

Affordable Housing

Supplementary Planning Document - May 2012

www.waveney.gov.uk/LDF



On 1st April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council. Therefore this document applies to the part of the East Suffolk Council area formerly covered by the Waveney local planning authority area until such time that it is replaced.





What is the purpose of this document?

This document sets out the Council's approach to the provision of affordable housing in conjunction with new development.

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1. Introduction to the Supplementary Planning Document

- 1.1 This Supplementary Planning Document (SPD) expands on the housing policies in the Development Management Policies Development Plan Document (DPD) adopted January 2011 and Lowestoft Lake Lothing and Outer Harbour Area Action Plan adopted January 2012 (AAP) and provides details on how the criteria will be implemented. Policies seek to secure the provision of an appropriate level, mix and size of affordable housing so that new housing planned in the District addresses the identified housing needs of the community. This SPD provides details of the Council's approach to securing affordable housing through the planning process.
- 1.2 This Supplementary Planning Document applies across the administrative area of Waveney District. It is also relevant to that part lying within the Broads Executive Area as the Broads Authority are using the Districts affordable housing policies for determining housing applications within the Broads area. The SPD identifies where there are differences in the approach to securing affordable housing between major developments, such as the Lake Lothing and Outer Harbour Area Action Plan Area and smaller scale development opportunities.
- 1.3 The affordable housing policy DM18 built on the intentions of Planning Policy Statement 3 (PPS3) 'Housing' and Planning Circular 05/2005 to provide mixed and balanced communities. The housing policy HC1 in the Area Action Plan also follows this approach. PPS3 has been replaced by the National Planning Policy Framework (NPPF). The NPPF sets out the need to provide decent homes for the whole community. The provision of affordable housing in accordance with the affordable housing policies DM18 and HC1 will help to achieve the objectives of both PPS3 and its replacement the NPPF.
- 1.4 The Council encourages pre-application discussions with developers. In preparing planning applications for residential development in the District, developers are advised to contact the Council to discuss their proposals and the Council's requirements for affordable housing before the application is submitted. It should be noted that from April 2012 the Council will be introducing a charge for pre-application advice.
- 1.5 For additional guidance developers can refer to the 'Section 106 Developers Guide to Infrastructure Contributions in Suffolk' produced by Suffolk Local Planning Authorities. This is likely to be adopted in early 2012 although many parts of this guidance will be superseded on adoption of the Council's Community Infrastructure Levy charging schedule, which should take place in 2013.



2. Purpose

- 2.1 The purpose of this SPD is to achieve the Core Strategy Policy objective of ‘promoting balanced and mixed communities through housing provision and in particular addressing the need for affordable housing’ by implementing Development Management Policy DM18 for the delivery of affordable housing in the District and Area Action Plan Policy HC1 for the delivery of affordable housing in the Lowestoft Lake Lothing area.
- 2.2 Specific objectives for this document are to:
- Facilitate the delivery of affordable housing to meet housing needs;
 - Assist the creation and maintenance of sustainable, inclusive and mixed communities;
 - Provide detailed guidance on the interpretation of the requirements in respect of the amount, type and size of affordable housing to be provided in accordance with the policies in the Local Development Framework;
 - Provide certainty to developers about the requirements for affordable housing as part of residential development or on rural exception sites;
 - Provide principles on the design, appearance and layout of affordable housing;
 - Provide detailed guidance on the calculation of financial contributions in lieu of, or as a proportion of, on-site provision of affordable housing;
 - And where site viability issues are raised, how this will be assessed.



3. Waveney Policy and Strategy

- 3.1 The Core Strategy contains the planning vision and strategy for the District. It sets the overall levels of new housing and employment land for Waveney over the period 2009 – 2021 (2025 for housing) and explains the Council’s approach to the distribution of that development.
- 3.2 The Development Management Policies DPD and Lowestoft Lake Lothing and Outer Harbour AAP are integral documents of the Waveney LDF and build on the strategic content of the Core Strategy, providing more detailed policy advice through development policies for use in determining planning applications.
- 3.3 Affordable housing provision, housing mix, type and tenure are addressed in three policies contained within the Development Management Policies DPD and a single policy in the Lowestoft Lake Lothing and Outer Harbour Area Action Plan. Policies, DM16 Housing Type and Mix, DM18 Affordable Housing and DM22 Housing Development in the Countryside and Policy HC1 Housing in the AAP Area are set out in the relevant sections below. These policies reflect the advice formerly set out in PPS3 ‘Housing’, the National Planning Policy Framework and evidence from the Council’s Strategic Housing Market Assessment (2007). They deal with the overall policy requiring provision of affordable housing in new housing developments, situations where there may be exceptional circumstances relating to affordable housing and rural exception sites for affordable housing.
- 3.4 In addition to the Core Strategy and Development Management Policies DPD, the Site Specific Allocations DPD provides specific policies for proposed development sites in Waveney. The housing site allocations within this document sets out the requirements for affordable housing and other financial contributions in more detail. The Area Action Plan also contains land allocations with a policy framework to guide development including requirements for affordable housing provision where housing is proposed.

Waveney Housing Strategy and Housing Need

- 3.5 The key objective of Waveney’s Housing Strategy 2010 – 2014 ‘A Housing Strategy for the Waveney District – Responding to a Changing Landscape’ is to secure new affordable housing for people in greatest need. This includes affordable housing to meet the needs of all groups. The strategy also identifies the approach to be taken for specific needs groups such as travellers and people in need of specialist supported housing such as for the elderly and adults with disabilities. Where such provision is made for eligible households at costs they can afford below market prices, it would fall under the terms of this Affordable Housing SPD.



The strategy indicates that the requirements for general needs affordable housing has been informed by the findings of the Strategic Housing Market Assessment.

- 3.6 The Great Yarmouth and Waveney Housing Market Assessment (HMA) was published in September 2007. A central element of the HMA has been an assessment of housing need in the District. This was an appraisal of the extent to which people in housing need are not able to meet their own needs and the estimated gap between need and supply of affordable housing. It is estimated that Waveney has an annual shortfall of 225 affordable homes for the period until 2012 over and above current supply.



Ailmar Close, Lowestoft



Southtown Road, Great Yarmouth

- 3.7 To ensure housing growth in Waveney is sustainable, housing numbers are projected at 290 units per year. Approximately 80% of all new housing would therefore need to be affordable to meet the shortfall for affordable housing. It is recognised that it is not practical or possible to meet this target and realistic percentages for affordable housing provision have therefore been set.
- 3.8 The HMA is due to be reviewed and updated in the near future. A more up to date picture of housing need is available from the Homechoice Register which in 2011 clearly indicated that affordable housing need continues to grow. In the future alternative methods for assessing the need for affordable housing may be used.



Definition of Affordable Housing

3.9 Affordable housing is housing that is provided for people who are unable to resolve their housing needs in the local private sector market because of the relationship between housing costs and incomes. Affordable Housing includes social rented, affordable rented and intermediate housing which is normally provided by a Housing Association. Intermediate tenures may vary between shared ownership and shared equity properties depending on market conditions and availability of affordable mortgages. The official national definition of affordable housing as set out in Annex 2 of the National Planning Policy Framework is: -

‘Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

- *Social rented housing* is owned by local authorities and private registered providers (as defined in Section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.
- *Affordable rented housing* is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rents (including service charges, where applicable).
- *Intermediate housing* is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition, such as ‘low cost market’ housing, may not be considered as affordable housing for planning purposes.



4. Affordable Housing Requirements

Site Size Thresholds

- 4.1 Policy DM18 of the Development Management Policies DPD (January 2011) requires that all residential development with a capacity of 5 or more dwellings should make on site provision for affordable housing where it results in a net increase in the number of units. Policy HC1 of the Lowestoft Lake Lothing and Outer Harbour Area Action Plan DPD, reiterates this policy for housing in the AAP area. These policies cover all types of residential development within Use Class C3, including sheltered housing and extra care accommodation (with some exceptions) and all residential conversions as well as new build developments. Usually the priority will be for on site provision of affordable housing. However in recognising management issues associated with developments such as sheltered housing and some flat developments, it may be more appropriate to secure a financial contribution toward affordable housing elsewhere.

Policy DM18 Affordable Housing

All new housing developments on sites with a capacity of 5 or more dwellings must make provision for affordable housing, preferably on site. On small sites of less than 10 dwellings and in other exceptional circumstances an off-site financial contribution may be considered more appropriate.

Planning applications for 5 to 14 dwellings inclusive shall provide 20% affordable housing on-site or provide an equivalent off-site financial contribution for affordable housing until the end of 2014. From the start of 2015 planning applications for 5 to 14 dwellings inclusive shall provide 35% affordable housing on-site or provide an equivalent off-site financial contribution for affordable housing elsewhere.

Outside the Area Action Plan area of Lake Lothing planning applications for proposals of 15 or more dwellings shall provide a minimum of 35% on-site affordable housing.

In the Area Action Plan area of Lake Lothing up until the end of 2014, planning applications for 5 or more dwellings shall provide 20% affordable housing. From the start of 2015 planning applications for 5 or more dwellings shall provide 35% affordable housing.

The above requirements will be reduced where it can be demonstrated that lower percentages of affordable housing are required to ensure the site remains financially viable when taking into account other development costs and where grant funding is not available.



The mix of tenure of affordable housing provided shall reflect the needs identified in the Housing Market Assessment and as a result of any pre-application discussions

Policy HC1 Housing in the AAP Area (Part)

Proposals will be expected to deliver a minimum of 20% affordable housing in the early phases of the plan period to 2015. In the latter stages of the plan period to 2025 proposals will be expected to deliver a minimum of 35% affordable housing.

The above requirements will be altered where it can be demonstrated that lower percentages of affordable housing or different mixes of tenure are required to ensure the site remains financially viable when taking into account other development costs and where grant funding is not available.

4.2 However, there are some exemptions as listed below: -

Affordable housing or financial contributions towards provision of affordable housing will not be required in the following circumstances:

- For replacement dwellings, where there is no net increase in the number of dwellings;
- Use Class C2 (Residential Institutions) developments, such as nursing homes, care homes;
- Non-market housing developments, i.e. affordable housing including social rented, affordable rented and intermediate affordable housing (i.e. will not be required to contribute any additional provision to that provided on site) sheltered housing schemes and extra care homes provided by the local authority;
- Dwellings that have limited occupation, such as student accommodation, age restricted accommodation, agricultural workers accommodation, by planning conditions or legal agreement **and** not fully open market housing. Removal of conditions or legal agreements would trigger payment of appropriate affordable housing contributions.
- Age restricted accommodation by planning conditions or legal agreement, which is **not** available for purchase on the open market. Removal of conditions or legal agreements would trigger payment of appropriate affordable housing contributions;
- Residential accommodation which is to be used incidental to the main dwelling, such as staff accommodation or granny annexe where a condition restricts occupation;
- Holiday accommodation where full time occupancy is restricted by condition.



- 4.3 The Affordable Housing Viability Study (Levvel, Sept 2009) assessed the impact upon economic viability of a range of affordable housing policy options in combination with thresholds, site sizes and densities. The conclusions of this study have informed the approach to site size thresholds taken in Policy DM18 over two distinct time periods. The figure below shows how to interpret the policy.

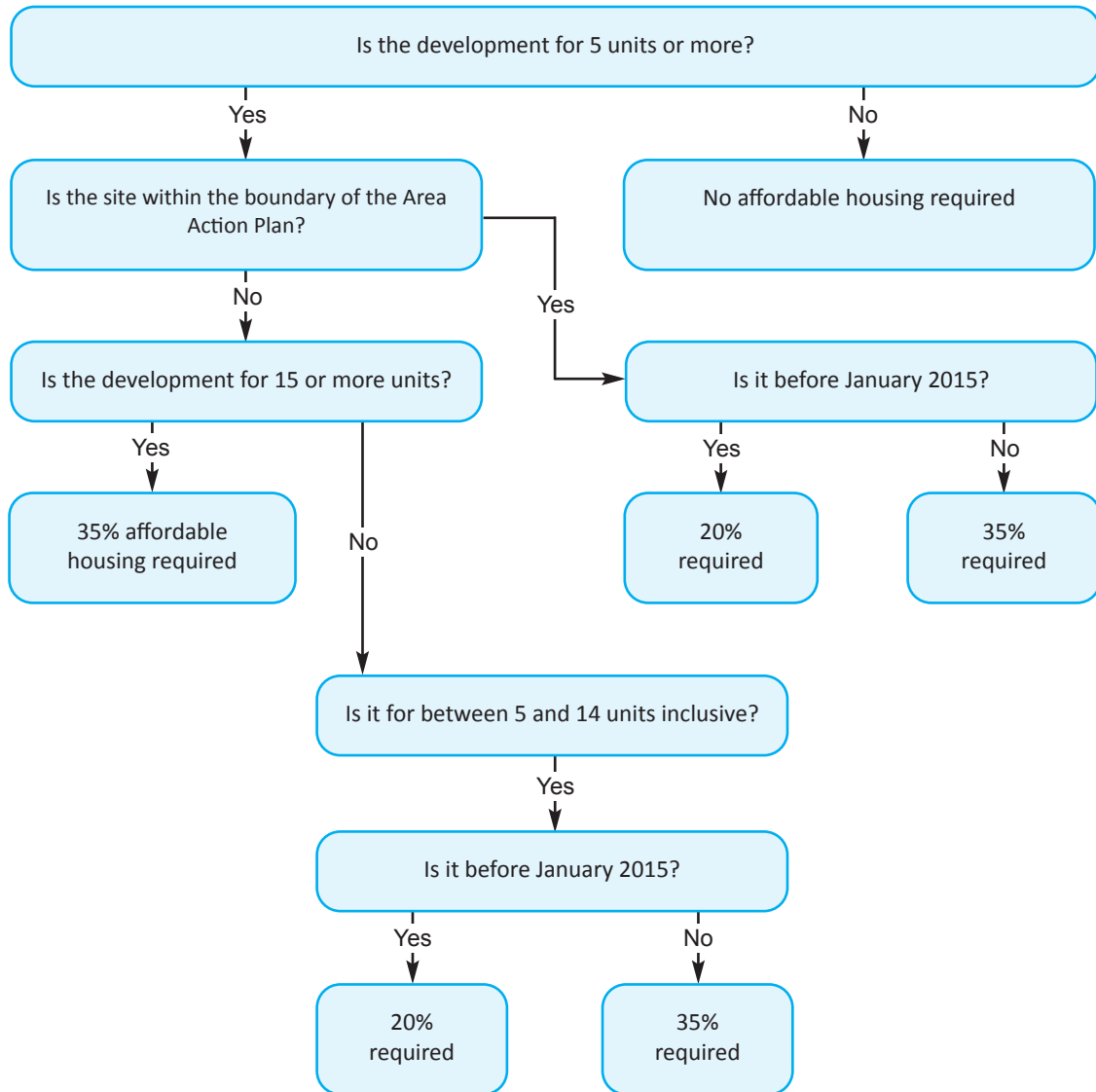


Figure 1 Affordable Housing Policy DM18 Implementation



4.4 The tables below set out the number of affordable dwellings that will be expected to be provided on-site for all sites of 5 or more dwellings. Table 1 sets out the requirements for the time period until the end of 2014, Table 2 for the time period from the beginning of 2015 and Table 3 indicates the amount of on-site affordable housing required within the Lake Lothing and Outer Harbour Area Action Plan (AAP) area for both time periods. In the AAP area a different policy approach has been adopted to other sites in the District. Due to the potential high cost of new infrastructure and other costs associated with planning obligations within the AAP area 20% affordable housing is being sought for all sizes of development until the end of 2014. The viability position will be kept under review and if market conditions vary significantly from those on which the percentages in Policy DM18 are based, they will be revised as appropriate.

Table 1 Affordable Housing Targets for Waveney to 31st December 2014

Net number of dwellings proposed	Number of affordable units required on site	Net number of dwellings proposed	Number of affordable units required on site
0 - 4	0	32 - 34	11 + %
5	1	35 - 37	12 + %
6 - 9	1 + %	38 - 39	13 + %
10	2	40	14
11 - 14	2 + %	41 - 42	14 + %
15 - 17	5 + %	43 - 45	15 + %
18 - 19	6 + %	46 - 48	16 + %
20	7	49 - 51	17 + %
21 - 22	7 + %	52 - 54	18 + %
23 - 25	8 + %	55 - 57	19 + %
26 - 28	9 + %	58 - 59	20 + %
29 - 31	10 + %	60	21

Table 1 shows the number of affordable dwellings required on-site and an indication where a proportionate financial contribution is also required (+ %) in relation to the net number of units at 20% affordable housing until end of 2014 for sites of 5 to 14 dwellings and 35% for sites of 15 and above dwellings. For sites of more than 60 the same principle will apply.

Note: Applies across Waveney with the exception of the area covered by the Lake Lothing and Outer Harbour Area Action Plan.



Table 2 Number of Affordable Houses required from 1st January 2015

Net number of dwellings proposed	Number of affordable units required on site	Net number of dwellings proposed	Number of affordable units required on site
0 - 4	0	32 - 34	11 + %
5	1 + %	35 - 37	12 + %
6 - 9	2 + %	38 - 39	13 + %
10	3 + %	40	14
11 - 14	4 + %	41 - 42	14 + %
15 - 17	5 + %	43 - 45	15 + %
18 - 19	6 + %	46 - 48	16 + %
20	7	49 - 51	17 + %
21 - 22	7 + %	52 - 54	18 + %
23 - 25	8 + %	55 - 57	19 + %
26 - 28	9 + %	58 - 59	20 + %
29 - 31	10 + %	60	21

Table 2 shows the number of affordable dwellings required on-site and an indication where a proportionate financial contribution is required off site (+ %) in relation to the net number of units from the beginning of 2015 based on 35% affordable housing provision. For more than 60 dwellings the same principle applies.

Note: Applies across Waveney for the period from the beginning of 2015 with the exception of the Lake Lothing and Outer Harbour Area Action Plan area.



Table 3 Area Action Plan Area - Number of Affordable Houses required in the Area Action Plan Area

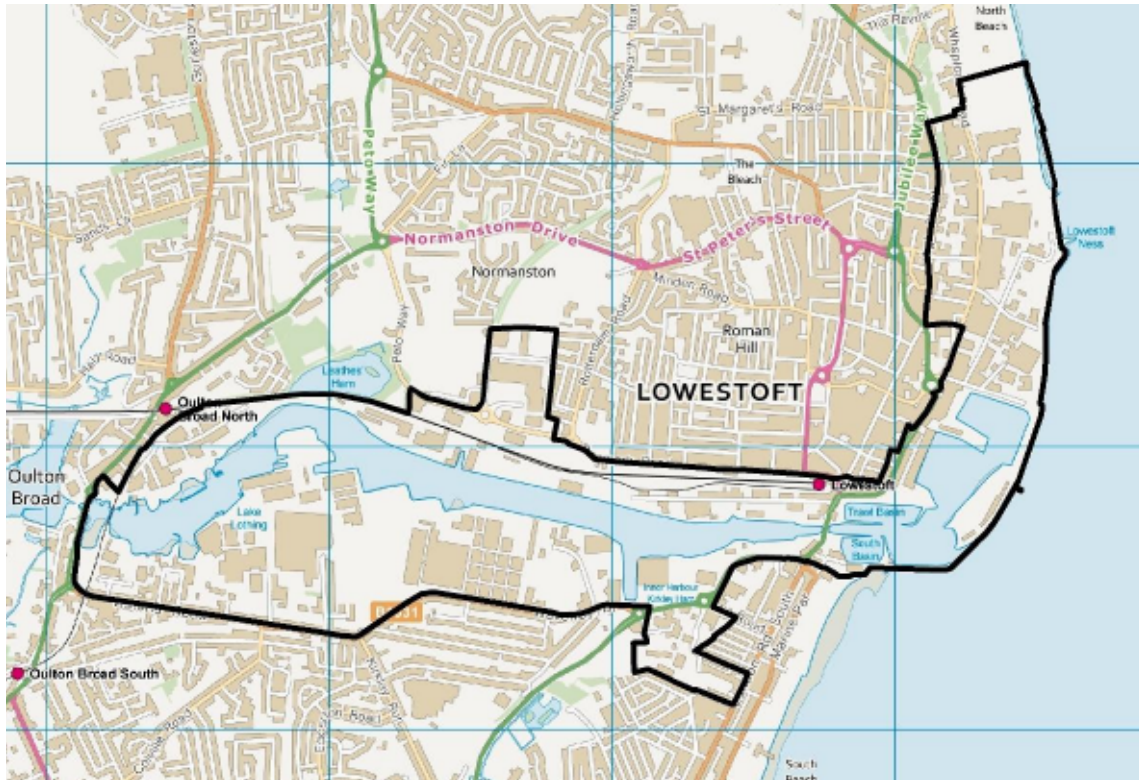
Net number of dwellings proposed	Number of affordable units required until 31st December 2014 (20%)	Net number of dwellings proposed	Number of affordable units required from 1st January 2015 (35%)
0 - 4	0	0 - 4	0
5	1	5	1 + %
6 - 9	1 + %	6 - 8	2 + %
10	2	9 - 11	3 + %
11 - 14	2 + %	12 - 14	4 + %
15	3	15 - 17	5 + %
16 - 19	3 + %	18 - 19	6 + %
20	4	20	7
21 - 24	4 + %	21 - 22	7 + %
25	5	23 - 25	8 + %
26 - 29	5 + %	26 - 28	9 + %
30	6	29 - 31	10 + %
31 - 34	6 + %	32 - 34	11 + %
35	7	35 - 37	12 + %
36 - 39	7 + %	38 - 39	13 + %
40	8	40	14
41 - 44	8 + %	41 - 42	14 + %
45	9	43 - 45	15 + %
46 - 49	9 + %	46 - 48	16 + %
50	10	49 - 51	17 + %
51 - 54	10 + %	52 - 54	18 + %
55	11	55 - 57	19 + %
56 - 59	11 + %	58 - 59	20 + %
60	12	60	21

Table 3 show the number of affordable dwellings required on-site and an indication where a proportionate financial contribution is required off site (+ %) in the Lake Lothing and Outer Harbour Area Action Plan area. The same principle applies to sites of more than 60 dwellings. The 20% target for affordable housing applies to all developments up until the end of 2014. At the beginning of 2015 the target rises to 35% affordable housing on all sites of 5 and above.



Note: Applies only to the Lake Lothing and Outer Harbour Area Action Plan area as shown on Map 1. The same principle applies to sites of more dwellings. 20% target for affordable housing applies to all developments up until the end of 2014. At the beginning of 2015 the target rises to 35% affordable housing on all sites of 5 and above.

Map 1 Lake Lothing and Outer Harbour Area Action Plan Boundary Area



- 4.5 Tables 1-3 above indicate where a proportional off-site financial contribution will also be required (+ %). The affordable housing percentage will rarely equal a whole number of units. While a round number of affordable homes will be provided on site, the part unit balance will be requested as an off-site financial contribution. The funds that are accumulated as a result will be used to provide affordable housing elsewhere. Alternatively, the developer can opt to round up the amount of affordable dwellings to provide an additional affordable unit on site. The commuted payments are currently based on open market plot values, although in future an alternative method may be used to calculate the sums payable to align with the approach taken for the Community Infrastructure Levy. The figures for April 2012 are included in Appendix A. These will be reviewed annually and published on the council's website. The commuted sum will be calculated using the formula set out below.



Figure 2 Calculation of Commuted Sum as a Proportion of a Whole Dwelling

Commuted Sum Calculation Formula where a proportionate percentage is required.

Size of Development (i.e. number of dwellings) x % of Affordable Housing Required ÷ 100
= on-site number of affordable housing + fraction for off-site contribution.

e.g. $36 \times 35 = 12 + 0.6$
100

Fraction of off-site contribution x amount in lieu of type of affordable unit required = contribution

e.g. $0.6 \times £30,000$ (i.e. 2 bed flat Lowestoft) = £18,000 off-site contribution

Types, Size and Tenure Mix for Affordable Housing

- 4.6 Type, size and tenure of affordable housing should reflect the need in the particular locality. In terms of tenure across the District the greatest need is for affordable housing to rent. Taking into account the evidence contained in the Housing Market Assessment, as a starting point the Council will negotiate for a majority (90%) of units for rent, of types and sizes to reflect the local need with the remaining 10% available for intermediate housing. Although the percentages may be varied where funding and financial viability of a site requires consideration and this will influence the mix of tenures. The type of housing required will be determined through the housing register and could include forms of supported housing, affordable housing for the elderly or for adults with disabilities.



Sheltered Housing Links Close, Lowestoft



Policy DM17 Housing Type and Mix

Proposals for residential development should take into account the Housing Market Assessment in determining the mix of unit sizes and types on any particular site.

To address the long term requirement for smaller properties, up to 30 to 40% of all new dwellings across the District should be designed for single people and couples. This should comprise of 1 but preferably 2 bedroom accommodation i.e. flats, maisonettes, houses and bungalows.

In the Area Action Plan area of Lake Lothing, Lowestoft, particular attention should be paid to building mixed and balanced communities that integrate with surrounding residential areas. This will require a full range of high quality dwelling types and sizes, including addressing the accommodation requirements of smaller households, families and an ageing population.

The provision of purpose built and/or specialist accommodation for the elderly will be supported in appropriate locations within selected settlements in accordance with policy DM01.

A proportion of all new housing shall be built to 'Lifetime Homes' standards as set out in the Code for Sustainable Homes.

Policy HC1 Housing in the AAP Area (Part)

All new housing developments should provide a range of housing choices in terms of the mix of housing sizes and types in accordance with the policies set out in the Development Management Policies DPD.

Proposals will be expected to deliver a broad balance of 40% smaller sized accommodation (1-2 bedrooms), with a preference for 2 bedroom units and 60% of units as 3 bedrooms or larger.

An indicative split of 90% social rented and 10% intermediate housing will be provided. The precise mix of tenure shall reflect the needs identified in the Housing Market Assessment and as a result of any pre-application discussions and agreement by the District Council Housing Officer at the time of the application.



Design, Layout and Distribution of Affordable Housing

- 4.7 The overall design of a development should seek to integrate the affordable housing as part of the overall mix of dwellings. Particularly on larger developments, it will not be acceptable to locate all the affordable housing together. Ideally the single dwellings should be 'pepper potted' throughout any site to fully integrate the affordable housing with market housing. It is recognised however that this could cause management and ongoing maintenance difficulties in some cases. If completed in groups they should be in small clusters, usually no more than 5-10 dwellings, depending on the size of the development. On large scale developments cluster sizes should be no more than 15 dwellings.

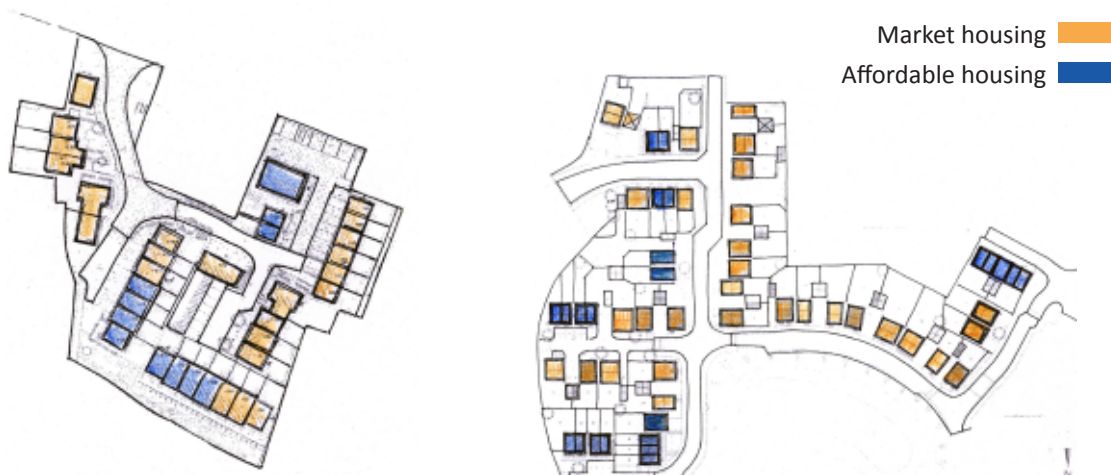


Figure 3 Acceptable examples showing Affordable Housing well integrated into the development.



Figure 4 Poor example of Affordable Housing grouped together in one part of the site.



- 4.8 The affordable units should integrate well with the general market housing on a site in terms of overall architectural form and quality. This will generally require quality and consistency of design, materials and detailing.
- 4.9 As with all housing developments, the aim is to make the most efficient use of land. A minimum density of 30 dwellings per hectare will be encouraged across the District, however other densities will be considered where appropriate. Higher densities will be sought in the most accessible locations such as Lowestoft and the Market Towns, in accordance with the Core Strategy spatial strategy (Policy CS01) although lower or higher densities may be acceptable to take into account existing local character and the physical environment of the site and its surroundings. Policy DM16 of the Development Management Policies DPD provides more detail for density requirements generally and Policy HC1 gives a density guide for the Area Action Plan area.



Ailmar Close, Lowestoft



High Street, Kessingland

- 4.10 Opportunities should be taken to produce innovative designs that maximise energy efficiency and recycling initiatives. Community safety should also be a key consideration. Particular attention should be paid to the layout of buildings, car parking areas, landscaping, public spaces and highways and the need for natural surveillance. The location of housing for the elderly, disabled and Lifetime Homes should be considered in relation to accessibility to public transport, shops and other services and facilities. Policy DM02 of the Development Management Policies DPD sets out criteria for achieving 'good' design that applies to all new development including affordable housing. The Homes and Communities Agency expect new affordable homes to meet core standards for internal and external environments and sustainability. These standards are set out in their Design and Quality Strategy and Standards publications. Design and layout of new affordable housing should be considered in conjunction with all policies and guidance contained in these documents and policies that relate to individual site allocations and the Area Action Plan area.



5.0 Delivery of Affordable Housing

Pre-application Discussions

- 5.1 The Council encourages pre-application discussions with developers in order to secure affordable housing (See Appendix C). In particular early guidance should be sought from the local authority on the likely mix of tenures required. This process will involve close liaison between the Council's planning, housing and legal sections. The first point of contact for the developer should be with the Planning Officer. The developer may need to deal directly with the Housing Officer, for example, when seeking advice on an appropriate Registered Provider (RP) to use but the Council will not usually get involved in negotiations between the developer and RP. It may also be appropriate for an RP to work with the NHS, other providers and Suffolk County Council where there is an identified need to provide affordable homes for people who have disabilities and/or require supported housing.

Timing of Delivery

- 5.2 The timing of the delivery of affordable housing is a key issue in securing mixed and balanced communities. Wherever possible, affordable housing should be provided alongside the provision of market housing. This is particularly important on larger scale developments to prevent isolated pockets of either market or affordable housing within a building site while the rest of the site is constructed. The appropriate timing of delivery of affordable housing will be ensured through the legal agreement accompanying any planning application.



Ullswater, Carlton Colville



Occupation of the Housing

- 5.3 The Council requires the long-term availability of affordable housing to be secured, regardless of tenure. Arrangements will be formalised through a Section 106 Agreement. It is essential that the affordable housing being provided is occupied by those most in need. Where a Registered Provider is not involved in the provision and management of affordable housing, occupancy criteria will be incorporated within the Section 106 Agreement to ensure that the housing is occupied by those with an affordable housing need.
- 5.4 Affordable housing must be occupied by a qualifying person, allocated through Gateway to Homechoice www.gatewaytohomechoice.org.uk (or other such register or eligibility criteria that may be used for housing allocations at the time the properties become available for occupation).
- 5.5 Anyone can apply to join the housing register however, not everyone will be eligible for housing. The allocations policy will determine who is prioritised for housing and this is based on need, type of property required and length of time on the waiting list. In some cases a home will be subject to locally set criteria e.g. a person must have local connections, require adapted housing, an age restriction, or be subject to the Local Lettings Policy.

Affordable Housing in Perpetuity

- 5.6 As far as possible all affordable housing should be retained as such in perpetuity. However, it is acknowledged that shared ownership schemes that receive grant funding from the Homes and Communities Agency, other than those on rural exception sites, require the ability to staircase to full ownership.
- 5.7 Shared ownership schemes allow people to increase the proportion of the property they own, gradually reducing the percent paid as rent until they become sole owners of the property. In these circumstances it would be expected that the receipts from initial sales would be reinvested in new affordable housing stock and the Section 106 Agreement will include a clause to that effect. In cases where no grant funding is provided, all shared ownership properties will be protected in perpetuity with a staircasing cap of 80% ownership controlled through the Section 106 Agreement. Some flexibility will be applied where securing mortgages proves difficult. Negotiations will take place on a scheme by scheme basis.
- 5.8 Shared equity properties normally allow for the disposal of the property at a discount of 20% to 25% of the market value. With a second charge or covenant then placed on the property with either a Registered Provider or the Local Authority, retaining the dwelling as affordable housing is possible in perpetuity.



6.0 Financial Matters

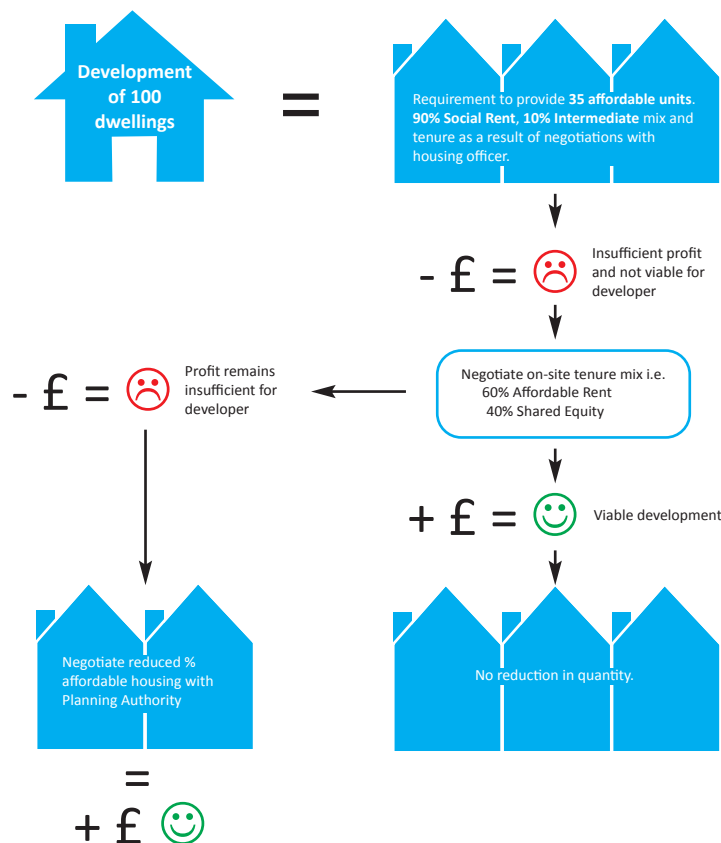
Financial Viability

- 6.1 The Council expects that the cost of meeting the affordable housing requirement will be reflected in the land value for housing sites. Developers should take into account the need to provide affordable housing when they are purchasing sites. It should generally be assumed that there will not be any public funding through the Homes and Community Agency or other forms of subsidy. The Council also expects land prices to take account of all development costs, which could have reasonably been foreseen having undertaken a thorough site investigation. Such costs include site clearance and demolition, build costs, landscaping, archaeological and ecological surveys and resulting works, land contamination remediation, drainage, planning and highway requirements and other Section 106 obligations. Further information in relation to Section 106 obligations can be found in the Suffolk wide guidance 'Section 106 Developers Guide to Infrastructure Contributions in Suffolk'.
- 6.2 Sites allocated for development in the Site Specific Allocations DPD (January 2011) were subject to site specific viability work. Viability assessments were carried out, taking into account the foreseen costs, including any abnormal site costs and site specific requirements such as the number of affordable units, infrastructure costs and other financial contributions required. In doing this work a policy framework has been set out for each of the allocated sites clearly detailing the quantity of affordable housing expected on site and other essential financial contributions. Having already undertaken this work, potential developers will be able to take account of all the likely requirements when calculating the cost of the development prior to negotiating the purchase of the site.
- 6.3 The Area Action Plan area will be the location of major redevelopment including approximately 1500 new homes. This area has also been the subject of viability assessment, through work carried out for Development Management Policy DM18 in the form of the Affordable Housing Viability Study (2009) and by way of public examination of the policies now included in the Area Action Plan DPD, which involved detailed interrogation surrounding viability in conjunction with other infrastructure costs. More detailed viability work is currently being undertaken for the forthcoming Community Infrastructure Levy (CIL) charging schedule.



- 6.4 The Council accepts that in Waveney, there will be some areas and some types of development where financial viability is marginal. The policy requirements already acknowledge that some sites may require a reduced percentage of affordable housing if the site is to be viable. Although the priority for the Council is to provide affordable housing on site, an assessment of the site and its location will be carried out before considering changes to the amount of affordable housing to determine whether other infrastructure should be prioritised, such as open space.
- 6.5 Where affordable housing is still considered a priority, negotiations on changes to affordable housing provision should involve varying the type, size and/or tenure rather than the quantity of affordable housing in the first instance. Only if it can be demonstrated that the development will still be unviable with an alternative mix of affordable housing types and tenures, will a reduced quantity or reduced offsite contribution for affordable housing be accepted for negotiation.

Figure 5 Negotiating the Quantity of Affordable Housing¹



¹20% is a normal level of profit expected within the industry and as recommended by the HCA as a base point for viability assessment in modelling recommended by them.



6.6 Even with a reduced number of affordable dwellings and changes to tenures some sites will still be unviable. Any further reductions to section 106 contributions need to be negotiated by developers with the District Council. Where negotiations culminate in an agreement that reduced contributions are necessary the Council will consider if the benefits of bringing the site forward for development in the short term outweigh this.

Open Book Accounting

6.7 Where sites are declared to be unviable by the developer or landowner, the Council will ask for viability information and supporting evidence/justification. Negotiations will determine what would be a viable contribution. An open book accounting approach will be used to assess the financial aspects of the development and must include:

- Construction costs at price per m2 floor area detailing what is included and on what basis;
- Itemised allowances for any other contribution or costs associated with the development including planning obligations contributions due;
- Any abnormal site costs itemised individually;
- Residual land value;
- Any other contractual arrangement such as up-lift or claw-back provisions;
- Details of any finance agreements;
- Itemised breakdown of fees associated with purchase and site development;
- Anticipated revenue from the proposed development including a full market research report and offers from Registered Provider's, and;
- Anticipated developer profit clearly expressed in terms of % of GDV.

6.8 A basic development appraisal template is included at Appendix B setting out the information required². Developers may use their own templates but these must include the exact details to ensure that a clear and consistent approach to viability appraisal is maintained for all sites.

6.9 Viability appraisals may be referred at the developer's cost to the District Valuer or other independent assessor. Large phased developments should expect to be assessed for viability at each phase.

²Assumptions used to complete the viability assessment should be in line with the HCA's appraisal toolkit.



- 6.10 The open book accounting approach will expect land prices to reflect current market conditions, current alternative land use value and current policy requirements. This is a standard approach to assessing viability and has been confirmed by appeal decisions nationwide. The price paid by the developer for the land will not normally be a factor in determining the viability of a site. There may be circumstances where the proposed development would be viable with the affordable housing requirement when assessed against current existing use values but not when considered against the price paid for the site by the developer. If the price paid for the site is higher than the current existing use value (or alternative use value) so the developer is unable to provide the required level of affordable housing, the Council will not consider a reduction in the amount of affordable housing required. If a developer pays above market rate for a site or a fall in land values follows the purchase of land, this should not be at the expense of achieving mixed tenure developments including affordable housing.
- 6.11 It is appreciated that in following this approach there will be instances where a site will not be developed in the short-term because the price paid for the land by the current developer makes this financially impossible, even if theoretically the site is viable. In these circumstances the Council will need to consider whether the benefits of development in the short-term outweigh the loss or reduced level of affordable housing. In balancing these considerations the Council will have regard to: -
- Current levels of need for affordable housing in the local area;
 - Whether there is currently a five year supply of housing land in the area and whether the site in question forms part of that five year supply;
 - The existing and likely future supply of affordable housing from other sites in the local area;
 - Any site specific reasons to bring forward the development of a site without the required level of affordable housing, such as regeneration initiatives and impact on local residential and visual amenity.
- 6.12 Where a developer demonstrates to the satisfaction of the Council that a proposed scheme is not currently viable at the affordable housing target rate **and** the Council determines that it is appropriate to negotiate a reduced contribution, the Section 106 Agreement will include a clause for further Viability Appraisal. This will set an agreed development completion date at which time a further open book appraisal based on achieved development values and actual development costs at a point in time shall be carried out. If profit of over 20%³ Gross Development Value (GDV) is achieved by the development, the clause will normally require the surplus above this profit level to be recouped by the Council up to the amount of contribution that was applicable at the time of the submission of the latest relevant application.⁴

³20% is a normal level of profit expected within the development industry and as recommended by the HCA as a base point for viability assessment in modelling recommended by them.

⁴For larger sites, this will normally be the reserved matters application.



- 6.13 In the event that the affordable housing contribution is less than the amount set out in Policy DM18 and where the development or phase of development (Affordable Housing and Market Housing) has not been completed by the date agreed in the Section 106 Agreement or is more than 3 years from the date of commencement, whichever is the sooner, there will also be a requirement to review the economic viability of the scheme. Further reviews will take place every 18 months where a scheme is at least 1 year from completion. Other timescales may be negotiated with the developer to allow flexibility according to the size of the development.
- 6.14 When considering how the affordable housing contribution should be increased following a review of a site that is yet to be completed, the Council will seek an increase in dwelling numbers of types and tenures which are supported by recent evidence on housing needs and their relative priority. A variation to the quantity or mix of affordable housing will be confirmed by issue of a Deed of Variation to the Section 106 Agreement.

Commuted Sums in Lieu of On-Site Provision

- 6.15 There may be circumstances where it would not be appropriate to seek affordable housing on a site, or a reduced proportion should be negotiated. Such circumstances could include regenerative objectives for an area, for example, where it may be more appropriate to seek only private housing in order to move towards a more mixed and balanced community; where the Council would prefer a financial contribution to fund development on a more suitable site; and small sites of less than 10 dwellings or a small block of development such as flats where a Registered Provider can demonstrate that affordable units would be difficult to manage independently of other tenures within the same site. Where possible, for allocated sites, these circumstances are made clear in the development guidelines.
- 6.16 The trigger point at which the financial contribution must be made will be specified in the Section 106 Agreement. Although it may be tailored to the specific circumstances of the development, the trigger for payment will always be after the development has started, but before the entire development is occupied.

Calculation of Commuted Payments

- 6.17 Commuted payments, for new build or conversions, will be calculated based on the open market plot values for the size of dwellings that would have been required on-site. Using open market plot values will provide the opportunity to cover the cost of land acquisition in support of affordable housing on another site. However, it is acknowledged that costs of conversions can vary considerably and other costs associated with development proposals can affect overall viability. If justified by the developer, again through open

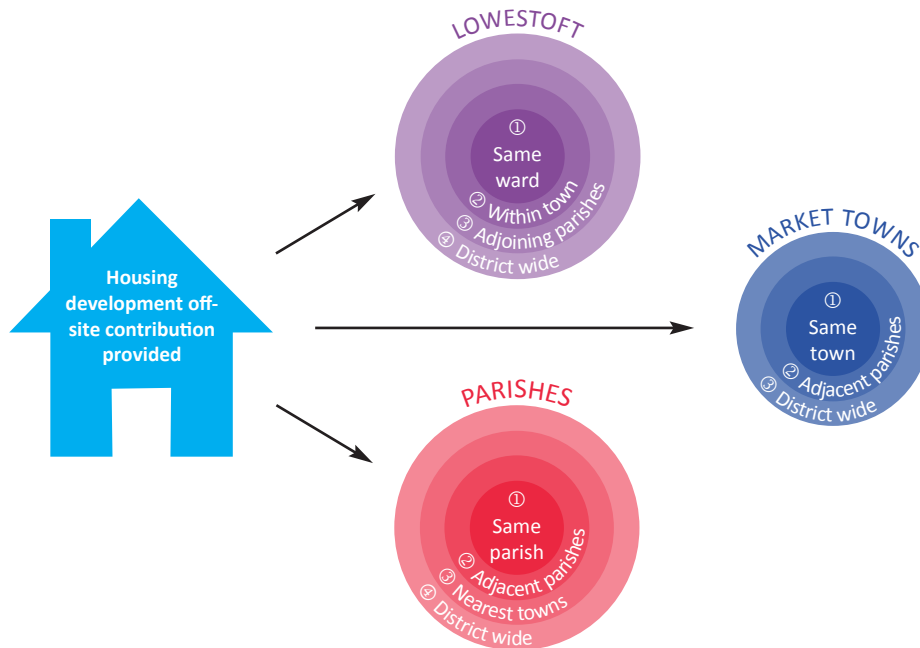


book accounting as detailed in paragraph 6.7 above, flexibility in the amount of the commuted payment may be required. Appendix A provides the commuted payment figures for 2011. These will be revised annually by the Council. For valuation purposes it is assumed that the site or plot is fully serviced. In the event of a disagreement it will be for the developer to pay for an independent view from the District Valuer or other independent assessor.

Use of financial contributions for off-site provision

- 6.18 The financial contributions for off-site affordable housing will be pooled and spent on delivering affordable housing for local people. The Council will seek to spend the commuted payment as soon as possible but will have up to 5 years in which to do so. Normally this will be additional affordable housing in the local area (i.e. parish, ward or town close to the contributing development). However, in some circumstances it may not be possible to find sites close to the original development. To make sure contributions are used for delivery of much needed affordable housing the funds may be used over a wider area. Therefore, where there is no realistic opportunity of delivering affordable housing in the parish, ward or town, financial contributions may be pooled and used for delivery of affordable housing elsewhere in Waveney taking into account where the greatest need has been identified.

Figure 6 Sequential Approach to Allocation of Section 106 Contributions for Off-Site Provision of Affordable Housing



- 6.19 Other options for the delivery of affordable housing where offsite contributions are available could include purchase of existing empty homes or other properties for sale on the open market including the potential to buy back former social housing, for affordable rent.
- 6.20 In appropriate cases the Council may be able to provide a financial subsidy for the provision of rented affordable housing on sites where viability issues have been identified by the developer and open book accounting has confirmed this.

Section 106 Agreements

- 6.21 Planning permission for all housing developments including rural exception sites will secure the provision of affordable housing through the inclusion of specific terms and provisions in a Section 106 legal agreement, which will be negotiated with the developer. The Council will identify the relevant clauses to suit the specific circumstances for each development. These will be expected to include: -
- The number of affordable units
 - The type and size of the properties
 - Arrangements for ensuring that the housing remains affordable in perpetuity
 - The phasing of completion of the units
 - How the affordable element will be achieved e.g. through the construction of units, transfer of land, or financial or other off-site contribution
 - Where appropriate, the length of time a financial contribution will be held by the Council before it will be returned to the applicant
 - Where appropriate, the length of time in which to secure funding for rented housing, before which the tenure mix can be re-negotiated
 - Where appropriate the occupancy criteria to ensure occupancy by a household in housing need/local housing need
 - A mortgagee in possession clause
 - Where appropriate a clause for financial re-assessment
 - Where appropriate an overage clause.
- 6.22 A number of model clauses are included in Appendix E. Not every clause will be relevant to every scheme. The model clauses are intended to cover most issues connected to an affordable housing planning obligation. The Council will identify the relevant clauses to suit the specific circumstances for each development.



- 6.23 Further guidance on planning obligations is available on the Council's website www.waveney.gov.uk/section106. The procedures set down in the District Council's Protocol on Obligations under Section 106 Agreements should also be adhered to.

Re-negotiating the Terms of the Section 106 Agreement

- 6.24 Where the developer contests that the previously agreed number and specified size and tenure mix of affordable dwellings and/or the full amount of any financial contribution cannot be made because of economic viability the Council will require an open-book financial assessment to be carried out at the developers expense.
- 6.25 The assessment must take the form of the viability appraisal template included at Appendix B or other form agreed in writing between the developer and the Council providing that the land values, development costs, development values and finance costs all reflect current market conditions.
- 6.26 The findings of the viability appraisal will remain valid for a maximum period of 12 months or where phasing has been agreed in excess of 12 months a new viability appraisal will be required for each phase.
- 6.27 Where viability appraisal satisfactorily demonstrates that the development is not currently viable when taking into account the full obligations and contributions required, the developer may seek to amend the terms of the Section 106 Agreement. In doing so the developer will be expected to agree to a development or phase completion date and further viability assessment once the development has been sold or let, with provisions for the Council to recover any overage profit above 20% Gross Development Value not exceeding the total value of the original obligations.
- 6.28 Housing Associations may not always have an interest in acquiring affordable housing through Section 106 Agreements or in times of poor economic conditions and where funding is unavailable, Housing Associations may not be in a position to offer enough money to cover the build costs of individual homes. In such cases it may be appropriate to include a cascade clause in the Section 106 Agreement or to issue a Deed of Variation.
- 6.29 Cascade clauses require active marketing of a scheme to Housing Associations but acknowledge that where no interest can be generated the cascade clause is triggered to allow an alternative mechanism for delivery. Shared equity, for instance, does not require Housing Association involvement. Other options could include allowing payment of a commuted sum, providing serviced land at no cost to the Local Authority for development at a later time or the developer providing a reduced number of affordable units at no cost to a Housing Association.



7.0 Rural Exception Sites

Need for Rural Exception Sites

- 7.1 Often rural areas face difficulties in securing an adequate supply of land for affordable housing for local needs. Local authorities are therefore encouraged to include a rural exceptions policy in their plans to permit small groups of 100% affordable housing adjoining a rural settlement as an exception to normal planning policy. By definition rural exceptions areas are small rural communities with populations of less than 3,000. (A list of those villages classed as rural exception areas are contained in Statutory Instrument 1997 Nos. 620 – 625 and Statutory Instrument 2009 No. 2098).
- 7.2 While all of the villages in Waveney are included in this list, only some villages will be suitable for development. Planning applications for new affordable housing in the countryside must be in accordance with Policy DM22 ‘Housing Development in the Countryside’. Where the Council consider new affordable housing development is appropriate as an exception site, the properties must be retained as affordable housing in perpetuity.

Policy DM22 Housing Development in the Countryside (part)

Housing development will not be permitted in the open countryside except where it can be demonstrated to be essential for an agricultural or forestry worker to live at or close to a workplace, where housing would meet an identified local housing need, where it would constitute infill development or where the proposal would replace dwellings affected by coastal erosion.

Where affordable housing development is justified in terms of need, wherever possible it should be well related to an existing settlement and have access to local services and facilities or close to a regular public transport service to a town or larger village.

- 7.3 For the purposes of the rural exception sites policy, local need is defined as identified needs in the individual village or local area it serves, defined as the parish boundary. Therefore before the Council will grant planning permission for affordable housing on a rural exception site, it must be satisfied that there is a need for affordable housing in the locality. This will be determined by the use of a local housing needs survey and/or using data collected by the Choice Based Lettings System.



Provision of Rural Exception Sites

- 7.4 The number of affordable homes provided on a rural exception site should not be greater than the identified local need. The sites will generally be small, in general no more than 10 units, although the number of dwellings and scale of development will be dependent on the size of the village and the services and facilities available to the community.
- 7.5 Rural exception sites are by definition exceptions to normal planning policies and will often be located in the countryside adjoining villages, rather than within villages. In order to minimise visual impact and provide reasonable access to local services and facilities, rural exception sites should be situated adjoining the settlements defined with physical limits on the Local Development Framework Proposals Map. These are the larger villages of Barnby/North Cove, Blundeston, Corton, Holton, Kessingland, Wangford and Wrentham and they have access to a good level of services and facilities and public transport to larger centres. Sites in the smaller villages or scattered communities will not normally be permitted as rural exception sites, unless there are regular connections by public transport of at least two return journeys a day to a town or larger villages with services and facilities. Where this is the case any affordable housing development should be located within the village rather than an adjoining site wherever possible.
- 7.6 In determining planning applications for sites in the countryside, a key consideration will be the impact on the village character and rural landscape. An application will only be approved if the location and design minimises any adverse impact on the surrounding area and is appropriate in respect of all other planning considerations.
- 7.7 Proposals to extend rural exception sites will be considered on their own merits based on an identified need, having regard to the sustainability of the location, overall scale of the site that would be created together with the original development and cumulative visual impact as a result of a larger development in the countryside.
- 7.8 Any proposals for a rural exception site should be discussed with Planning Officers and Housing Strategy Officers prior to the submission of the planning application. Speculative schemes should not be submitted.



Market Lane, Blundeston



Exception Sites for Market Towns and Kessingland

- 7.9 There is a presumption that all new housing, including affordable housing, will be located within the physical limits of Lowestoft and the Market Towns as defined on the LDF Proposals Map. However, it is recognised that there may be limited opportunities for sites to meet identified demand for affordable housing in the Market Towns and Kessingland. Where evidence can be provided that an affordable housing scheme cannot be accommodated on a site within the physical limits boundary or on a site that is already allocated for housing, the Council will consider whether sites on the edge of the settlement are appropriate for development. In line with rural exception site requirements as set out in paragraphs 7.4 and 7.6 above, development sites should be small-scale and respect their location and scale of surroundings.
- 7.10 For clarification and for the purpose of this exception to usual policy, the Market Towns are, Beccles with Worlingham, Bungay, Halesworth and Southwold with Reydon. Kessingland is included as it is a larger village (over 3000 population) and by the definition in paragraph 7.1 it is not strictly covered by rural exception site criteria.

Occupancy and Management of Rural, Market Town and Kessingland Exception Sites

- 7.11 Affordable Housing on rural, Kessingland and Market Town exception sites will be governed by most of the requirements for affordable housing that is provided as part of general housing developments. The housing mix and tenure split will be determined by the particular local need identified in the village, local area or town it serves.
- 7.12 Affordable housing delivered as an exception site will initially be allocated to people who have a strong local and/or work connection. Subsequent occupancy could include people with a housing need from surrounding parishes or District wide where there is a local connection. As for all affordable housing, rental levels or shared ownership costs should be affordable to future tenants. To ensure this is the case, the delivery of affordable housing on a rural or Kessingland exception site or Market Town exception site should be facilitated through a Registered Provider or shared equity scheme and secured through legal agreement, which will ensure that the affordable housing scheme remains available to those in local need and at an affordable rate in perpetuity.



- 7.13 Perpetuity clauses will be included in the Section 106 Agreement for all affordable housing developments on exception sites whether these are rural exception sites, Kessingland or one of the Market Town exception sites as listed in paragraph 7.9. Perpetuity clauses will apply to all tenures of affordable housing. Shared ownership dwellings will require the Local Authority or a Registered Provider to retain at least 20% ownership of the property. Shared equity properties will retain a discount below market value of at least 25% through a covenant to ensure ongoing affordability through future sales.

8.0 Monitoring and Review

- 8.1 Monitoring of the delivery of affordable housing will take place as part of the Annual Monitoring Report (AMR). The SPD will be kept under review in light of all material information and guidance. A review may be triggered by national changes in policy, development viability monitoring, updated information on housing needs or issues raised by the public, private or third sector regarding the operation of the SPD. The ongoing monitoring will feed into future housing strategy and planning policy and viability reviews.



Appendix A Commuted Payments

Commuted Payments April 2012

Commuted payments are based on open market plot values that have development potential. The basis for the figures in the table below is to provide typical values for various house plot types. The valuations therefore include assessment of open market land values for a typical site including standard infrastructure costs. Figures for 2012 are set out below. To be reviewed annually.

	Reydon	Southwold	Lowestoft	Remainder of District
1 bed flat	£44,000	£107,500	£24,000	£34,000
2 bed flat	£54,000	£117,500	£29,000	£39,000
2 bed plot	£68,000	£145,000	£38,000	£57,000
3 bed plot	£83,000	£180,000	£47,000	£67,000
4 bed plot	£93,000	£200,000	£57,000	£75,000

Notes: -

Market Value is defined as the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arms length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.

It is assumed that access will be available and all services at no additional cost in respect of infill plot values. It is presumed that no easements, restrictions and right of way exist to affect the Market Value.

It is assumed that no abnormal costs will be encountered.

Tenure is based on freehold with vacant possession made available.

It has been assumed that planning consent for the use envisaged would be given in the usual way to the private sector, and **not** restricted to Housing Associations, Social Landlords, etc when the values would be substantially reduced.

Consideration of values based on all the completed sales evidence available to the District Valuation Officer in the Waveney District Council area since June 2011 for plots and infill developments. Where no direct evidence exists alternative sources have been used and opinion formulated. Actual sales evidence is limited but is sufficient to draw sensible conclusions.



Appendix B Basic Development Appraisal⁵

Gross Development Value				
Open Market Units				
Unit Type		Floor Area (sq m)	Number of Units	Actual or Anticipated Sales Values
Affordable Units				
Unit Type	Tenure	Floor Area (sq m)	Number of Units	Actual or Anticipated Sales Values
TOTAL GROSS DEVELOPMENT VALUE				

Total Development Costs				
Cost Centre		Rate		Total
A	Build Costs	£	Per sq m	
B	Externals (i.e. Roads, Sewers, landscaping)	£	sum	
C	Abnormal Costs (specify)	£	sum	
D	Other (specify)	£	sum	
E			A to D Sub total	£
F	Construction Contingency	%	of E	
G	TOTAL CONSTRUCTION COSTS			£
Fees		Rate		Total
J	Professional Fees	%	of G	
K	Marketing and Advertising	£	sum	
L	Legal Fees on Sales/Lettings	%	of GDV	
M	Agents Fees on Sales/Lettings	%	of GDV	
N	Sec 106	£	sum	
P	Community Infrastructure Levy	£	Per sq m	
TOTAL DEVELOPMENT COSTS				£

Finance and Acquisition Costs			
Interest Rate	%	Actual likely to be paid now	
Development Period		Years	
Total Development Costs			
Legal Fees Land Acquisition	£		
Stamp Duty	£		
Total Interest (cash flow or multiplier)	£		
Other Bank Fees (e.g. arrangement fee)	£		
TOTAL FINANCE COST		£	

Profit on Costs			Total
Profit on Market Housing	%		
Profit on Affordable Housing	%		
TOTAL PROFIT			£

Residual Land Value = % of GDV

Benchmark Land Value (e.g. Current Use Value) = %GDV

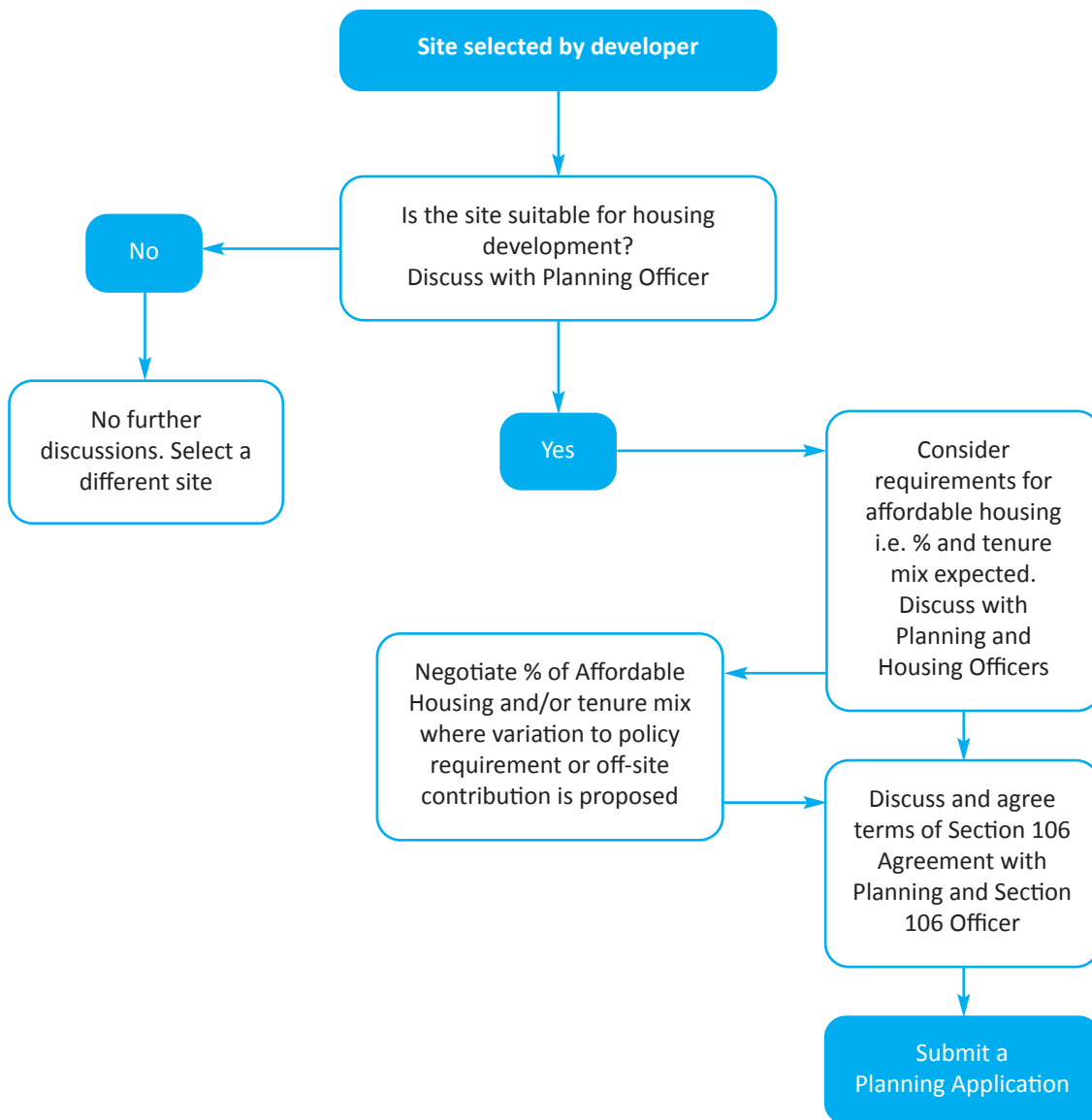
Surplus/Deficit = £

⁵ Assumptions used to complete the viability assessment will be in line with the HCA appraisal toolkit.



Appendix C Planning Application Procedure involving the Provision of Affordable Housing

Discussion with the planning authority is encouraged before submitting an application. The following procedure is relevant to the consideration of all schemes.



Appendix D Housing Association Contact Details

* Note that this list is not intended to be exhaustive but is representative of the Housing Associations operating in the Waveney Area.

Flagship Housing Group Ltd

Keswick Hall, Keswick, Norwich. NR4 6TJ

01603 255429

carla.beckett@flagship-housing.co.uk

Orwell Housing Association

Crane Hill Lodge, 325 London Road, Ipswich. IP2 0BE

01473 218818

gdodds@orwell-housing.co.uk

Circle Anglia

Wherry Housing Association, 6 Central Avenue, St Andrews Business Park, Norwich, NR7 0HR

Broadland Housing Trust

Broadland Housing Association, 31 Milton Road East, Lowestoft, NR32 1NU

Orbit Group

14 Matthews Road, Norwich, NR1 1SP

01603 283302

laura.handford@orbit.org.uk

Cotman Housing Association

Cotman House, Bowthorpe Hall, Bowthorpe Hall Road, Norwich, NR5 9AD

wayne.tatlow@cotman-housing.org.uk

Saffron Housing Trust Limited

Saffron Barn, Swan Lane, Long Stratton, Norfolk, NR15 2XP

JWhitelock@saffronhousing.co.uk



Appendix E Section 106 Agreement Model Clauses

Quantity

1. X% (...percent) of the total number of Dwellings constructed pursuant to the Planning Permission shall be provided as Affordable Housing.

Distribution

2. The location of the Affordable Dwellings shall be in accordance with the Plan [x] agreed with the Council and annexed to this Agreement.
3. [A plan to be agreed with the Council for each relevant phase prior to commencement of construction of a dwelling on any particular phase by the carrying out of a material operation.]

Clustering

4. Each Cluster shall be physically separate from and discontinuous with any other Cluster and there shall be no more than [] houses and [] flats within any Cluster.

Tenure

5. [%] of the Affordable Dwellings shall be provided as Social Rented Affordable Housing Units; and
6. [%] of the Affordable Dwellings shall be provided as Shared Equity Units/Shared Ownership Units;
7. [%] of the Affordable Dwellings shall be provided as Intermediate Rented Units;
8. [%] of the Affordable Dwellings shall be provided as Affordable Rented Units;



Type by Tenure

9. A mix of Affordable Dwellings shall be as follows⁶: -

Social Rented Affordable Housing Units consisting of:

Shared Ownership Units consisting of

Shared Equity Units consisting of

Intermediate Rented Units consisting of

Affordable Rented Units consisting of

Or such other tenure as agreed in writing with the Council

Shared Ownership Units

10. Shared Ownership Units shall not be disposed of on their initial sale other than by way of Shared Ownership Lease unless agreed in writing by the Council.

Social Rented Affordable Housing Units

11. Social Rented Affordable Housing Units shall not be disposed of other than by way of a Rental Agreement unless otherwise agreed in writing by the Council.

Affordable Rented Units

12. Affordable Rented Units shall not be disposed of other than by way of a Rental Agreement unless otherwise agreed in writing by the Council.

Standard of Development

13. The Affordable Housing Units must be constructed to the same overall standard in terms of quality, finish and equipment as the Open Market Dwellings.

⁶This breakdown may need to appear by phase for a large multi-phased project noting the need to aim for equilibrium in mix by phase and when this proves impractical on a particular phase that the mix should be returned to that expected position within the next phase.



Monitoring

14. The owner shall procure that the number and type of Affordable Housing will be monitored in order to ensure compliance with this Schedule.... and shall by the 1st February and 1st August in each calendar year make a written return to the Council for the preceding six months detailing:
- The cumulative total and location of Dwellings Occupied for the whole site;
 - The number of Affordable Housing Dwellings completed with a breakdown specifying the number of Affordable Housing Dwellings built and occupied with details of their tenure and unit type and size;

Mortgagee in Possession⁷

15. A mortgagee or chargee appointed by a mortgagee acting pursuant to the terms of a legal charge or mortgage shall be entitled to dispose of an Affordable Housing Unit free from the provisions of this Agreement, subject to the following:
- a) The mortgagee or charge will notify the Council in writing of its intention to exercise its power of sale;
 - b) The mortgagee or chargee shall use its reasonable endeavours to dispose of the Affordable Housing Unit to an approved RP nominated in writing by the Council within 28 days of the Council receiving notification under a) above;
 - c) In the event of a nomination not being made under b) above or a sale to a nominated Approved RP not being completed within 3 months of a nomination being made the mortgagee or chargee may dispose of the Affordable Housing Unit on the open market free from the restrictions in this Agreement;
 - d) The Council shall in formulating or promoting any arrangements in respect of the Affordable Housing Unit give consideration to protecting the interests of the charge in respect of monies outstanding under the charge or mortgage.

⁷This clause would not apply where perpetuity clauses form part of the Section 106 Agreement i.e. Exception Sites.



16. The mortgagee shall, on completion of the sale of any Affordable Housing Unit pursuant to paragraph [] above, apply the proceeds of the sale in the following order of priority:
- a) To the mortgagee in respect of payment of all monies due under its legal charge or mortgage;
 - b) To the mortgagee in respect of the reasonable costs incurred in connection with the sale and discharge of the legal charge or mortgage;
 - c) To the Council the balance of the proceeds of sale up to the equivalent of the Subsidy;
 - d) To the Approved RP against whom the mortgagee exercised its rights under its legal charge or mortgage the balance of the proceeds.

Releases

17. It is agreed and declared that:

The provisions of paragraph [] above shall cease to bind any of the Affordable Dwellings if in relation to that Affordable Housing Dwelling it shall have been sold under a shared ownership lease and the leaseholder (or its mortgagee) has staircased his ownership under the lease to 100 per cent.

Delivery Mechanism

18. The Owner will not permit the occupation of any Market Dwellings until it has entered into the Affordable Housing Contract with an RP⁸ in relation to the Affordable Dwellings and before the Practical completion of any of the Affordable Housing Units in accordance with the Affordable Housing Contract [or legal completion or transfer of Affordable Housing Land to the Council].
19. No more than [%] of the Market Dwellings shall be Occupied until [%] of the Affordable Dwellings shall have achieved Practical Completion and shall have been transferred to an RP.
20. No more than [%} of the Affordable Dwellings shall be Occupied until [%] of the Market Dwellings shall have achieved completion.
21. The Owner will give written notice to the Council when the legal transfer of 50% of the total number of Market Dwellings and 75% of the Affordable Dwellings shall have been achieved.

⁸ Registered Provider (RP) includes the Local Authority.



Review and Resulting Variation in Affordable Housing Provision

22. In the event that the Affordable Housing contribution is less than the policy expectations set out in the Council's Local Development Framework applying at the time of agreement and where the scheme (Affordable Housing and Market Housing) will complete more than [] years from the date of agreement, the Council will require a review of the economic viability of the scheme.
23. The review will be conducted [] months after the date of agreement in accordance with the template for testing economic viability. As a result of changes in the financial characteristics of the scheme resulting in an improvement to the developer's forecast profit for the remainder of the development not completed at the time of review by more than....%, the affordable housing contribution will be increased. The level of increase in contribution will be such as to return the economic viability forecast to a position where the forecast profit will equate to the forecast percentage level when this agreement was completed plus the tolerance of%
24. For schemes continuing for more than [] years from the date of agreement, further reviews will be conducted in accordance with these provisions on a cycle of one review each 18 months provided a scheme is at least 1 year from forecast completion at the point of the final review being conducted.

Overage

25. Where the Council grants a variation of this Deed there will be a requirement to undertake further viability appraisal at the agreed date of completion of either the revised Development or phase of the revised Development to determine if there is any surplus profit for the Landowner as Overage above the 20% Gross Development Value previously agreed by the Council as required to make the Development economically viable.
26. Where further Viability Appraisal demonstrates to the satisfaction of the Council that there is such surplus profit this Overage shall be paid to the Council by the Landowner within [] days of that further Viability Appraisal.



Availability of Grant and Variation in Affordable Housing Provision

27. Where the Affordable Housing provision set out in clauses [] to [] of this agreement is dependent on Public Subsidy and where at the date of this agreement there is no commitment from the Homes and Communities Agency (or other provider of Public Subsidy) to provide the Public Subsidy to the RP then the level of Affordable Housing contribution can decrease in accordance with the following provisions;
- a) If Public Subsidy is not forthcoming at all, then the Affordable Housing contribution will be adjusted to the baseline position for any period of the scheme's development when no Public Subsidy is available;
 - b) If Public Subsidy is forthcoming at a level less than that agreed between the Owner and the Council, then the Affordable Housing contribution will be adjusted pro-rata for any period of the scheme's development where Public Subsidy is lower than the agreed level.

Cascade Clause

28. If no reasonable offer ^{9 10} is received for the sale of affordable homes to a provider within [] months from the date of the Deed of Variation being enacted to a list of Registered Providers agreed with the Local Authority, the terms of the Cascade Clause will apply.

The Local Authority will decide whether:

- a) The homes will be offered for sale for a maximum of []% of their open market value with the second charge equating to []% of the value of the homes being vested with the Local Authority in perpetuity for no consideration to either the Local Authority or individual purchasers allowing the homes to remain available on a shared equity basis in perpetuity. No interest or other charges would be payable by individual purchasers of the homes on a shared equity basis.

⁹ Offer prices from providers need to give the owner a "reasonable consideration". Such reasonable consideration will equate to at least the design and build cost of individual homes to include no contribution towards land value, major infrastructure or site abnormalities.

¹⁰ All assumptions used will be in line with those standard assumptions proposed as starting points within the Homes & Communities Agency's viability modelling toolkits.



- b) If homes remain unsold on a shared equity basis for [] months beyond the date of completion, they may be offered for open market sale, in which case a commuted sum will be payable to the Council 28 days following the date of completion of individual sales based on []% of their achieved sale price. The commuted sum will be returned to the Developer if it has not been invested by the Council within 5 years from the date of payment to deliver affordable housing schemes in [].
- c) Or the Council may choose to receive a commuted sum equivalent to the sales price achieved for each home originally designated to be affordable less the build cost for those homes including all reasonable design, planning, surveyors fees, sales and marketing and construction finance costs but excluding any element for land value and infrastructure outside of the curtilage of the affordable dwelling development area, or Developer's profit.
- d) Or the Council may require that a reduced number of affordable homes are gifted to a nominated Registered Provider on an affordable rented basis. On an open book basis the Council will wish to be satisfied that those homes released for outright sale would generate land value and profit equal but not exceeding the value of the homes to be gifted to the Registered Provider (that value being the assumed market acquisition price should demand have existed).

Affordable Housing Exception Sites

- 29 a) That all of the units will be used in perpetuity for the purposes of providing affordable housing.
- b) Where any units are to be made available for shared ownership, the occupiers shall not be permitted to staircase above 80% of the value of such units at the date upon which the right to staircase is exercised.
- c) Where any units are to be made available for shared equity, a discount of at least 25% below market value shall be retained.



Appendix F Glossary

Affordable Housing

Affordable housing includes social and affordable rented and intermediate housing, provided to specified eligible households whose needs are not met by the market.

Affordable Rent

A form of social housing, involving homes being made available at a rent level up to 80% of market rent (inclusive of service charges); the principal product available as new supply through the Affordable Homes Programme in 2011-15.

Choice Based Lettings

A system for the allocation of social rented housing. Designed to offer more choice and involvement for customers in selecting their new home, including a system for advertising available properties so that applicants who meet the selection criteria e.g. local connections, household type who match the property characteristics, in housing need, etc can bid for properties. Allocations are made in accordance with published lettings policies drawn up to meet statutory requirements.

Community Right to Build Order

A form of Neighbourhood Development Order that grants planning permission for a specified development that has been determined by a local community group and has the support by that community through a referendum. Community Right to Build gives groups of local people the power to deliver the development that their local community wants.

Gateway to Homechoice

Greater Haven Gateway Housing Register, intended to be a single register of housing need for all the Greater Haven Gateway sub-region, which includes the local authority areas of Babergh, Braintree, Colchester, Ipswich, Maldon, Mid-Suffolk, Suffolk Coastal District Council and Waveney. The Register is the way in which all applicants must apply for social housing in the sub-region.

HomeBuy

HomeBuy is a range of low cost home ownership products developed to make home ownership more affordable and help people get a foot on the property ladder. It is the generic name for a suite of low cost home ownership products (Shared ownership, Equality Loans, New Build HomeBuy, Open Market HomeBuy and HomeBuy Direct). More information can be found at www.orbithomebuyagents.co.uk



Housing for Older People

Accommodation specifically for older people which either incorporates a range of basic facilities and special design features or are specially designated housing for older people. The distinctive design features should be over and above lifetime homes adaptations to general needs properties.

Independent Qualified Valuer

The District Valuer or a professional associate or fellow of the Royal Institute of Chartered Surveyors or the Incorporated Society of Valuers and Auctioneers, who is not employed by, or acting on behalf of, or a member of the family of, the person or organisation selling or transferring or purchasing property or land being valued.

Intermediate Housing

Housing at prices and rents above those of social rent, but below market price or rents. This includes Shared Ownership (previously New Build HomeBuy), Equity Loans Social HomeBuy and Affordable Rent.

Intermediate Rent

A sub-market rental scheme available under the 2008-2011 National Affordable Housing Programme for keyworkers and others where the rent is to be no more than 80% of local market rents.

Low Cost Home Ownership

A general term used to describe the various types of funding home ownership with subsidy, such as the different forms of HomeBuy.

Market Value

A formal valuation method set out in the RICS's Red Book.

Mortgagee in Possession

A person or body which has entered into a mortgage in respect of a dwelling constructed on the land and has taken action following a default by the borrower in respect of the repayment due under that mortgage, including any receiver appointed by the mortgagee.

Qualifying Person

A person who is a prospective tenant of an Affordable Housing Unit but is unable to afford to buy or rent a suitable residential property on the open market because of his income and/or capital and meets the criteria applied by Gateway to Homechoice for the selection of suitable applicants for occupation of the Affordable Housing Units.



Registered Provider

Any organisation registered with the Tenants Services Authority as a provider of social housing. This can include Housing Associations, Local Authorities and private companies.

Right to Acquire

Under the Housing and Regeneration Act 2008, specified tenants of specified Registered Provider rented stock developed with Social Housing Grant or Social Housing Assistance (but not Housing Association Grant) have the legal right to purchase their home.

Rural Housing

Part of the National Affordable Housing Programme funding for social housing in villages with a population below 3000.

Section 106 Agreement

A contract entered into by a local planning authority and a property developer under section 106 of the Town and Country Planning Act 1990 under which the developer agrees to provide defined facilities as part of the proposed development. Such planning obligations are often used as a legally binding agreement between a local authority and developer to deliver additional affordable social housing within a development.

Self Build

Self build refers to a housing development for outright sale undertaken by a mutual co-operative Self Build Group, with sale permitted only to members of that group.

Shared Equity

Housing sold to first time buyers, key workers, housing association or council tenant or someone in housing need on the basis of the sale of the freehold at a discounted market value with a second charge or covenant being vested with a Registered Provider or the Local Authority ensuring the property remains in perpetuity at a discounted rate. The property is not owned in conjunction with any other party (unlike shared ownership). When the property is sold the loan has to be repaid and a proportion of any increase in equity of the property has to be paid to the person making the equity loan, usually a Housing Association.



Shared Ownership

Housing sold on a part rent/part sale basis. The shared owner buys a percentage of the property, funded by a mortgage and/or savings. The remaining percentage is still owned by the developing organisation who charges rent on it. More shares can be bought until the home is either owned outright or reaches a cap set by the Registered Provider or Local Authority e.g. 80%. This is known as 'Staircasing'. (Where the Homes and Communities Agency provide grant funding for a scheme the ability to staircase to full ownership is required, apart from homes constructed on rural exception sites).

Social Housing

Low cost rental accommodation and low cost home ownership as defined by section 69 of the Housing and Regeneration Act 2008. Aimed at people whose needs are not met by the commercial market.

Social Rent

Social housing available for rent at or close to Target rents on the basis of the Rent Influencing Regime Guidance.

Strong Local Connections

A person who has lived in Waveney for six out of the last 12 months or three years out of the last five years, has a permanent job in the area, close family live in the area (only mother, father, brother or sister) and need to live in the area.

Strategic Housing Market Assessment

A framework that local authorities can follow to develop a good understanding and approach to assessing housing need and demand which can provide an evidence base for the development of local development documents dealing with planning for housing.

Supported Housing

Supported Housing is accommodation provided for a specific client group to enable them to adjust to independent living or to enable them to live independently. The term supported housing applies to purpose-designed or designated supported housing.



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