – It is not only infrastructure requirements that impact on the viability of providing affordable housing, particularly on previously developed land. Discussions with developers need to include all aspects including existing use values and decontamination costs.	The issue of viability is referred to in the Stage 1 Assessment (paras 6.2.7- 6.2.12). Reference could usefully be included under para 6.2.10 to “existing use values” and to decontamination as being one example of “site abnormalities”.
	Para 4.3 Rural Affordable Housing Needs – the HMNAS identifies a general need for affordable housing in rural areas. It is therefore appropriate to meet those needs where they arise not at nearby urban areas or strategic development sites.	This is a matter of strategic policy as determined in the now adopted Core Strategy. It is not a matter for the SPD.
	The SPD needs to specify more clearly what is meant by the term “rural”. Is it a planning policy definition or does it relate to the Housing Corporation’s funding definition involving population thresholds.	It is a planning definition. The rural areas are everything outside of the defined urban areas. It is accepted that Definitions could usefully be included in Annex A
	Paras 4.3.10 to 4.3.12 – Selection of RSL – It is not appropriate or necessary for the local authority or Parish Council to select a preferred RSL. Annex F has no legal standing.	The Council has adopted preferred RSL partners for the reasons cited at Section 8.1. Unless a private developer is seeking to provide rural affordable housing directly then it is envisaged that an RSL would need to be involved.
	Para 4.3.11 should be subject to “mortgagee in possession” clauses as required by RSL lenders.	Disagree. Government guidance contained in PPS3 makes it clear that affordable housing in perpetuity can be sought on rural exception sites. Such schemes would not therefore be subject to a mortgagee in possession clause.
	Para 4.3.12 – any nomination agreement should be between the RSL and the local authority and not the developer.	The Government now encourages the private sector to become involved in the delivery of affordable housing. Although it is unlikely it is not impossible that a developer may seek in future

		to provide affordable housing themselves. In such circumstances the Council would expect to secure nomination rights in the same way as if the units had been provided by an RSL.
	Para 5.1.2 – Design – A restriction on concentrations of affordable units is generally accepted, but there should be greater flexibility in the maximum numbers. 10-15 houses is usually acceptable to RSLs for management purposes, but the capping should be more flexible depending on the size and type of development.	This section has been amended to reflect the general aim of ensuring the affordable housing is properly integrated with the private market housing.
	Paras 6.2.2 and 6.2.5 - Providing affordable Housing without grant – providing service land for affordable housing at nil cost is an extra burden on the market units. When combined with existing use value this will often render a scheme unviable and unachievable if 40% affordable housing is required. Nil value can be achieved if the percentage is lowered. Government advice is that <i>“if funding is not available from other sources, this could include requiring intermediate housing instead of social rented from developer contributions, or reducing the overall number of affordable homes required”</i> This advice should be reflected in the SPD.	<p>Paragraph 6.2.2 has been amended to make clear that while NIL land value may not guarantee a grant free scheme it is the starting point for negotiations.</p> <p>Paragraph 6.2.5 and 6.2.6 have been amended to take account of situations where an alternative arrangement may be necessary.</p>
	<p>Paras 6.2.8 – 6.2.10 - Assessing Viability – The split of affordable housing between social rented and shared ownership is too prescriptive and detailed at this stage. Social rented housing without grant is very difficult to deliver. Any percentage split should be based on viability and on an up-to-date Housing Needs and Market Assessment.</p> <p>Para 6.2.10 goes some way to identifying the extent of overheads the reality of constraints in a site appraisal.</p>	The split is defined in the adopted development plan. It is emphasised that it is the start point for negotiations having regard to the availability of grant and the viability of development.

	<p>Para 8.1.8 – Car Parking - the parking requirements for affordable housing should not be the same as for the market housing. RSLs are accepting a ratio of 1:1.</p>	<p>This is contrary to the views expressed elsewhere. The start point for negotiations, as on any scheme, should be the adopted Kent Vehicle Parking Standards which are maximum standards and do not differentiate between affordable and market housing.</p>
	<p>Para 8.2.2 Conditions and Legal Agreements - early discussion with the Council's Housing and Planning Teams and RSL's is "<i>useful</i>" but not "<i>critical</i>".</p>	<p>Neither word is used in the paragraph. It says that the Borough Council would "expect" early contact. This is likely to be even more relevant with the imminent requirement for applicants to submit an Affordable Housing Statement with their application before it can even be registered.</p>
	<p>Section 9.1 – Alternatives to on-site provision – Allowing commuted sums or off-site provision only in "<i>exceptional circumstances</i>" is too restrictive and not beneficial to the delivery of all forms of housing. If an element of funding is not forthcoming the Council will have nothing to use alongside other local authority grants for the types of supported housing referred to in para 3.3.1.</p>	<p>PPS3 makes it clear that the presumption is that affordable housing will always be provided on site. Off-site provision is only acceptable where it can be robustly justified.</p>
	<p>A cascade arrangement should be applied whereby the affordable housing requirement if not implemented within a specified timescale can transfer to the payment of a commuted sum.</p>	<p>Paragraph 6.2.5 and 6.2.6 have been amended to take account of situations where an alternative arrangement may be necessary.</p>
	<p>Para 9.1.7 Alternative Sites - The application of a 40% requirement to both sites when providing housing off-site is considered to be double counting and therefore completely inappropriate. This would double the financial burden and render the scheme unviable.</p>	<p>On the contrary, to not count the original site in terms of the assessment of an appropriate level of provision would result in an under supply of affordable housing that would otherwise be achieved. Off-site provision is about the most appropriate location of affordable housing and not about the overall level of provision which should not be adversely affected by the decision to accept off-site provision.</p>

	<p>Annex I – Space Standards - In Rydon's experience a number of RSLs consider the size requirements in Annex I to be unnecessarily large. They are prepared to accept a range of 80-90 sq m for 3 bed/5 person and 101-110 sq m for 4 bed/6 person accommodation.</p>	<p>It is made clear in Annex I that the standards are only indicative.</p>
	<p>General Comment The whole thrust of the SPD relies on providing new general needs housing. No evidence has been provided as to the levels of under-occupancy within the existing stock. It is far more cost-effective to encourage elderly residents to relocate to existing category 1 sheltered housing schemes thus freeing up to 4 bed spaces per existing dwelling for family accommodation.</p>	<p>This is incorrect. The HMNAS was a comprehensive assessment of need across all tenures. It makes the case that social rented is the most sought after tenure in the borough because of the relationship between incomes and house prices both to rent and buy. The study also looked at the need for supported housing.</p> <p>Conclusions on need took account, inter alia, of re-lets in the existing RSL stock which would capture any units freed up as a result of people downsizing. It is neither possible nor wise to base an affordable housing programme on the potential for people to downsize: the numbers are considered insignificant and an unsafe basis on which to plan a programme of new delivery. For example, what guarantee is there that somebody under-occupying would be happy to move? Many people wish to remain in their home well into old age and the Government's approach is to facilitate them remaining in situ through internal adaptations and support being provided.</p>
<p>Millwood Designer Homes</p>	<p>A series of comments on the issue of affordable housing generally of more relevance to the now adopted Core Strategy. However, the main point of relevance made is that each site needs to be considered on its individual merits and circumstances, otherwise there could be a detrimental affect on viability. It is accepted that this will need to be demonstrated by development appraisal.</p>	<p>The issue of site-specific viability is central to the advice in the SPD.</p>
	<p>The Council's objective of meeting at least 60% of new housing on brownfield sites is supported but it must be recognised that these sites will have greater development costs which will affect viability, particularly if there is a requirement for the provision of affordable housing.</p>	<p>The issue of site-specific viability is central to the advice in the SPD.</p>

RPS on behalf of Fairview Homes Ltd	Para 5.1.2 Design – Fairview object to the principle of maximum affordable housing concentrations of no more than 10 units for housing and 40 for flats. For management reasons RSLs tend to require rented and intermediate housing to remain separate with each having their own access and communal areas. In addition, Fairview consider that the distribution of social housing throughout a site can have a detrimental effect on market values and private sales. On this basis, they consider it is inappropriate to have small clusters of affordable housing throughout a site.	The references to clusters has been revised.
	Para 5.2.1 – Purpose Designed Supported Housing – Fairview object to the Council seeking to specify specific facilities and design features to be provided in new development schemes. This goes well beyond the normal responsibilities of a planning authority and imposes an unacceptable level of control on the developer. There must always be sufficient flexibility for housebuilders to best determine the appropriate design of a development scheme based on market and commercial considerations.	The provision of affordable housing for those with special needs is entirely appropriate within the scope of PPS3 and advice from the Government's affordable housing agency the Housing Corporation. The SPD contains design guidance for developers to help them in meeting the Council's affordable housing policy objectives in this area.
	Para 8.1.7 Maintenance and Service Charges - Fairview object to the Council seeking to control service or management charges. This goes beyond the requirements of land use planning. It should be a matter for negotiation between the developer and the RSL.	The guidance sets out the Councils expectations. Affordability can only be secured with some certainty and control over housing costs, including service charges. In the light of comments elsewhere the level of service charge referred to has been changed.
	Section 8.2 – Developer Contributions - These must be considered on a site-by-site basis and be in line with Circular 05/2005. They request that, in line with this advice, reference should be made in the SPD to any contributions only being sought where it can be demonstrated that they are reasonable, necessary and related to the scale of development.	The argument is accepted and, of course, the Council will comply with Government policy, but there is no need to repeat it in this document because it goes without saying.

National Farmers Union	The NFU particularly supports the guidance at Section 4.3 (Rural Housing Needs). It is crucial to the rural economy that suitable housing is available to those employed in rural businesses, including agriculture and horticulture but also across the wider spectrum of rural enterprises.	Noted
Hadlow College	Supports the view that there is a pressing need for affordable housing in Tonbridge and Malling. As an employer of 300 people there is great difficulty in employing people when the cost of housing is so high.	Noted
The London Green Belt Council	No comments on the SPD. Para 4.3.3 correctly reflects the provisions of PPS3. Nevertheless, expresses concern that in an authority that has a high proportion of Green Belt too many “very special circumstances” may end up being the “norm” which could then harm the Green Belt.	By definition, any provision of affordable housing in the Green Belt will need to be justified by “very special circumstances” and therefore will be the normal situation, but the scale of such provision will, by its very nature, be extremely limited.
Tonbridge and Malling Green Party	The purpose of the document is clear	Noted
	The second Aim should be revised to read “promote energy efficiency and renewable energy”	It is accepted that “where practicable” this should be the case and a change to the aim should therefore be made.
	<p>The following aims should be added:</p> <ul style="list-style-type: none"> To ensure that car free housing is designed as part of new affordable housing developments to reduce car parking requirements and that all new developments are adequately served by public transport. To secure play areas for children which are easily observed from housing 	These aims are applicable to all housing development and not just affordable housing. As such they are embodied in the terms of Core Policies CP1 , 2 and 24 and reflected in Kent Design which has already been adopted by the Council as SPD. It is therefore not necessary to repeat them in the Affordable Housing SPD

	<ul style="list-style-type: none"> To provide high standard walking and cycling routes within new developments which link to existing and new cycle routes to assist in building a framework of such routes throughout the Borough. 	
	The process of delivering affordable housing is clear	Noted
	They would favour 50% affordable housing on developments of 2 or more.	This is not a matter for the SPD. The level of affordable housing and the thresholds have been established in the now adopted Core Strategy.
	Not happy about any sort of ghettoisation of specific social groups. The best communities are those where people of all ages, conditions and aptitudes are mixed.	There is no reference in the document to ghettoisation. On the contrary, the aim is to ensure seamless integration of small clusters of affordable housing throughout private sector developments. References to the sizes of clusters have been revised.
	They support the advice on Rural Exception Sites. The Council should consider buying properties in villages to meet local social housing need.	The SPD provides that in certain cases consideration will be given to the purchase of existing dwellings off site.
	The advice in Annexes H and I on Space Standards is largely opaque and needs proper explanation within the body of the report. To what extent do space standards include the recognition of home-based employment (eg construction work) or tele-working. The sizes do not generally seem large enough.	The design guidance reflects that of the Government's affordable housing agency the Housing Corporation.
	The guidance on funding demonstrates the over-restricted position that Tonbridge and Malling is in with regard to funding for social housing.	Noted

	The sections on Allocations and lettings and Delivery are helpful.	Noted
	The Green Party is not happy with off-site provision. The Council should strenuously seek to avoid allowing developers to exercise this option. They believe that the Council should itself purchase housing to meet social needs, particularly in rural areas, whenever funds allow.	The approach follows that recommended in PPS3. The Council does not have the capital resources available to purchase affordable housing. The HC also will not grant fund the purchase of existing units.
Tonbridge Civic Society	Found the advice on funding difficult to understand. Has usefully drawn attention to some typographic errors in the document.	Typographic corrections will be made.
Kelvin Hinton	In overall terms the purpose of the document is clear, but the text does adopt a professional jargonistic approach and a lay person may have difficulty following or understanding some of the content. Perhaps para 1.1.1 would benefit from a simple explanation of what affordable housing actually is.	Don't disagree but the terminology is consistent with Government guidance, and a glossary is included. It is not aimed at the layman. It is principally aimed at developers and their agents.
	<p>The Aims are clear, but perhaps the first bullet point should be revised to read:</p> <ul style="list-style-type: none"> <i>To secure provision of an appropriate amount and mix of tenures to meet housing need.</i> <p>An additional aim could be:</p> <ul style="list-style-type: none"> <i>To secure balanced residential communities.</i> 	<p>Do not disagree with this suggested change</p> <p>This aim could usefully be added. It is less strategic than the version suggested by Tetlow King</p>
	Para 1.3.3 says that the Council will facilitate an independent development appraisal. It is not clear what this will mean in practice. To avoid protracted counter-arguments any independent appraisal should	The word "facilitate" should be changed to "undertake". It is agreed in response to other representations that this should be a collaborative process, but it must also be seen to be

	be binding on both parties. The cost of any such appraisal should be met by the applicant.	independent. At the end of the day it will be for the Council to decide what weight to afford to its conclusions. There is no mechanism for it be regarded as binding on either party. Its significance is in its independence.
	Para 2.1.4 refers to “ <i>particular target groups</i> ”. This is rather impersonal and it is not clear what it is referring to. It would be preferable to identify the group or groups being referred to.	The groups are identified by income. References to “target groups” has been changed.
	It is important that the SPD gives <i>indicative</i> advice with regard to housing mix . The actual mix negotiated and secured in respect of any submitted planning application will be dependent on the specific site and development proposal. This will be influenced by the vision and objectives for the specific development project and by scheme viability and the level grant/subsidy available.	Annex C makes it clear that it is indeed referring to an “indicative” housing mix.
	Para 3.2.3 should make clear that it is talking about “ <i>intermediate affordable housing</i> ” rather than “ <i>intermediate market housing</i> ”	The paragraph refers to ‘immediate’ housing need and is not concerned with tenure.
	It would be helpful if clarification was given as to what priority would be given to each of the categories of special housing needs .	They are all a priority. Site-specifics circumstances will dictate the priority in individual development proposals. A sentence has been added which makes clear that the Council is seeking to provide a range of unit types but that the three groups cited are the key priorities in this area.
	It is suggested that the percentage provision of Lifetime Homes (Para 3.6.2) should be increased.	The text has been amended to say at least 10% subject to various listed factors
	The advice on Qualifying Sites is clear, but it is suggested that in para 4.2.2 it is made clear that any open book assessment will be	Site suitability is dependant on whether a residential development can be achieved and not dependant on availability

	independently assessed. Furthermore, it is suggested that the availability of grant or subsidy is not in itself a consideration of site suitability but this may influence the quantum, nature or standard of affordable housing provide.	of grant. A change has been made to make this clear. The starting point for negotiations is to assume NIL grant. Grant should only be sought where it can clearly be justified and would lead to additional affordable housing.
	The advice on the rural Exception Sites is clear	Noted
	The SPD should make it clear that all affordable housing within schemes will be “ <i>tenure blind</i> ”. The SPD should also note that standards will rise incrementally over the next few years as the Code for Sustainable Homes is implemented and it should make clear what the Council's aspirations or requirements are in this respect.	Agree - and Para 5.1.5 has been amended accordingly.
	The guidance on funding is helpful. However, it should be made clear in para 6.2.1 that the availability of grant from the Housing Corporation will be on the basis that any such grant will “ <i>add value</i> ” to the affordable housing. It should also be confirmed that the cost of any independent assessment of viability should be met by the applicant (para 6.2.6).	Agree to make reference to “added value”, but the Council is not able to make a charge specifically for the viability assessment. This will be contributed towards by the planning application fee and any charge for pre-application advice.
	The Section on Allocations and Lettings is helpful	Noted.
	Section 8 – Delivery This is an important section of the document. Inclusion of standard conditions and Section 106 Agreement will be helpful to potential applicants in formulating their proposals. Such examples should only be used as a guide so that there is flexibility in the specific wording to take account of particular site circumstances.	Amendments have been made to make it absolutely clear that they are only the start point for negotiations.
	There is no mention as to the possible use of the cascade mechanism within a Section 106 obligation. The Council should make clear its approach to the use of cascades. Recent research carried out by English Partnerships and the Advisory Team for Large Applications is commended.	Paragraph 6.2.5 and 6.2.6 have been amended to take account of situations where an alternative arrangement may be necessary.

	The Section on Off-Site Provision is helpful	Noted.
	It is suggested in para 3.1.1 that reference should be made to local authorities engaging with public/private sector partners in order to deliver affordable housing. Recent government advice makes it clear that they expect local authorities to pro-actively engage with the relevant sectors to ensure actual delivery on the ground rather than simply facilitating this through the grant of planning permission.	It has long been the Council's practice to work closely with developers to ensure the implementation of their proposals, but the market pressures are such in Tonbridge and Malling that the Council does not normally need to take a pro-active role in order to facilitate development once a site has been allocated and a permission granted. There is no need to specifically mention this in the SPD
	It is considered that the document would benefit from further commentary in respect of the Council's approach to pre-application discussions specifically with regard to affordable housing. This is particularly important with regard to larger scale developments.	The Council believes the document does place sufficient emphasis on pre-application discussions.

Affordable Housing SPD - Response to formal consultation under Reg 17

Respondent	Representation	Response
English Nature	Support the proposal in para 5.1.4 indicates that “ <i>schemes should enhance biodiversity through the use and design of appropriate landscaping</i> ”. They draw attention to English nature’s Accessible Greenspace Standards and recommend that the following words should be added to the sentence “...and how they will contribute to green infrastructure provision in the local area”.	It would not be appropriate to add these words as there is as yet no higher level Policy context in the LDF relating to the provision of “green infrastructure”. This is a matter being taken forward in the Managing Development and the Environment DPD.
Highways Agency	The issue of car parking has not been discussed. The Agency will require all new housing to provide car parking in accordance with the maximum guidelines in PPG13 and SPG4.	Para 8.1.8 indicates that parking for affordable housing will be provided to the same standards as for the market housing. Core Policy CP2 deals generally with the transport impacts of development. Car parking for residential development will be made in line with PPS3 having regard to SPG4.
	A full Transport Assessment including a Travel Plan should be required for any development that may impact on the Trunk Road network. The emphasis should be on reducing the need to travel.	Core Policy CP2 deal with the transport impacts of development.
SEERA	SEERA has no substantive comments to make	Noted
Sevenoaks District Council	No comments	Noted
Aylesford Parish Council	Welcome changes to earlier draft. The revisions should help create more balanced communities.	Noted
Maidstone Weald PCT	The PCT would recommend Health Impact Assessment for any larger housing developments.	Noted. This is a matter that would apply to all housing and not just affordable housing developments.

Homebuilders Federation	Para 1.3.3 Whilst the HBF welcome this section they require clarification as to whom will be liable to pay for the financial analysis, or is the assumption that the cost will be shared equally with the developer.	The Borough Council currently absorbs this cost but this matter will be kept under review.
	Para 1.4.5 Whilst HBF welcome the redrafted para, the SPD should recognise that there may be circumstances where the Council will wish to prioritise the supply of affordable housing over and above other Section 106 contributions.	The Council will normally expect to give priority to the provision of affordable housing over other Section 106 requirements other than those necessary to ensure the developability of the site (eg access, etc). Reference to this fact has now been included in para 1.4.5.
	Para 3.1.2 PPS3 makes it clear that the proportions of housing size and tenure must be based on a Strategic Housing Market Assessment (SHMA). Such a study has not informed either the Core Strategy or the SPD. Once such a study has been completed both the Core Strategy and the SPD may need to altered accordingly.	<p>The SPD is supplementary to Core Policy CP17 that was prepared prior to the requirement to undertake a SHMA. A SHMA is currently in the course of preparation jointly with Sevenoaks District Council and Tunbridge Wells Borough Council. One of the benefits of the Annexes being separate from the SPD is that the information on housing mix in Annex C will be able to be reviewed and updated once the results of the SHMA are available.</p> <p>Para 6.3.30 of the Core Strategy makes it clear that if justified by future studies the level of affordable housing may be reduced downwards through the preparation of a SPD (ie a less onerous requirement) . However, the level of affordable housing would only be increased through the preparation of a full statutory DPD. A new paragraph 3.1.3 has been included to explain the status of the SHMA and how its findings might be taken into account in the SPD.</p>
	Para 3.2.2 There is a fundamental tension between the policies of urban containment and the desire to maximise the supply of family-sized affordable homes built to the minimum sizes and environmental standards set out in Section 5 . These latter objectives can only realistically be achieved if the Council increases the supply of developable land. If it does not then it may secure well designed,	There is no shortage of available developable land for housing in Tonbridge and Malling Borough. The achievement of space standards is a matter of detailed design on those sites that are allocated or have permission for development.

	spacious and environmentally friendly homes but fewer of them which will make the supply of affordable housing worse.	
	Para 3.6.2 The requirement to build affordable homes to the Lifetime Homes standard is not mandatory and therefore cannot be enforced. It is not a requirement of the Core Strategy. The requirement should therefore be deleted. Developers will nevertheless endeavour to build a proportion of affordable homes to this standard where feasible.	The word “seeking” is used, so it is not actually a “requirement”. However, the SPD is in-line with emerging government policy where social housing will be 100% Lifetime Homes Standard by 2011 – see CLGs report “ <i>Lifetime Homes, Lifetime Neighbourhoods: A National Strategy for Housing in an Ageing Society</i> ”.
	Para 3.7.1 The most user-friendly housing for wheelchair users and the elderly is the bungalow which is now actively discouraged by planning policy. Instead the elderly are accommodated at high density in flats which need to be serviced by lifts, the maintenance cost of which makes them less affordable.	There is no such planning policy in operation actively discouraging the building of bungalows. The issue of service charges is addressed by the amended reference to 10% service charge maximums. The SPD promotes Lifetime Homes and wheelchair accessible housing where there is an identified need whether this be bungalows or flats.
	Para 3.8.1 The concept of Key Workers is socially divisive. The failure to provide for all groups whatever the nature of their employment is a threat to social inclusion and the achievement of mixed neighbourhoods. The most equitable solution is to increase the supply of deliverable land and not to ration housing to certain groups. Any policy giving priority to Key Workers should be dropped from the SPD.	The concept of Key Workers is government policy which the SPD reflects but it goes further by including reference to “ <i>essential workers</i> ” which is a much wider definition (see Annex A).
	Para 4.1.1 The words “site viability” should be changed to “site suitability” in line with the meaning in PPS3 (and associated practice guidance)	Paragraph 4.1.1 is specifically about site suitability for affordable housing and not about site suitability for housing generally which is what PPS3 is referring to. One aspect of a site’s suitability for affordable housing is the viability of development having regard to the sorts of issues set out in para 6.2.7 et seq.
	The words “ <i>the need for development to be attractive to lenders of private finance</i> ” require clarification.	These words have been deleted in order to aid clarification

	<p>Para 4.1.2 Whilst welcoming the recognition of development viability in this paragraph it is considered to be slightly mischievous in that the need for essential infrastructure is not a pre-requisite for the delivery of affordable housing and may be all that the developer can afford, at least in the early phases of development and the percentage of affordable housing may have to be lower than the target of 40%. The provision of such essential infrastructure may be an important community benefit in its own right which means that in some circumstances the provision of affordable housing may not always be the most important priority. This should be made clear in the paragraph.</p>	<p>This paragraph merely recognises the fact that in some cases no development at all will be possible without the provision of essential infrastructure. Clearly this will need to take precedence over the provision of affordable housing; otherwise no housing at all will be delivered. The issue is how much affordable housing is it reasonable to expect under such circumstances. The fact that the provision of the essential infrastructure may have wider benefits is irrelevant to the level of affordable housing to be provided.</p>
	<p>Para 4.2.9 In selecting rural sites it will be necessary to involve not just Parish Councils but other stakeholders including housebuilders. The appropriate mechanism for identifying and assessing suitable housing sites is a Strategic Housing Land Availability Assessment (SHLAA).</p>	<p>The paragraph refers to “a shortlist of sites being drawn up from Borough Council resources and local knowledge”. This would include the results of a SHLAA once undertaken. However, it should be noted that, by definition, Exception Sites are sites that would not normally be considered suitable for housing. Furthermore, they are normally exclusively developed by RSLs without the involvement of housebuilders.</p>
	<p>Para 5.1.2 In accordance with PPS3 the LPA cannot determine the size, type and tenure of the market element of homes. Housebuilders are best placed to respond to market demand in specific areas. This should be made explicit in the text.</p>	<p>Para 21 of PPS3 says that Local Planning Authorities should plan for a mix of housing on the basis of the different types of households that are likely to require housing over the plan period. It does not limit this statement to affordable housing. It also says that planning authorities should set out the likely profile of household types requiring market housing, but is accepted that it is only for affordable housing that the size and type can be specified.</p> <p>The paragraph does not actually say that the Council will determine the mix of market housing, merely that there should be a mix taking account of location and site characteristics. A sentence has been added to make it clear that the type and size of affordable housing should have regard to the advice in the SPD.</p>

	Para 5.1.8 The Council cannot insist that housebuilders exceed the standards set in relation to dwelling size by the Housing Quality Indicators. To exceed these standards could jeopardise viability and consequently the supply of homes. This requirement should be deleted.	The wording of this paragraph has been changed to make it clear that the Council will be seeking to achieve higher standards subject to viability which would need to be demonstrated.
	The statement “ <i>units designed around minimum standards are considered unsustainable and can lead to estate management difficulties</i> ” is unclear.	The sentence has been clarified by the addition of an example of why such units are less sustainable (lack of storage/bed space for new forming households).
	Para 6.2.6 The HBF note that in the absence of Housing Corporation funding (or other public subsidy) the Council will consider “ <i>other arrangements</i> ”. The HBF would welcome clarification of what these alternative arrangements could be. Does it mean a reduction in the percentage requirement, for example?	This section of para 6.2.6 needs to be read in conjunction with para 6.2.5, the final sentence of which states “developers should clearly demonstrate through a cascading process how the addition of grant would allow the Council's objectives to be met in full”. Thus the emphasis on outlining alternative arrangements is on the developer, not the Council.
	Para 6.2.8 it should be acknowledged in the SPD that in some circumstances even “ <i>normal</i> ” brownfield site remediation costs may be of such magnitude that this will impact on the viability of delivering affordable housing.	An “open-book” viability assessment will demonstrate whether this is the case.
	Para 8.1.7 The HBF Strongly object to any attempt to cap service charges at no more than 10% of the rent. To require housebuilders to absorb these costs is unreasonable. Such a requirement goes well beyond the bounds of land use planning and should be a matter for negotiation between the housebuilder and the RSL. The requirement should be deleted from the SPD.	The sentence has been amended to make it clear that the Council would not <u>normally</u> expect service charges to exceed 10% of the base housing cost.

Showmens' Guild of Great Britain	Generally welcome the document and find most of its content clear. They are, however, concerned that there is no reference to the affordable housing needs of Gypsies, Travellers or Travelling Showpeople.	The needs of Gypsies and Travellers is being dealt with separately and does not form part of the 40 % affordable housing requirement. Core Policy CP20 establishes the strategic planning policy for Gypsies and Travellers. The need for additional pitches is being established through a partial review of the South East Plan. The Council will bring forward proposals as necessary depending on the level of identified need.
The London Green Belt Council	No comment on the document as such, but would express the hope that the Rural Exception Site policy will be strictly applied in the Green Belt.	Noted
Town and Country Housing	Believe the SPD to very clear and precise. It is a great improvement on SPDs they see in other authorities.	Noted
	We believe the Council's aims have always been strong and clear. Delighted to be working in the area. The Council clearly believe in the provision of affordable homes, not just in terms of numbers but also in terms of the quality of product with a focus on actual housing need.	Noted
	The overall process already works well. It is difficult to set out a clear process for the delivery of affordable housing but this SPD is a good as has been seen. Developers should be able to understand its meanings and requirements.	Noted
	The definitions are clear	Noted
	Pleased that the focus on family housing remains and the sizes quoted in Annex C are ones which the RSL can deliver and comply with.	Noted

	The level and nature of guidance on supported housing, sheltered housing, extra care housing, lifetime homes, wheelchair-user housing and housing for key and essential workers is very useful, though they may go further than actually required, but this can be a good thing for developers unsure about the standards and requirements of the Borough.	Noted
	The policy on qualifying sites reads very well and gives clear instruction on what sites will attract affordable housing	Noted
	The guidance on Rural Exception Sites provides clear guidance to vendors.	Noted
	The funding issue overall is very confusing but the approach taken in the SPD is sensible. The RSL agrees that the start point should be that absolutely no funding is available in any Section 106 schemes whatsoever.	Noted. This is made clear in Paras 6.2.2 & 6.2.7
	The model Section 106 is a very good starting point for negotiations	Noted
	As an affordable housing provider we believe that off-site provision should be produced as a worse-case scenario and in exceptional circumstances only. The SPD is as good as they have seen on this subject.	Noted.
Hyde Housing	Generally support the aims of the SPD and believe that in most cases the targets are deliverable.	Noted

	In terms of design and quality the RSL is obviously subject to Housing Corporation Design and Quality Standards 2007 for all new grant funded schemes and these will be carried over into any non-grant funded schemes where it is intended to use IMS as the recording database for such schemes.	Noted
	Hyde Housing support the inclusion of wheel-chair units but would ask the Council to exercise flexibility with regard to thresholds (number of units before the 10% requirement applies) and costs/grant.	Para 3.7.1 already provides sufficient flexibility but the word “expects” has been changed to “will seek”
	Wherever possible Hyde Housing expects to exceed HQIs and exceed Building for Life criteria but clearly with Section 106 schemes they would not wish to be tied to exceeding Housing Corporation minimum standards.	The wording of this section has been changed to make it clear that the Council is seeking to exceed these standards subject to viability.
	In terms of costs Hyde Housing would like the SPD to include more of an explanation for developers to enable them to price sites.	The SPD follows the funding objectives of government, as set out by its agency the Housing Corporation, which has endorsed the approach being taken.
	Hyde Housing support the use of Economic Appraisal Toolkit (EAT) in order to demonstrate viability for Section 106 sites, but sites purchased from the open market cannot be subject to these same constraints.	Noted
	It should be borne in mind that the Housing Corporation's drive for larger homes means higher costs and higher grant figures. They would therefore ask that grant is assessed on a per person basis rather than per unit averages.	Whilst it is recognised that this approach is used in very high density areas such as London, it is not considered appropriate to adopt this method in a predominantly rural borough such as Tonbridge & Malling.

	Hyde Housing support the provision of supported housing especially if this can be made to work across boundary.	Noted
	Support the use of Local Lettings Plans to ensure continuing sustainability of schemes and reduce child densities.	Noted
Southern Housing Group	Maintain the view that Section 6 and in particular the process of justifying grant is incompatible with efficient land buying and delivery of housing.	The SPD follows the funding objectives of government, as set out by its agency the Housing Corporation.
	Southern Housing does not agree that it is Government policy to adopt the nil grant approach, given that 50% of the Housing Corporation's programme goes towards funding quota sites.	The Housing Corporations policy to keep grant to a minimum is described in para 6.2.1. In keeping with this, the SPD promotes a nil grant approach to help ensure "additionality" (see para 6.2.2).
	The use of cascade mechanisms in Section 106 agreements has also been promoted by research undertaken by English partnerships.	Noted
Moat Housing	<p>Moats supports the SPD, in particular:</p> <ul style="list-style-type: none"> • The tenure-blind approach to affordable housing on Section 106 sites; • The reference to high quality design; • The provision of special needs housing on very large sites; • The provision of rural housing on Exception Sites • The 40% target; • The principle of Lifetime Homes for all housing, not just affordable; • The statements on car parking and service charges • The Council's definition of what is affordable for shared ownership. 	Noted

	The name and address for Moat in Annex F needs to be updated.	The name and address has been updated
Challenger Text Ltd	The purpose of the SPD is reasonably clear	Noted
	<p>The aims are generally clear but the following amendments are suggested:</p> <p>Revise the first aim to read:</p> <p>To secure provision of an appropriate amount and mix of tenures to meet housing need <u>and promote housing choice</u></p>	This SPD is about meeting affordable housing need. There is no choice in this respect so this change should not be made.
	<p>Delete the sixth aim and replace with:</p> <p><u>To create sustainable mixed communities in all areas, both urban and rural</u></p>	This change has been made.
	<p>Para 1.3.2 The approach to delivery of affordable housing is reasonably clear , but the last sentence in the paragraph (<i>Based on the most up to date information, the tenure type and size of unit needed in that area and on the site in question will be identified by Council officers.</i>) should be deleted. The tenure type and size should be set down in Council policy. There is a need for the applicant to know that information in advance.</p>	The distinction between the two parts of the document is important because it is designed to enable the Annexes to be regularly updated without the need for the full statutory process of SPD production to be followed. All of the policy content is in the first part of the document. The Annexes are there to amplify and inform the application of policy and contain information that needs to be updated on a regular basis. The figures in the Annexes form the start point for negotiations.
	<p>Para 1.4.5 revise the final sentence as follows:</p> <p>By this means the Council will seek to achieve the highest possible supply of affordable housing towards meeting the identified requirement, <u>subject to the target set in Policy CP17 of the Core Strategy and the viability of the scheme in the round</u></p>	This proposed change is not necessary. The issue of viability is addressed by the cross-reference to para 6.3.26 of the Core Strategy. The highest possible supply in respect of any individual site will be 40% of the dwellings in line with Core Policy CP17. That is already made clear in the paragraph.

	<p>Para 2.1.5 CTL support the definition of Affordable Housing as set out in Annex A which is similar to that in PPS3, but suggest that para 2.1.5 does not make it clear whether student housing would be required to make a contribution towards affordable housing provision given that the Council does not regard it to be affordable housing. Para 2.1.6 implies that there would not be such a requirement though it is not explicit. There should be a clear statement after Para 4.1.3.</p>	<p>The Borough Council sees no distinction between proposals for open market sheltered accommodation, student accommodation, and any other open market housing in terms of applying its affordable housing policies.</p> <p>In order to clarify things changes have been made to para 4.1.3 to make it consistent to para 2.1.5. There is a new heading for 4.1.3, and student housing is now included within 4.1.3.</p>
	<p>There are other forms of specialist housing which the Council appears to regard as affordable housing (eg extra care housing, etc). A statement should be included to make it absolutely clear which housing tenures the Council considers to be affordable.</p>	<p>It is agreed that there is a need to clarify that the SPD is dealing with “affordable” schemes in relation to definitions such as Extra Care Housing. Various amendments have been made to clarify this point in Sections 3.4 and 3.5.</p>
	<p>Although housing need is one factor to take into account when assessing the appropriate size and type of affordable housing to be provided there are other considerations that need to be taken into account. These include the need to create mixed communities with a variety of housing types and sizes and the need for family accommodation. This should be made clear in the SPD.</p>	<p>This is addressed in paras 1.4.1, 3.1.1, 5.1.2, and 9.1.1.</p>
	<p>With regard to the Medway Gap area the SPD appears to have ignored the findings of the HMNAS which points towards a need for smaller units to meet local needs.</p>	<p>Annex C describes the reasoning behind the re-weighting of the HMNAS data.</p>
	<p>Para 3.3.1 indicates that three key groups have been identified as a priority for new supported housing provision. Mental health and Young people are mentioned. What is the third group?</p>	<p>Para 3.3.1 has been amended to clearly identify the three groups being discussed.</p>

	Any specialist provision should be within and not in addition to the housing percentage and should cost no more than the standard affordable housing.	Agree with comments an amendment has been made to para 3.3.1 to clarify this point.
	<p>Para 3.4.1 Says that provision of Sheltered Housing is not a priority for the Borough. This reference should be deleted and replaced by the following:</p> <p><i>This situation will be monitored. Any proposals brought forward will be assessed as to whether they meet need.</i></p>	Agree that this needs to be clarified. The para has been revised to make it clear that whilst sheltered housing is not currently a priority this situation will be kept under review.
	Para 3.6.2 The requirement for 100% of all affordable housing to be built to full Lifetimes Homes standard should be “ <i>subject to viability constraints</i> ”	It is clear that the Council is seeking to achieve this standard rather than requiring it to be met. The reference to “ <i>site-specific issues</i> ” is intended to address viability constraints.
	The definition of Lifetimes Homes in Annex A is vague. It is not clear what the requirement would be to meet this standard.	The definition has been revised and now includes a cross-reference to the Joseph Rowntree Foundation Website for more information.
	Para 3.7.1 The requirement for 10% of all affordable housing to be wheel-chair accessible should be “ <i>subject to viability constraints</i> ”	Para 3.7.1 already provides flexibility and the word “ <i>expects</i> ” has been changed to “ <i>will seek</i> ” which takes account of viability issues.
	<p>Para 4.1.1 The third sentence should be revised to read:</p> <p>“The following should be considered in assessing the <u>amount and</u> nature of the affordable housing element.”</p>	<p>This is implied in the original text with the word</p> <p>The word “<i>nature</i>” is intended to encompass all aspects of the affordable housing provision.</p>

	<p>The fifth bullet point should be revised to read:</p> <p>“the availability of affordable housing <u>of a range of tenures and sizes</u> existing in the locality.”</p>	<p>The sentence has been changed to refer to the availability and type of affordable housing existing in the locality.</p>
	<p>A sixth bullet point should be added as follows:</p> <p><i>“the housing need being addressed by the overall development”</i></p>	<p>The SPD is concerned with meeting the need for ‘affordable housing’ and does not seek to influence the nature of private sale provision.</p>
	<p>Para 4.1.2 should be amended to read:</p> <p>“All new residential developments will therefore be expected to provide an element of affordable housing in accordance with the adopted Core Strategy unless the developer can show that the site can only come forward if essential infrastructure needs to be provided first <u>or there are other significant costs such as site remediation, flood alleviation, Section 106 contributions, highway works, etc</u> and that the provision of the required amount and type of affordable housing would make the development unviable”</p>	<p>These matters are dealt with under para 6.2.10 in relation to the viability of development and the need for grant subsidy. Para 4.1.2 is dealing with the specific circumstances where a development cannot proceed without the prior provision of infrastructure. It is accepted that there may be certain other costs that are necessary to ensure the feasibility of development and reference could be made to these. However, as a matter of principle all such costs should have been taken into account in determining the purchase price of the land. It is only in circumstances where it can be demonstrated that the 40% requirement for affordable housing would make such development non-viable that the percentage requirement may be reduced.</p>
	<p>Para 5.1.2 include a reference at the end of the first sentence to “<i>the level of housing need</i>”.</p>	<p>A reference to “<i>the nature of housing in need in the locality</i>” has been added.</p>
	<p>Revise the next sentence to read:</p> <p>“The Borough Council will not normally accept affordable housing which, either by its design or layouts, is separated or distinctive from the general market housing, <u>although it will have regard to the requirements of the RSL in terms of housing management</u>”.</p>	<p>The suggested addition has been included.</p>

	Para 5.1.4 The reference to enhancing biodiversity is a generic policy that has no place in the Affordable Housing SPD.	Para 5.1.4 is a general paragraph identifying issues to be taken into account in the design of new housing developments. Enhancing biodiversity is one such issue.
	Paras 5.1.8 - 5.1.9 They object to the approach which says that minimum HQI scores are not acceptable to the Borough Council. It is not clear what evidence the Council has that would justify this approach.	The wording of paragraph 5.1.8 has been changed to make it clear that the Council will be seeking to achieve higher standards subject to viability which would need to demonstrated
	Para 5.2.1 - Delete the reference to schemes having to include a laundry or washing machine. It is unclear why tenants or managers should not provide their own facilities and why the developer must fit out the accommodation. This is not a relevant planning consideration.	This paragraph is informative, and reflects directly guidance issued by the Housing Corporation for the development of supported housing.
	Para 6.2.8 The reference in the first sentence to the costs normally associated with the development of previously developed land not being considered abnormal is too vague to be helpful.	The word “ <i>normally</i> ” in the first line has been removed. What this paragraph is saying is that cost associated with the development of Brownfield sites should not be considered exceptional and should normally be taken into account in negotiating the purchase price of the land.
	There may be many exceptional costs associated with the redevelopment of a site that are not known at the point of sale, in particular off-site costs.	An open book viability assessment would need to demonstrate why such exceptional costs were not taken into account in determining the purchase price of the land.
	Para 6.2.10 Fourth bullet point should be amended to read: “Building contingencies, including increased building costs to meet particular standards, for example, Code for Sustainable Homes”	This factor is already referred to under “Cost Multipliers”. Building contingencies are there to deal with unknown or unpredictable changes in building costs.
	Support the eighth bullet point that recognises a range of likely cost impacts.	Noted

	<p>A final sentence should be added that reads:</p> <p><i>“Viability should be assessed taking into account all scheme costs in the round, rather than focusing on particular aspects of costs.”</i></p>	<p>Paragraph 6.2.10 makes it clear that viability will be affected by a range of factors. It is now made clear that all of these factors need to be taken into account.</p>
	<p>Para 6.2.15 This paragraph should be deleted. The Borough Council is not empowered to decide whether grant should be made available. If it is available and the Housing Corporation should fund it and the Borough Council should not interfere. It is not the role of the Borough Council to act as a filter between the RSL and the Housing Corporation.</p>	<p>The SPD makes clear the case for grant is subject to an economic scheme appraisal. The Housing Corporation as the provider of social housing grant strongly recommends the use of its Economic Appraisal Toolkit to determine whether grant is required and, if so, the amount. This is reflected in the SPD. The Council in turn is concerned that where grant is required a realistic level is bid for that ensures the greatest chance of support from the Housing Corporation, and therefore deliverability.</p>
	<p>Para 7.1.2 This paragraph should be deleted. The level of nomination rights is primarily a point for the RSL, not the developer. The RSL should control who occupies its properties in liaison with the Borough Council.</p>	<p>This paragraph is informative for those developers who may be unfamiliar with the process for the allocation of housing.</p>
	<p>Para 8.1.4 This paragraph should be deleted. Whilst the LPA can aim for long term affordability it should not determine the form of land transfer. This is not a planning matter.</p>	<p>This is in line with Housing Corporation guidance. The nature of disposal has the potential to significantly affect short and long term affordability which is a planning consideration. The SPD does not insist on any one form of disposal and makes clear the Council's position whether the disposal is freehold or leasehold to ensure affordability in the long term.</p>
	<p>Para 8.1.5 The last sentence should be amended as follows:</p> <p>“The sale price of completed affordable housing units to the nominated RSL will be at a level consistent with advice set out in this SPD and should not be depended on any form of public subsidy”</p> <p>This fails to recognise earlier guidance in the SPD where subsidy may be necessary.</p>	<p>The sentence has been revised to make it clear that the aim is to seek to ensure that the development is not dependent on public subsidy.</p>

	<p>Para 8.1.7 The reference to service charges not exceeding 10% should be deleted as it is overly restrictive. The charge should reflect the cost and should be the same as for the market housing. Market housing should not continually subsidise the affordable housing.</p>	<p>The sentence has been amended to make it clear that the Council would not <u>normally</u> expect service charges to exceed 10% of the base housing cost.</p>
	<p>Para 8.1.8 Amend the sentence to read:</p> <p>“Parking ratios will be provided in the same proportion for the affordable housing as for the open market housing, <u>unless evidence is submitted to show that the requirements of the RSL indicate otherwise.</u>”</p>	<p>This change should not be made. It is the Council’s policy that the same ratios should apply across the whole development.</p>
	<p>Para 8.2.2 It should be made clear that the use of the preferred RSL partners is not a requirement – ie the Borough Council can not enforce the use of their preferred partner and cannot dictate the RSL the developer works with. To limit the available range of RSL providers will have an overall negative impact on best value and the amount of affordable housing provided in the Borough.</p>	<p>The first sentence of 8.2.2 has been amended to make it clear that the Borough Council strongly recommends early contact with its preferred partner RSLs.</p>
	<p>Para 8.2.5 The reference to the capping of grant should be deleted. The Council should not be capping grant if it has been made available. The management of the Housing Corporation’s funding is for the Housing Corporation not the Borough Council.</p>	<p>This sentence has been revised to make it clear that the amount of any grant should be consistent with the advice on grant averages as issued by the Housing Corporation from time to time.</p>
	<p>Para 9.1.5 The final sentence should be revised to read:</p> <p>“The provision of units off-site must be delivered in accordance with a timescale agreed by the Borough Council mindful of what could have been achieved on site <u>and the economics of the scheme.</u>”</p>	<p>The sentence has been revised to make reference to the independent financial appraisal</p>

Indigo	It is important that the Council is flexible in seeking to apply the indicative housing mix in Annex C as may not be viable or appropriate to do so on certain schemes due to site constraints or particular location. For example, it may be more appropriate to provide a greater number of smaller units at higher density in Tonbridge Town Centre because of its accessibility.	Flexibility is reflected by the word “indicative”. It is the start point for negotiation
Tetlow King on behalf of Trenport Investments	Welcome the changes made to the draft in the light of their previous comments, but would make the following additional comments.	Noted
	Whilst some improvements have been made to the clarity of the SPD Tetlow King still maintains that there is unnecessary duplication of the Core Strategy. They also consider it inappropriate to make a distinction between the two parts of the SPD on the basis that the Annexes will change over time. They maintain that both parts will change in response to monitoring and other circumstances (eg grant availability)	It is considered helpful for the SPD to reproduce the relevant Core Strategy Policies to which the document is supplementary. The distinction between the two parts of the document is important because it is designed to enable the Annexes to be regularly updated without the need for the full statutory process of SPD production to be followed. All of the policy content is in the first part of the document. The Annexes are there to amplify and inform the application of policy and contain information that needs to be updated on a regular basis. The figures in the Annexes form the start point for negotiations.
	In terms of definitions they do not believe that the SPD should repeat the content of the Core Strategy. They do not agree that it is helpful for the document to be a self contained as possible. It would be erroneous to read the SPD in isolation from the Core Strategy.	On the contrary, it is considered helpful for the SPD to reproduce the relevant Core Strategy Policies to which the document is supplementary.
	There should be a reference to the emerging role of the Strategic Housing Market Assessment (SHMA) and to make it clear that this will be used in future as the basis for determining housing need. A section in the SPD on Monitoring and Review would assist.	A new paragraph has been included to explain the role of the SHMA. The approach to Monitoring and Review is dealt with in the Core Strategy and Development Land Allocations DPD. The SPD would not in itself be separately monitored.

	<p>Para 3.2.4 Tetlow King are still concerned that the Council is seeking to transfer some of its statutory housing duties to developers, in particular that for “reasonable preference” groups. The paragraph should be restructured by removing some of the detail and by separating the requirement for developers to provide a mix of house types from the quite separate need for the Council to prioritise the housing of its preference groups.</p>	<p>The Council’s legal duties to those on the Housing Register are a legitimate factor for consideration in determining an appropriate mix of units. It is therefore reasonable for the strategic housing and planning authority to have regard to these and other groups in planning the future supply of affordable homes.</p>
	<p>They still contend that some forms of supported and Extra Care housing fall within Use Class C2 and that the letter from GOSE at Annex D would not apply in these cases. Applications like this are best considered on a case by case basis and it would be better to omit Annex D altogether.</p>	<p>Annex D is specifically referring to Sheltered Housing which is generally regarded as C3 housing. Extra Care Housing may sometimes be regarded as falling under Use Class C2 and paragraph 3.5.1 acknowledges that such proposals would have to be considered on a scheme by scheme basis.</p>
	<p>Para 4.1.2 still refers to the need to provide “<i>an element</i>” of affordable housing on qualifying sites. This needs further refinement in order to explain that the Council will accept adjustments to be made to the affordable housing offer in terms of either the amount or type should viability issues arise.</p>	<p>The words “<i>an element</i>” have been removed. The paragraph makes it clear that affordable housing should be provided in accordance with the requirements of Core Policy CP17 unless it can be demonstrated that it would not be viable to make such provision. Reference to variations in both the mix as well as the number of units has been added.</p>
	<p>Para 5.1.2 Tetlow King do not agree with the last sentence which implies that affordable housing should never be separated from market housing on a site. Circumstances may occur where full integration, whilst desirable, is not possible. These may include such things as topography, management arrangements, service charges and scheme design.</p>	<p>The Borough Council’s position is that it will not normally accept separation of affordable housing units from the market housing. This acknowledges that there might be some occasions when such separation is justified. A sentence has been added at the end to indicate that any variation from this requirement will need to be justified.</p>
	<p>Para 6.1.1-6.1.3 Tetlow King maintain the view that these paragraphs do not add anything to the SPD and should be deleted. If retained a cross-reference should be made to the flow chart following page 2.</p>	<p>These paragraphs are informative and have been retained as they provide useful context, especially to developers new to providing affordable housing.</p>

	<p>Para 6.2.5 and 6.2.6 Whilst Tetlow King acknowledge changes have been made they still feel the “alternative arrangements” referred to should be further explained. It would useful to provide an indication of what sort of alternatives might be considered. They also welcome the reference to the “cascading process” but these paragraphs need to explain the ramifications more clearly.</p>	<p>This section of para 6.2.6 needs to be read in conjunction with para 6.2.5, the final sentence of which states “developers should clearly demonstrate through a cascading process how the addition of grant would allow the Council’s objectives to be met in full”. Thus the emphasis on outlining alternative arrangements is on the developer, not the Council.</p>
	<p>Para 6.2.9 Tetlow King maintain the view that there is no basis for a 40% requirement or 70:30 tenure split from a viability analysis. The references should therefore be deleted. To do so merely duplicates what is in the Core Strategy.</p>	<p>This paragraph is indicating what an applicant needs to do in order to demonstrate that the requirements in the Core Strategy cannot be met for viability reasons.</p>
	<p>Section 7 The Core Strategy already sets out the parameters for ensuring affordable housing meets local needs and it is therefore unreasonable for the SPD to impose additional qualifying criteria (para 7.1.1). Deletion is the best option. Otherwise further explanation is necessary.</p>	<p>This paragraph is informative and has not been altered. It merely states the Council’s legal responsibility when housing someone. No further explanation is required. It does not set additional criteria over the Core Strategy.</p>
	<p>Para 8.1.2 welcome the changes to this paragraph. Support addition of the sentence clarifying the selection process of the preferred RSLs but note that this still fails to mention the “standards” to which affordable housing partner RSLs will be expected to apply. The tone of the paragraph is wrong in that it implies that applicants will be bound to using one of these partners. It does not acknowledge and provide scope for other methods of affordable housing delivery through the private sector.</p>	<p>The selection criteria are clearly stated within the paragraph. The standards expected of preferred partners are that they adhere to the contents of this SPD. The tone of the paragraph is entirely in keeping with the fact that it is the Councils preference that developers use a preferred partner only. As for acknowledging other methods of delivery in the private sector, the heading for the section is “Working with the Borough Council’s preferred partner RSL Partners”. No amendment has been made.</p>

	Annex F Cannot understand why the Guinness Partnership has not been added to the list of Preferred RSL Partners since they have selected jointly by the Council and Trenport and the Housing Corporation as the partner RSL for the major development at Peters Pit.	The Preferred Partner list is revisited and amended at set intervals (3 years), and is not amended on an <i>ad-hoc</i> basis. The current partnership has expired and Guinness is being recommended for inclusion on the list.
	Annex L Tetlow King maintain the view that the law Society's model Section 106 Agreement has been widely criticised. In their view both the model Section 106 Agreement and the model Condition (Annex K) both require considerable further work in collaboration with landowners, developers and RSLs before they are finalised. They welcome the fact that whatever is eventually used that it should be " <i>the start point for negotiations</i> ".	This is the Government's recommended draft and is the start point for negotiations. Each Agreement will be different depending on the details of the scheme.
	Section 9 – Off-site provision Tetlow King do not believe that the changes made to this section serve to clarify the Council's preferences and priorities. They suggest the Council lists its preferences in order.	This is a matter for negotiation and it would be wrong for the Council to predetermine a priority. It is a case of what is best suited in the circumstances taking into account any exceptional circumstances highlighted by the developer.
RPS for Fairview Homes	Para 4.1.2 Whilst Fairview Homes are not adverse to an "open-book" assessment to demonstrate viability it should be categorically stated that any financial information is provided on strictly confidential basis.	Para 1.3.3 makes it clear that the assessment would be confidential. The word "confidential" has been included before the words "open-book" throughout the document.
	Para 5.1.2 Whilst supporting the delivery of mixed and balanced communities, housing mix must be approached on a site by site basis.	Agree. The paragraph makes it clear that housing mix will be determined by location and site characteristics.
	Para 8.1.7 It is not lawful for market housing providers to subsidise service charges for affordable housing occupiers. In the case of flats it can therefore be necessary for the affordable and market housing to have as minimum separate cores if not separate blocks.	The paragraph has been amended to make it clear that the Council would not <u>normally</u> expect service charges to exceed 10% of the base housing cost

	Para 9.1.3 Fairview New Homes object to the expectation of a payment in lieu equivalent to the full market value of the total units of affordable housing forfeited. PPS3 refers to such payments being of “ <i>broadly equivalent value</i> ”. The wording of PPS3 should be used.	The word “ <i>broadly</i> ” has been introduced to ensure compatibility with PPS3.
RPS on behalf of Tonbridge Sovereign House (Oracle)	TSH object to the 40% requirement on sites of 15 dwellings or more. They make reference to the fact that the Core Strategy in para 6.3.30 indicates that if justified the requirement will be reduced through SPD. They propose that the SPD should emphasise that the 40% is simply an aspiration that will be discussed on a site-by-site basis with ultimate level depending on viability, sustainability and the availability of Housing Grant.	It is not the purpose of this SPD to review the requirements of Policy CP17. Its purpose is to indicate how Core Policy CP17 should be implemented. What para 6.3.30 in the Core Strategy is referring to is a situation, which is most unlikely in the immediate future, where studies indicate that the percentage requirement or tenure mix should be made less onerous. Under these circumstances, such a change will be brought forward by a specific SPD. This is explained further in new paragraph 3.1.3 dealing with the Strategic Housing Market Assessment.
	Para 5.1.2 TSH support mixed and balanced communities, but dwelling mix should be approached on a site by site basis. Furthermore, on flatted developments separation may be required for management purposes. This paragraph should be altered to reflect this fact.	This paragraph makes it clear that dwelling mix will be determined having regard to location and site characteristics. A sentence has been added at the end to make it clear that any variation from the Council’s requirement will need to be justified.
	Para 6.2.1 This states that the Council supports the Housing Corporation’s approach to the payment of grant. However, the Housing Corporation’s approach has no influence in planning policy terms and the Council should not therefore afford it any weight in the SPD.	Affordability is a planning consideration and it is reasonable therefore for the Council to advance the Housing Corporation’s position as it is an agent of the government.
	Para 6.2.2 THS strongly objects to this paragraph which states that in the absence of grant land should be transferred to the RSL at nil value. This would not provide an economically viable scheme. PPS3 states in para 94 that in the absence of grant alternatives options should be considered such as intermediate housing. The concept of a cascade approach should be adopted in the SPD.	This paragraph needs to be read in conjunction with para 6.2.5, the final sentence of which states “developers should clearly demonstrate through a cascading process how the addition of grant would allow the Council’s objectives to be met in full”. Thus the emphasis on outlining alternative arrangements is on the developer, not the Council.

	Paras 6.2.7 -6.2.12 Describe the Council's approach to assessing viability and indicate that assessments should be based on existing site use value. THS propose that such assessments should be based on the actual site acquisition costs.	The SPD sets out a clear ' <i>open book</i> ' process for determining economic viability. Site acquisition costs form an inherent part of this process. Reference has to alternative use and site acquisition costs has been added
	Para 7.1.2 Where no grant is involved and a developer wishes to deliver affordable housing themselves the timeframe should be open to discussion. Para 7.1.2 should allow for this flexibility.	<i>The paragraph has been changed to indicate that the Council would expect similar arrangements where public subsidy is not forthcoming.</i>
	Para 8.1.7 The Council is too rigid in setting a service charge level at 10% which is not supported by any evidence on viability. They request greater flexibility.	The paragraph has been amended to make it clear that the Council would not <u>normally</u> expect service charges to exceed 10% of the base housing cost. It will need to be demonstrated why that level needs to be exceeded.
	Para 8.2.5 This refers to costs being Index Linked, but Housing Grant cannot be Index Linked because it is a one-off payment. THS believe that the Council's suggestion that the total cost of providing affordable housing should be Index Linked is not in compliance with Circular 05/05 which states that planning obligations " <i>should not be used as a means of securing a share of the profits of a development</i> ". THS want the paragraph to state that costs should be determined on a site-by-site basis depending on the receipt of grant funding.	Social housing grant is not index linked so it is in the developer's interest to start on site at the earliest opportunity. The SPD does not attempt to ' <i>secure a share of the profits</i> ', rather, ensure the deliverability of affordable housing. The paragraph has been amended to reflect Housing Corporation's policy, and make clear the purpose of using index linking to inform decisions.
	Para 8.1.6 Some developments coming forward depend on generating sales at an early stage in order for the scheme to be viable. Proposals should be considered on a case-by-case basis.	The paragraph allows for exceptions to be made. It says that normally 50% of off-site affordable provision should be made by the time 50% of the market dwellings are completed unless otherwise agreed with the Council. An additional sentence has been added making it clear that the viability assessment would need to demonstrate why the Council should agree to any variation to this

	<p>Para 8.1.8 THS objects to the requirements for car parking being the same for both affordable and market housing. Car ownership for affordable housing is often lower than for market housing. Parking provision should be assessed on a site-by-site basis.</p>	<p>It is the Council's policy that the same level of parking should be provided for both the affordable and the market housing. It is agreed that parking provision should be assessed on a site-by-site basis and these words have been added to the paragraph.</p>
	<p>Para 9.1.3 THS object to the Council's approach to calculating commuted sums. It is too vague to be helpful. A more tangible formula should be provided and would offer a basis for negotiations. A method used by other Councils involves equating the commuted sum to the level of Housing Grant that an RSL would receive were it providing affordable housing on land within its ownership.</p>	<p>The approach is in line with government guidance.</p>
	<p>THS object to the Council's expectation that a sum equivalent to the full market value of the house to be provided as a payment in lieu of on or off-site provision. PPS3 refers to a contribution of "<i>broadly equivalent value</i>" and Circular 05/05 states that commuted sums should be fairly and reasonably related in scale and land to the development proposed. The wording of PPS3 should be used.</p>	<p>The word "<i>broadly</i>" has been added to ensure compatibility with PPS3.</p>
<p>Timothy Wilson, Tonbridge</p>	<p>Any negotiations resulting in derogation from the 40% on-site requirement need to be captured within a legally enforceable Section 106 agreement and be independently auditable via open book accounting. Any financial gain that the developer receives as a result of such derogation should be shared with the Borough Council who should hypothecate it for the purpose of increasing affordable housing supply. Developers should be expected to pay for the Council's costs in carrying out the independent audit.</p>	<p>The Council will only accept a reduction in on-site affordable housing provision if justified by a open-book assessment, the detail of which must remain confidential but which could be independently audited if necessary.</p> <p>It would not be the intention that the developer would benefit in terms of financial gain as a result of any such a reduction. A reduction will only be agreed where this is necessary to ensure that the development is viable and proceeds to implementation.</p>

