

Other community benefits would seldom be of greater importance than these homes and should not normally supplant them. The suggestion, therefore that the Policy be modified to allow for them would unduly dilute it. Any exceptions to it should be on the basis of material considerations outweighing the provisions of the development plan. They might include economic appraisal, financial viability, the peculiarities of a particular site and the need to achieve a successful housing development. The Planning and Compulsory Purchase Act 2004 Section 38 (6) and FC003 in the Southwark Plan 18th July 2005 provides all the flexibility needed.

- 2.4.121 **Bellway Homes Ltd** quotes the EiP Report on objections to the London Plan which advises that *the precise composition of any mixed use development needs to be negotiated in the particular circumstances of each case, and in some cases it may be impracticable or unreasonable to expect an affordable housing element*. I agree, but those negotiations should be conducted on the basis of the considerable amount of certainty that the Policy and supporting text provides. The text should, however, confirm that the requirement of affordable housing applies to residential schemes and mixed-use schemes which include residential development.
- 2.4.122 The London Plan does not require a UDP to include a reference to the toolkit, a computer programme for producing an economic appraisal of a site, and I see no need for the UDP to do so. Similarly, a policy that proposed the securing of affordable housing on a site-by-site basis would lack the teeth and rigour which the need requires. **Conrad Phoenix (Canada Water) Ltd** requests the insertion of *normally* in Policy 4.4 paragraph 1 and more emphasis on site-by-site negotiations. The answer should be no. *Normally* would too much dilute the Policy, and site-by-site negotiations should be from the starting point of the Policy. In my judgement, a prospective developer would have to make a very strong case indeed to outweigh this well-researched, focussed Policy.
- 2.4.123 Flexibility does, of course, work both ways. It is noteworthy that the 35% and 40% will be the minima sought. The local circumstances of the acute need should ensure that more should be considered in every case.
- 2.4.124 The Council states that its *draft Affordable Housing SPG advises that tenure split will be applied flexibly to take account of the individual circumstances of a site*. This is a reasonable approach.
- 2.4.125 In conclusion, the measures set out give the Policy sufficient flexibility.