

Planning Service  
Brent Council  
Brent House  
349-357 High Road  
Wembley  
Middlesex  
HA9 6BZ

22<sup>nd</sup> March 2004

Dear Sir/Madam,

### **Draft Supplementary Planning Guidance: Affordable Housing**

Thank you for giving the House Builders Federation (HBF) the opportunity to comment on your Draft Supplementary Planning Guidance for Affordable Housing within the London Borough of Brent. The HBF have considered the proposed document and have made the following observations:

#### **Section 4: Definition & Types of Affordable Housing**

The HBF believes that Section 4 endeavours to be tenure specific when it states: ***“The Housing Needs Study shows the disproportion between Brent’s low incomes and high house prices means that low cost discounted market housing is unlikely to meet the affordability criteria of those in housing need.”*** This infers a preference of Social and Intermediate housing than low cost market housing.

This is substantiated through Circular 6/98, which states that planning policy should not be expressed in favour of any particular form of tenure. This is because decisions about what affordable housing types to build should reflect local housing need and individual site suitability and be a matter for discussion between the parties involved. And within that framework local planning authorities and developers should be reasonably flexible in deciding the detailed mix of affordable housing types appropriate to a particular site (HBF emphasis).

Additionally Low Cost Market Housing is detailed in the definition and was outlined in the Inspector’s Report, in order for the UDP definition to adhere to Circular 6/98. This should be respected and the Council should ensure that Low Cost Market Housing is not looked on less favourably than other types of affordable housing when negotiating permissions.

## **Section 5: Securing Affordable Housing**

Section 5 states that ***“developers will be expected to adopt an ‘open book approach’ in support of any proposal for reduced proportions.”*** On the matter of open book accounting as a concept, HBF is fundamentally opposed to such a requirement which goes way beyond the remit of town and country planning legislation and is, in effect, an attempt to set a level of developer profit by imposing a land tax on development which we believe to be illegal. Authorities can seek to negotiate with developers and can request open book accounting but it cannot expect or require it. Furthermore, different developers and development schemes will operate to different costs and profits and it will be difficult for a third party to comment on what is, and what is not, financially appropriate.

Section 5 states that ***“the only type of housing that can significantly meet priority housing needs in Brent is the social rented sector delivered through a social housing provider.”*** The HBF believe this is too suggestive. Circular 6/98, states that planning policy should not be expressed in favour of any particular form of tenure. Affordable Housing types to be built should reflect local housing need and individual site suitability and be a matter for discussion between the parties involved. Not all sites will be able to accommodate social renting, for a variety of diverse regions such as management issues and costing.

It is stated in Section 5 that ***“the Council will normally seek the following tenure mix within any affordable units provided: 70% affordable rented units and 30% intermediate housing.”*** The HBF notes that this proposed 70%: 30% split is absent from the recently adopted UDP as either part of a Policy or supporting text. It is necessary initially to consider SPG in the context of PPG 12. Para 3.15 states that ***“SPG must itself be consistent with national and regional planning guidance, as well as the policies set out in the development plan”***, whilst Para 3.17 advances that ***“SPG can play a valuable role in supplementing plan policies and proposals. However, it is emphasised that SPG must not be used to avoid subjecting to public scrutiny, in accordance with statutory procedures, policies and proposals which should be included in the plan. Plan policies should not attempt to delegate the criteria for decisions on planning applications to SPG or development briefs”***.

The HBF are concerned that this target has been introduced in this SPG. Indeed, in this case, the HBF considers that this SPG does not supplement the Local Plan, but represents an alteration to the Plan. In this context the change in policy that the Council is proposing go beyond the remit of Supplementary Planning Guidance and effectively amount to an alteration to the Local Plan.

**As a consequence, the reference to this 70% affordable rented units and 30% intermediate housing split, should be deleted.**

Section 5 states that accommodation designated for students may be exempted from making a contribution to Affordable Housing. The Draft London Plan -

Examination In Public Panel Report from July 2003 states in Paragraph 4.4.1 that ***“purpose built student accommodation should be regarded as contributing to meeting an affordable housing requirement.”*** It is requested that the text is changed to reflect this.

Section 5 details the size & mix of affordable housing, notably proposals for 25% of affordable housing to be 2 bed units, 50% to be 3 bed units and 25% to be 4 bed units or higher. This approach is far too prescriptive and fails to have regard to the form of the development. This could constrain affordable housing provision in the long-term. Additionally, this is not outlined in Policy H8 or the supporting text of the Adopted UDP regarding dwelling mix in new residential schemes. Again it can be argued that the SPG is attempting to modify Policy H8, which goes beyond the remit of SPG and shows disregard to PPG 12.

With regards to the location of Affordable Housing, Section 5 states that in order to create ‘mixed and balanced communities’ that the ***“aim is to ensure that affordable housing is well integrated by dispersing (pepper potting) affordable units throughout the development in small clusters. This approach should be adopted in any developments proposed in the Borough.”***

An insistence of dispersal of affordable housing throughout a development is far too prescriptive and has no regard for reality. Due to site constraints, this may be physically unviable for developers or have adverse financial implications, which may endanger the development proposal.

Additionally, the Council must be aware that RSLs often favour affordable homes to be provided in one location due to the practical and management difficulties of dealing with dwellings scattered throughout developments. It is essential that sufficient flexibility be provided within the SPG to assist such realities and that site-specific considerations are taken into account.

With regards to appearance and differentiation between affordable and market housing on-site, ironically enough this often occurs as a result of following Housing Corporation standards. The Council must be more flexible in it’s approach, as a result.

### **Section 6: On-site provision, Off site Provision, Cash in Lieu**

HBF applauds that the Council states that cash for affordable housing will be ‘ring-fenced’ for the provision of affordable housing schemes, however we are concerned that a 20% premium will be added to the any calculated figure. The Council cannot possibly justify such a figure.

Not only is that 20% premium unjust and could jeopardise the viability of developments, it is not outlined in Policy or the supporting text of the Adopted UDP. Again it can be argued that the SPG is attempting to modify the UDP, which goes beyond the remit of SPG and shows disregard to PPG 12.

## Section 7: Delivering Affordable Housing

Section 7 states that ***“Where the affordable housing is to be provided by a Registered Social Landlord, developers should note that the Council has a list of preferred Register Social Landlord Partners.”***

The HBF objects to the inference that a developer should use a Registered Social Landlord (RSL) that is one of the Council’s preferred RSL partners. Paragraph 17 of Circular 6/98 is quite clear that Local Authorities cannot seek to prescribe which RSL partners; developers should use to provide affordable housing. This should be deleted from the SPG.

Section 7 also states ***“The Council will require that the affordable housing provision be made available as soon as practicable. As a minimum all affordable housing units must be ready for occupation when no more than 50% of the private units have been occupied.”***

This approach is too prescriptive and inflexible. There are a number of issues that could arise, which could prevent such an arrangement. This stipulation should be removed from the SPG.

Thank you again for giving the HBF opportunity to comment on the Draft Supplementary Planning Guidance in Brent. I look forward to acknowledgement of this letter and further involvement in the plan preparation process.

Yours sincerely,

Jonathan Sheldon  
Assistant Planner