

**REPRESENTATIONS ON  
BEHALF OF  
SKIPTON PROPERTIES LIMITED**

**MATTER STATEMENT  
CRAVEN LOCAL PLAN  
EXAMINATION**

**MATTER 7**

**SEPTEMBER 2018**

## **Skipton Properties Limited**

### **Examination of the Craven Local Plan**

#### **Matters Statement**

#### **Matter 7 – Affordable Housing Provision (Policy H2)**

##### **Issue 1 – Addressing Housing Need**

1. **Question 1 – What is the justification for having a different policy requirement for affordable housing on greenfield and brownfield sites?**

1.1 The Council's policy fails to take into account the much higher costs associated with the delivery of brown field sites or the level of increased developers risk.

2. **Question 2 – Is it appropriate to require decision-makers and developers to negotiate the level of affordable housing on a case-by-case basis for brownfield sites?**

2.1 No – CDC will inevitably default to the standard 'minimum 30%' provision ignoring the higher costs and development risks associated with brownfield sites and forcing developers into protracted Viability assessments. In order to speed up the delivery of smaller sites and incentivise developers to prioritise brown field land, brown field sites delivering 10 or fewer dwellings should be exempt from any requirement for affordable housing (irrespective of Rural Designated Area status).

2.2 A tangible example of the delay caused to delivery is an SPL site at Kings Mill, Settle – a brown field site within the urban area of this second tier settlement - with a Planning Application (2018/18965/FUL) for eight dwellings submitted in January 2018. Even in the absence of an adopted and fully tested Policy H2 – CDC has insisted on an off-site contribution for affordable housing using the 'methodology' set out in the justification to H2. This has resulted in the Planning Application being the subject of an Appeal for non-determination (APP/C2708/W/18/3210340) due to the intransigent position taken by CDC Officers in relation to 'negotiating on a site by site basis'. The position taken by CDC in this case – attempting to apply a draft Policy that has yet to be tested by Examination – will result in delivery of this brown field site being delayed by at least 12/18 months.

3. **Question 3 – What is the justification for requiring development proposals to demonstrate 'exceptional circumstances' where a lower level of affordable housing is proposed?**

- 3.1 None. The Council is introducing an unnecessary 'further' test to viability assessment that has no justification in national planning policy.
3. **Question 4 – Under what circumstances might the Council apply vacant building credit and “reduce on-site and/or financial contributions accordingly”? Is the approach consistent with advice contained in the National Planning Practice Guidance?**
- 4.1 A selective approach to the application of Vacant Building Credit is contrary to National Planning Policy. The methodology for calculating Vacant Building Credit should be clearly set out and tested before being included in Policy H2.
4. **Question 5 – Which settlements does Policy H2 III apply to? Is it clear to decision-makers, developers and local communities?**
- 5.1 This is a matter for the Council to explain in their matter statement upon which we may wish to comment.
5. **Question 6 – Is it clear under what circumstances off-site contributions will be acceptable in lieu of on-site provision? How will a decision-maker determine whether or not an off-site contribution is “preferable in terms of achieving housing and planning objectives”?**
- 6.1 The policy as drafted provides no guidance on any circumstances where an off-site contribution might be preferable to on site provision. Flexibility to deliver either on site or off site in all circumstances would speed up delivery of market housing and enable the Council (in conjunction with Registered Providers) to deliver bespoke affordable housing projects in the communities where they are needed. Consideration should be given to relaxing the stringent 'on-site' first approach in order to introduce greater flexibility to aid delivery of market and affordable housing.
6. **Question 7 – Is Policy H2 consistent with national planning policy concerning the threshold for affordable housing?**
- 7.1 No. The thresholds for requiring Affordable Housing contributions is not clear, not properly justified and not in accordance with national policy. It is therefore unsound. As drafted, the threshold applies to any development sites that generate more than 1000 sq. m of combined gross floor space, irrespective of the number of dwellings proposed. The Planning Practice Guidelines state:

*“There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small*

*scale and self-built development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014 and should be taken into account.*

*These circumstances are that; contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area) in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home*

*Paragraph: 031 Reference ID: 23b-031-20161116  
Revision date: 16 11 2016 See previous version"*

7.2 The Practice Guidelines provide further clarity as follows:

*"Are there any exceptions to the 10-unit threshold?*

*Local planning authorities may choose to apply a lower threshold of 5-units or less to development in designated rural areas being areas as described under section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty. No affordable housing or tariff-style contributions should then be sought from these developments.*

*Where this lower threshold is applied, local planning authorities should only seek affordable housing contributions from developments of between 6 to 10-units as financial contributions and not affordable housing units on site. Any payments made (whether as an affordable housing contribution or contribution to a pooled funding pot for general infrastructure provision) should also be commuted until after completion of units within the development.*

*Paragraph: 017 Reference ID: 23b-017-20160519  
Revision date: 19 05 2016"*

- 7.3 Criterion a) I; provides for an even lower threshold of less than 6 dwellings by stating that any sites over 1000 sq. m require an affordable contribution. This is clearly at odds with the thresholds set out in the Practice Guidelines as Government Policy intended to stimulate local economies by alleviating the burden of planning obligations on small scale house builders. The Policy could be brought into line with the Governments thresholds by introducing further clarity such that:

*"No affordable housing contributions will be sought on developments of 5 or less dwellings":*

**Walton & Co**  
**25<sup>th</sup> September 2018**