

H7 - affordable housing exception sites to meet local needs

- Support - 18
- Neither support of object - 4
- Object - 3

The changes to the supporting text and the Local Plan policies have not only been informed by the responses to the Regulation 18 consultation but they have also taken on board any additional feedback that has come out of discussions/meetings with statutory consultees and members in order to improve the clarity and understanding of the contents of the Local Plan.

Comments in support of H7 - affordable housing exception sites to meet local needs		
Respondent number	Comment	Officer comment
ANON-KSAR-NKQ5-G Curdrige Parish Council	I just wish Planning and Legal would handle such applications in a timely manner. Curdrige has been waiting 17 months for permission, with both departments holding up approval until the other had approved -- a deadlock between consent and S.106!	Thank you for your comment – unfortunately increasing the speed in which it takes to determine a planning application is outside the remit of plan-making and the Local Plan review. S106 agreements (planning obligations) may be required to mitigate the impact of development under section 106 of the Town and Country Planning Act 1990 (as amended); the test of which is set in Regulation 122 of The Community Infrastructure Levy Regulations 2010 and the delivery of this supports the provision of local infrastructure. It is appreciated that this aspect of decision taking can often prolong permission, however, planning obligations are negotiable and

		require evidence to enforce – viability assessments are often provided of which take time to produce, verify and respond to, more so for an application of major development.
ANON-KSAR-NK47-N	I support this subject to the development being located where there is community support and not where it infringes a local strategic gap or within a valued landscape. Biodiversity should be a high priority too.	Thank you for your response – support is noted. Other policies in the plan, to consider strategic gaps, biodiversity and landscape impacts will still apply to proposals considered under this policy which makes it clear the site must be suitable for development.
ANON-KSAR-N8VR-Y	Again the question of "in perpetuity" arises. If I am right Housing Associations (Registered Providers) are obligated to permit right to buy (thus being lost to the affordable sector), whereas Land Trusts are free of this obligation. Does that mean that the only viable vehicle for affordable homes on exception sites will be a land trust?	<p>Thank you for your response – the information stated is a misinterpretation of two schemes; Registered Providers do not have an obligation to permit 'Right to Buy' in cases where the Registered Provider has developed and is the owner of the dwelling.</p> <p>A Registered Provider does have an obligation to permit 'Right to Buy' where ownership of the property has been transferred to a Housing Association from the Council under 'Preserved' Right to Buy.</p> <p>However, Registered Providers are subject to the 'Right to Acquire' scheme;</p>

		<p>this is very different to 'Right to Buy' and has its own criteria. In short, a tenant is able to apply to buy their property at a discount of between £9,000 and £16,000 after 3 years of tenancy. The Registered Provider does not have to sell the property to the tenant and the tenant must offer the property back to the Registered Provider, should they purchase the property, if they wish to sell the property within 10 years. There is also a penalty to pay back on the discount depending on when the property is sold. The scheme is rarely exercised due to these stipulations.</p> <p>Regarding Land Trusts, dwellings in ownership of a Charitable Trust are exempt from Right to Buy. Additionally, Community Land Trusts, are able to deny a 'Right to Buy' application.</p>
<p>BHLF- KSAR- N8T8-3 Olivers Battery Parish Council</p>	<p>OBPC supports the policy in principle with the listed restrictions, including the requirement that development will only be permitted where the applicant can demonstrate that the proposal is community-driven and has community support. However, great care will be required where a site is within a Valued Landscape.</p>	<p>Comment is noted. Other policies in the plan, to consider strategic gaps, biodiversity and landscape impacts will still apply to proposals considered under this policy which makes it clear the site must be suitable for development.</p> <p>It is considered appropriate to amend the policy to clarify how the issue of</p>

		<p>community support will be considered. It is considered inappropriate for the policy to require community support <i>in all instances</i>, particularly if there may be dissenting opinions.</p> <p>Proposed change:</p> <p>Amend Policy H7 as follows –</p> <p>Add the following sentence to first paragraph -</p> <p><u>In particular, proposals that are community-driven or have gained the support of the community will be looked upon favourably.</u></p> <p>Delete criterion i. of Policy –</p> <p>i. The applicant can demonstrate that the proposal is community-driven and has community support;</p>
<p>BHLF- KSAR- N8TG-J</p>	<p>We have always supported rural exception sites where needed to meet an identified local housing need provided they have the support and engagement of the affected community and the location and design has no significant adverse impact on landscape character. Accordingly the policy is supported, but great care will need to be taken where the site is within a Valued Landscape (see below)</p>	<p>Thank you for your response – support is noted; the policy sets out the requirements of which will need to be adhered to gain permission.</p> <p>Regarding ‘Valued Landscape’, the NPPF does not define what a Valued Landscape is; outside of national designation (of which is dealt with within</p>

		national policy and further supported within the Natural Environment Local Plan policies) the decision taker will consider evidence presented during the application and attach due weight to the evidence during the planning balance exercise prior to making their decision.
BHLF- KSAR-N87J- R Micheldever Parish Council	We support this policy. As per comment on Policy H6, the split of equity / tenure on Exception Sites should be guided by the local community need as evidenced in a pre-allocation survey.	Thank you for your response – support is noted. The Affordable Housing split will be established using the Council’s housing register particular to the demonstrable need for the location, and in conjunction with Council’s Housing Team. Evidence provided with the application regarding the community need, and where used, local survey will be considered as part of the decision making process.
BHLF- KSAR- N8BS-C	The policy should also allow an element of market housing on rural exception sites in order to cross-subsidise the affordable homes. This is reflective of paragraph 78 of the NPPF, which notes how local planning authorities should consider allowing some market housing on such sites. Furthermore, allowing some elements of market housing on rural exception sites also provide greater certainty that development (including the affordable housing element) will come forward, which will help rural villages to grow and thrive (paragraph 79 of the NPPF).	Thank you for your response – support is noted. As referenced in the policy at criterion iv, alternative forms of housing are allowed to ensure the economics of provision. This includes market housing; however, in the event that a Rural Exception Site requires the delivery of market housing, an independently verified viability report will be required as evidence to support the market housing inclusion.

Comments which neither support nor object to H7 - affordable housing exception sites to meet local needs

Respondent number	Comment	Officer comment
ANON-KSAR-N8YF-P	<p>In principle, this makes sense, but as with many of these policies it needs to be enforced. For instance if much public consultation opposes such a development (particularly in a specific site within a community as opposed to opposition full stop), this should be accepted rather than constant pressure being put on the local parish council/pubic until they reluctantly agree.</p> <p>Affordable housing should be proportionate to the local community not put in a specific place because of pressure by the developer, it should be spread throughout the Winchester area and ideally integrated with other developments</p>	<p>Thank you for your response – suggestions are noted.</p> <p>It is considered appropriate to amend the policy to clarify how the issue of community support will be considered. It is considered inappropriate for the policy to require community support <i>in all instances</i>, particularly if there may be dissenting opinions.</p> <p>Proposed change:</p> <p>Amend Policy H7 as follows –</p> <p>Add the following sentence to first paragraph -</p> <p><u>In particular, proposals that are community-driven or have gained the support of the community will be looked upon favourably.</u></p> <p>Delete criterion i. of Policy –</p>

		<p>i. The applicant can demonstrate that the proposal is community-driven and has community support;</p> <p>Comments about concentration of affordable housing are noted. The need for affordable housing is demonstrated in the SHMA. This policy provides the scope for additional affordable housing to be delivered in communities and locations that are not allocated for development.</p>
<p>BHLF- KSAR- N8T1-V</p>	<p>Reference to permitting other tenures to enable a development to proceed should explicitly include ‘open market dwellings’ for the policy to be consistent with national policy.</p>	<p>Thank you for your response – suggestion is noted.</p> <p>The policy allows for at criterion iv, alternative forms of housing to ensure the economics of provision. This includes market housing; however, in the event that a Rural Exception Site requires the delivery of market housing, an independently verified viability report will be required as evidence to support the market housing inclusion.</p> <p>It is considered appropriate to amend the Policy to make this clearer.</p> <p><u>Proposed Change:</u></p> <p>Amend the penultimate sentence of Policy H7 as follows –</p>

		In these circumstances the applicant should demonstrate that alternative forms of housing <u>e.g. self-build or Market Housing</u> are required due to the economics of provision , <u>of which an independently verified viability assessment is required to support the application</u>
BHLF- KSAR- N8T5-Z	Having read the response of Oliver's Battery Parish Council I agree with their views. Particularly their comments regarding :- Affordable housing (policy H7)	Thank you for your response – comment is noted.
BHLF- KSAR- N8RP-S	This policy is broadly supported, however the expectation that exception sites should only be permitted where community support is demonstrated will seriously affect delivery as it is very rare to achieve this and can considerably lengthen the time taken to bring a scheme to planning application stage. Instead, the policy would be more effective if schemes with community support are further prioritised and encouraged, and schemes without such support continue to demonstrate exceptional need and sustainability.	It is considered appropriate to amend the policy to clarify how the issue of community support will be considered. It is considered inappropriate for the policy to require community support <i>in all instances</i> , particularly if there may be dissenting opinions. Proposed change: Amend Policy H7 as follows – Add the following sentence to first paragraph - <u>In particular, proposals that are community-driven or have gained the support of the community will be looked upon favourably.</u>

		<p>Delete criterion i. of Policy –</p> <p>i. The applicant can demonstrate that the proposal is community-driven and has community support;</p>
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Comments which object to H7 - affordable housing exception sites to meet local needs

Respondent number	Comment	Officer comment
<p>ANON-KSAR-NKHU-7 Oliver's Battery Parish Council</p>	<p>Affordable Housing Exception Sites to Meet Local Needs (Policy H7) OBPC supports the policy in principle with the listed restrictions, including the requirement that development will only be permitted where the applicant can demonstrate that the proposal is community-driven and has community support. However, great care will be required where a site is within a Valued Landscape.</p>	<p>Thank you for your response – support is noted; the policy sets out the requirements of which will need to be adhered to gain permission.</p> <p>Regarding 'Valued Landscape', the NPPF does not define what a Valued Landscape is; outside of national designation (of which is dealt with within national policy and further supported within the Natural Environment Local Plan policies) the decision taker will consider evidence presented during the application and attach due weight to the evidence during the planning balance exercise prior to making their decision.</p>
<p>ANON-KSAR-NKAP-U</p>	<p>The commitment by developers to build social housing should be strengthened so that they have to show that the community has been fully consulted that the development is indeed community lead.</p> <p>Housing in rural areas should meet the new priorities of the Levelling Up agenda.</p>	<p>It is considered appropriate to amend the policy to clarify how the issue of community support will be considered. It is considered inappropriate for the policy to require community support <i>in all instances</i>, particularly if there may be dissenting opinions.</p> <p>Proposed change:</p> <p>Amend Policy H7 as follows –</p>

		<p>Add the following sentence to first paragraph -</p> <p><u>In particular, proposals that are community-driven or have gained the support of the community will be looked upon favourably.</u></p> <p>Delete criterion i. of Policy –</p> <p>i. The applicant can demonstrate that the proposal is community-driven and has community support;</p>
ANON-KSAR-NKDH-P	<p>The requirement in rural areas is very different to Winchester. Rural locations have a requirement for 2 and 3 bed houses with min of two parking spaces. The proportion of shared equity should be 60% and rented 40%. The shared equity should be based on build cost % of value and properties should be rent proportion chargeable after 10years and further increased after 15years to encourage resident to move to open market to release for younger generation following on to have properties available. Properties should equally be prevented from extensions being added which moves properties out of starter home access.</p>	<p>The policy requires an assessment of local need to inform proposals. But it is considered appropriate to clarify expectations regarding rents and costs.</p> <p>Proposed Change:</p> <p>Amend criterion iv of Policy H7 as follows –</p> <p>...the majority of the affordable homes should be for social or affordable rent (with rent levels being a maximum of the Local Housing Allowance level, unless otherwise agreed and evidenced by a viability appraisal) (with rent levels being</p>

		<p>determined by reference to local incomes of those in priority housing need).</p> <p>The affordable housing provision comprises affordable homes for rent with other tenure forms considered to ensure the economics of provision. This includes shared equity housing; however, in the event that a Rural Exception Site requires the delivery of shared equity housing, an independently verified viability report will be required as evidence to support the housing type inclusion. The value of shared equity housing and the increase of the rent aspect is beyond the remit of the Local Plan review.</p> <p>The Council seeks to restrict the loss of smaller homes in the countryside under policy H8.</p>
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Comments which didn't answer H7 - affordable housing exception sites to meet local needs		
Respondent number	Comment	Officer comment
BHLF- KSAR- N8T2-W	I am very much in agreement with the response of Olivers Battery Parish Council. I especially agree with their comments regarding Affordable housing (policy H6) & (policy H7)	Thank you for your response – your comments are noted.

	Recommendations	Officer response
Comments from SA/HRA	No recommendations provided	N/A

Policy H7 Affordable Housing Exception Sites to Meet Local Needs

Amendments to policy

In order to maximise affordable housing provision to meet identified affordable housing needs the Local Planning Authority will exceptionally grant permission or allocate sites for the provision of affordable housing to meet the specific local needs of particular settlements, on land where housing development would not normally be permitted. **In particular, proposals that are community-driven or have gained the support of the community will be looked upon favourably.**

Development will only be permitted where:

- ~~i. The applicant can demonstrate that the proposal is community-driven and has community support;~~
- ii. The proposal is suitable in terms of its location, size and tenure to meet an identified local housing need that cannot be met within the policies applying to the settlement to which that need relates;
- iii. The scheme is of a design and character appropriate to its location and avoids harm to the character of the area or to other planning objectives, taking account of the policy objective to maximise affordable housing provision;
- iiiv. The affordable housing is secured to meet long-term affordable housing needs, and will remain available in perpetuity (subject to any legislative requirements); Subject to the needs of the local community, the **majority of the** affordable homes should be for **social or affordable rent (with rent levels being a maximum of the Local Housing Allowance level, unless otherwise agreed and evidenced by a viability appraisal)** ~~(with rent levels being determined by reference to local incomes of those in priority housing need)~~. In exceptional circumstances a modest element of other tenures may be allowed on the most suitable identified sites in order to enable a development to proceed, providing no less than 70% of the homes proposed meet priority local affordable housing needs. In these circumstances the applicant should demonstrate that alternative forms of housing **e.g self-build or Market Housing** are required due to the economics of provision, **of which an independently verified viability assessment is required to support the application.** The quantity, tenure and type of that housing should be limited to that which allows the affordable housing development to proceed.