

SOUTH DERBYSHIRE DISTRICT COUNCIL
Planning Services & Housing Services

AFFORDABLE HOUSING PROVISION IN SOUTH DERBYSHIRE

A GUIDE TO DELIVERY

- DRAFT -

January 2008

1.0 Introduction and Status of this Guide

- 1.1 The opportunity for all to occupy decent housing is an essential social objective. In common with other areas throughout the country, however, people are increasingly unable to secure adequate accommodation for themselves and their families in South Derbyshire. This arises largely as a result of strong increases in property prices in a fast growing district and a diminishing stock of local authority rented accommodation.
- 1.2 The planning system has a key role to play in securing the delivery of good quality housing for rent and purchase for all, including those on the lowest incomes.
- 1.3 Accordingly, the Council wishes to work with developers, Registered Social Landlords (RSLs) and other Affordable Housing Management Organisations (AHMOs) to ensure appropriate types and levels of affordable housing can be delivered. In doing so, the Council will promote equality of opportunity in ensuring suitable affordable housing is available to those in need irrespective of race, gender, age, disability or sexual orientation.
- 1.4 This document provides a single reference point in outlining the Council's approach as a planning and strategic housing authority. It provides clarity on:
 1. the procedures the Council operates in negotiating the provision of affordable housing as part of open market residential schemes;
 2. the operation of the 'Rural Exceptions' policy; and
 3. the principles of the design, layout and management of affordable housing.

This Guidance Note does not introduce new planning policy, but provides clarity on the Council's requirements in relation to the provision of affordable housing in the light of current national and Development Plan policies and housing needs information. In due course, policies on affordable housing will be set out in relevant parts of the South Derbyshire Local Development Framework.

2.0 National Planning Policies: the Requirement for the Provision of Affordable Housing

Planning Policy Statement 3 (PPS3)

- 2.1 The pressing need to provide affordable housing through the planning system is identified in *Planning Policy Statement 3: Housing (PPS3)* issued by the Department for Communities and Local Government (CLG) in November 2006. That document is accompanied by CLG advice '*Delivering Affordable Housing*' alongside which it should be read. Together these documents require the provision of a wide choice of housing to meet the needs of the whole community in terms of tenure and price ranges. In doing so, they acknowledge the problems posed by increasing house prices relative to incomes and note that this position is clearly marked in rural districts and smaller settlements. The Guidance advises that a consequence of this is a greater need to secure affordable housing through 'Section 106' developer contributions or 'planning obligations'. 'Affordable housing' excludes low cost market housing but may include low cost homes for sale where they meet specific 'affordability' criteria. A full definition is set out in Appendix 1.
- 2.2 The important role of Local Development Frameworks (LDFs) in the provision of affordable housing is highlighted in PPS3. Specifically, local authorities are required to:
- Set an overall target for affordable housing, with separate targets for social rented and 'intermediate' housing;
 - Specify the size and type of affordable housing required;
 - Set out the range of circumstances in which affordable housing will be required. In this regard PPS3 establishes a national indicative minimum site size threshold of 15 dwellings. However, local planning authorities can set lower minimum thresholds where viable and practicable, including in rural areas;
 - Set out the approach to seeking developer contributions to facilitate the provision of affordable housing. The presumption is that affordable housing will be provided on the application site. However, where robustly justified, off-site provision or a financial contribution in lieu of on-site provision may be accepted.
- 2.3 Importantly, in addressing the above issues, LDF policies are required to be informed by Strategic Housing Market Assessments.
- 2.4 PPS3 also advises that local authorities should allocate and release appropriate small sites in rural areas on land where residential permission would not normally be granted. Such 'rural exception' sites

should only be used for affordable housing in perpetuity and should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

3.0 Providing Affordable Housing in South Derbyshire

- 3.1 South Derbyshire District Council is currently in the early stages of preparing the Core Strategy and other relevant Development Plan Documents (DPDs) which will form part of the Local Development Framework (LDF). The timetable for their preparation is set out in the Council's Local Development Scheme (LDS) which can be downloaded at www.south-derbys.gov.uk
- 3.2 Until such time as the relevant DPDs are in place, the Council will rely on statements of national policy (as above) and 'saved' and emerging Development Plan policies - i.e. the Adopted South Derbyshire Local Plan, Regional Spatial Strategy (RSS8) and the emerging East Midlands Regional Plan. The Council will also make decisions on the basis of the most up to date housing needs information available at any given time. The relevant policies and housing needs information are set out below. The full text of the Development Plan policies is attached at Appendix 2.

4.0 Development Plan Policies in South Derbyshire

South Derbyshire Local Plan (1998)

- 4.1 The South Derbyshire Local Plan was adopted in May 1998. Although superseded in parts by national and regional planning policies, a number of policies were 'saved' beyond September 2007 (the date on which old-style local plans would normally have expired under the transitional arrangements for preparing LDF documents). Housing Policy 9 was 'saved' and is summarised below. However, Housing Policy 10 which provided guidance on the release of land for affordable housing on 'exceptions sites' expired as this guidance is already set out in the recently issued PPS3.

Housing Policy 9:- this policy indicates that the development of new housing will be subject to negotiation to provide a proportion of affordable housing for rent or sale. It further indicates site size thresholds to which the policy will apply along with other information relating to the type and management of affordable housing to be provided. Whilst the principles set out in the policy remain appropriate and in accordance with current national planning policies, the thresholds have been superseded by the national indicative minimum threshold in PPS3 as described in para 2.2 above.

Regional Spatial Strategy (RSS8)

- 4.2 RSS8 was published in March 2005. Policy 18 requires LDFs and other documents to seek the provision of a mix of dwellings in terms of size, type, affordability and location. The level of affordable housing should be justified by local housing need assessments as well as an assessment of the viability of seeking a particular proportion of affordable housing from such developments.

Draft East Midlands Regional Plan

- 4.3 This document was published for consultation in September 2006 and was the subject of an Examination in Public (EiP) from May to July 2007. The EiP Panel Report was published in November 2007 and post-EiP modifications are anticipated in March 2008. Once finally issued by the Secretary of State, it will replace RSS8 and the Joint Structure Plan.
- 4.4 The draft Plan encourages local authorities and housing providers to pursue a range of mechanisms to deliver affordable housing in rural areas. Policy 15 requires LDFs, housing strategies and investment plans to include policies seeking the provision of a mix of dwellings in terms of size, type, affordability and location, having regard to the existing local stock. Interim affordable housing targets for each Housing Market Area (HMA) grouping are provided, represented as percentages of total housing provision required by the Plan, together with a proposed tenure split. The draft Plan proposes that these targets should be reviewed following the completion of strategic housing market assessments by local authorities. The EiP Panel were critical of the references in the draft Plan to affordable housing percentages and the specified tenure splits. However, the provision of affordable housing on the basis of strategic housing market assessments was supported and the Panel recommended that in the interim, total affordable housing provision target figures be included for the purposes of monitoring.

5.0 Housing Needs Information

- 5.1 A District-wide housing needs survey was undertaken in 1998, and again in 2002, providing an indication of the scale of need for affordable housing. However, these studies were broad brush, and did not distinguish between needs arising in different parts of the District.
- 5.2 The Authority, in partnership with Derby City and Amber Valley District Councils, undertook a more comprehensive Strategic Housing Market Assessment in line with the requirements of PPS3 in 2007. The interpretation and report on this research will be published in May 2008 and will inform the scale and type of need arising in the 'urban core' of Swadlincote and other areas in the District taking into account local house prices, rental and income levels.

5.3 In addition the Council has, jointly with the Trent Valley Partnership, undertaken a rolling programme of local housing need surveys of residents in rural parishes with a population of less than 3,000. This programme, involving some 42 parishes, was completed in February 2008. This information will assist the Council in assessing current affordable housing needs arising in specific villages. Copies of Rural Local Housing Needs Studies can be downloaded from the Council's website at **www.south-derbys.gov.uk**

6.0 Summary of the Council's Affordable Housing Requirements

- 6.1 The Council's approach to the delivery of affordable housing can be summarised as follows:

The Council will seek to negotiate, under s106 planning obligations, the provision of an appropriate proportion of affordable housing as part of any proposal for residential development on sites above a minimum size threshold. In doing so, the Council will have regard to the most up-to-date national planning policy statements, Development Plan policies and housing needs evidence at the time the planning application is determined.

Currently, PPS3 specifies a national indicative minimum site size threshold of 15 dwellings. The Council is currently awaiting the outcome of its Strategic Housing Market Assessment which will report in May 2008 and supersede the evidence base used to inform the guidance in the draft Regional Plan.

Affordable housing should be provided on site. Only in exceptional cases will off-site provision or a financial contribution be acceptable.

The Council will support the release of 'rural exceptions' sites where there is a proven local need, where there are no available alternatives on previously developed sites in the settlement within which the need arises, and where proposals are otherwise acceptable in planning terms.

All sites for affordable housing should be managed to ensure they are retained for future eligible households, or where restrictions are lifted, ensure that any receipts are recycled for alternative affordable housing provision.

- 6.2 In cases where affordable housing is to be provided through s106 contributions, the assumption is that the affordable housing will be constructed by the developer and transferred on completion to an accredited RSL or other AHMO.
- 6.3 Given the functional relationship between parts of the District and surrounding areas (particularly Derby), the Council will take the needs of those areas into consideration when assessing affordable housing requirements and agreeing nomination/occupation arrangements on relevant sites as set out in paragraph 8.3 and 8.4 below.

7.0 Procedures for the Provision of Affordable Housing in South Derbyshire

- 7.1 It is essential that the likely need and arrangements for the provision of affordable housing are highlighted early on the planning process. Applicants are therefore reminded that all outline planning applications must indicate the total number of dwellings which are likely to be built on the site in the event of planning permission being granted.
- 7.2 Current indications are that there is a need for a wide range of property types and sizes in South Derbyshire. It is essential that proposals for affordable housing reflect the size and type of affordable housing actually needed, in line with the advice of PPS3. Whilst up-to-date information and individual circumstances will be taken into account on a site-by-site basis, developers should expect to provide a range of property types and sizes. Where necessary, this may include properties accessible for wheelchair users or which can easily be adapted to meet changing mobility.
- 7.3 Developers are therefore strongly advised to discuss the likely affordable housing requirement with the Council's Housing Strategy Manager at the earliest possible opportunity. Contact details are provided in Appendix 3.
- 7.4 In the majority of cases, affordable housing will be secured via a s106 agreement. The agreement will need to include an affordable housing delivery management charge - see appendix 4.
- 7.5 In exceptional cases where a financial sum is deemed to be the most appropriate contribution, this should be equivalent to the cost of providing land and affordable housing on-site.

8.0 Housing Management

- 8.1 To ensure homes are satisfactorily retained for future eligible households (or subsidies recycled for alternative affordable housing provision), all affordable houses must be managed by a Council approved Registered Social Landlord (RSL) or other Affordable Housing Management Organisation (AHMO).
- 8.2 It is preferable that the AHMO or RSL is currently active in the administrative area of South Derbyshire - see list at Appendix 5.
- 8.3 It is established practice in South Derbyshire in ensuring new social rented affordable homes meet local needs that the Council will require 100% of first nominations and a minimum of 50% subsequent nominations.
- 8.4 Similarly, unless otherwise agreed with the Council, the intermediate

dwellings shall not be occupied by anyone other than

- Applicants waiting for social rented housing or person(s) currently occupying social rented housing;
- People employed in a frontline role delivering essential public services on health, education or community safety in areas where there are serious recruitment or retention problems;
- First time buyers or households who cannot afford to buy their own home.

8.5 Where a site is located in or close to a rural parish, a proportion of the affordable housing may be “ring-fenced” to meet a housing need for those people with a local connection.

9.0 Public Subsidy for Affordable Housing

9.1 The Housing Corporation is the main provider of public subsidy for affordable housing. However, this is limited and the developer should assume that Housing Corporation grant funding will not be available.

9.2 The Council’s requirements for affordable housing provision will be relaxed only in exceptional circumstances. It is therefore important that developers/land purchasers undertake a robust assessment of the development costs of individual sites for housing, including the need for any on-site remediation works, prior to acquiring the land. In cases where it is contended that the delivery of the affordable housing is financially unviable, the Council will expect evidence to be provided preferably using the Housing Corporation’s Economic Viability Model (details can be downloaded at www.housingcorp.gov.uk). As part of this process, the applicant will be expected to cover reasonable costs for the information to be independently verified by a consultant approved by the Council (Contact the Housing Strategy Manager for details). It is preferable that this Model is adopted as, in its absence, the Housing Corporation is normally unwilling to consider funding in cases where it is being requested to address the shortfall. If the Model confirms grant is required to deliver the required percentage of affordable housing, the Council will determine whether or not to approach the Housing Corporation for funding. If the Council wishes to seek grant then the applicant, in conjunction with an approved RSL/other AHMO, may be requested to participate in discussions with the Housing Corporation.

10.0 The Design and Build Quality of Affordable Housing

10.1 The Council supports the creation of sustainable, inclusive and mixed communities in all areas. Accordingly, all new housing should be of an environmentally friendly and high standard of design, layout and landscaping.

10.2 In order to avoid the negative implications of social exclusion and isolation, affordable homes should be integrated into and distributed

across the whole development. e.g. large clusters of affordable housing should be avoided and the concentration of affordable housing in larger apartment blocks in particular will not be acceptable.

- 10.3 Similarly, affordable properties should not be distinguishable from the market housing on site in terms of design, specification, build quality, materials, details, levels of amenity space and privacy. When Housing Corporation Capital Grant funding is to be sought or has already been allocated, all affordable properties must meet the Housing Corporation's latest design standards. These can be downloaded from the Housing Corporation's website at www.housingcorp.gov.uk .
- 10.4 Where no grant is available, the developer may build the affordable housing to a standard which is no less than that of the market dwellings and acceptable to an RSL/AHMO.
- 10.5 Development shall not Commence until the Developer has made a bona fide offer or offers in writing to an AHP to enter into a contract for the sale and purchase of all of the Affordable Housing Units and shall have first given the District Council notice in writing of that offer and the name of the AHMO.. It is recommended that the skills and experience of a AHMO be employed at an early stage in the design process.

Developers are strongly advised to seek early pre-application discussions with the Council's designated officer to (a) agree the amount, type and standard of housing to be provided and (b) agree the broad terms of a s106 agreement.

Definition of Affordable Housing

Appendix 1

Affordable housing is:

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

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.
- Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is:

'Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. The proposals set out in the Three Year Review of Rent Restructuring (July 2004) were implemented as policy in April 2006. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Housing Corporation as a condition of grant.'

Intermediate affordable housing is:

'Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (eg HomeBuy), other low cost homes for sale and intermediate rent.'

These definitions replace guidance given in *Planning Policy Guidance Note 3: Housing (PPG3)* and *DETR Circular 6/98 Planning and Affordable Housing*.

The definition does not exclude homes provided by private sector bodies or provided without grant funding. Where such homes meet the definition above, they may be considered, for planning purposes, as affordable housing. Whereas, those homes that do not meet the definition, for example, 'low cost market' housing, may not be considered, for planning purposes, as affordable housing.

There is further guidance on eligibility for affordable housing, recycling of subsidy, specific features of social rented and intermediate affordable housing and the application of the affordable housing definition, in particular with regard to the extent to which non-grant funded and private sector low cost housing products meet the definition in the Affordable Housing Policy Statement.

The terms 'affordability' and 'affordable housing' have different meanings. 'Affordability' is a measure of whether housing may be afforded by certain groups of households. 'Affordable housing' refers to particular products outside the main housing market.

Source: Annex B, Planning Policy Statement : Housing (PPS3)

Adopted South Derbyshire Local Plan (1998):

HOUSING POLICY 9 : AFFORDABLE HOUSING IN RELATION TO HOUSING POLICIES 1-5 AND COMMUNITY FACILITIES POLICY 3

DEVELOPMENT IN ACCORDANCE WITH HOUSING POLICIES 1-5 AND COMMUNITY FACILITIES POLICY 3, WILL BE SUBJECT TO NEGOTIATION BETWEEN THE LOCAL PLANNING AUTHORITY AND DEVELOPERS TO PROVIDE A PROPORTION OF AFFORDABLE HOUSING FOR RENT OR SALE. THE COUNCIL WILL IMPOSE CONDITIONS ON PLANNING PERMISSIONS OR WILL NEGOTIATE PLANNING OBLIGATIONS UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE BENEFITS OF AFFORDABILITY FOR SUBSEQUENT / SUCCESSIVE OCCUPIERS OF THE DWELLINGS PROVIDED.

Regional Spatial Strategy (RSS8):

Policy 18 - Regional Priorities for Affordable Housing

Development plans, Local Development Frameworks, housing strategies and investment plans should have regard to the priorities identified in the Regional Housing Strategy, and include policies seeking the provision of a mix of dwellings in terms of size, type, affordability and location, in order to help create inclusive communities which provide wider housing opportunity and choice.

The level of affordable housing to be provided should be justified by local housing need assessments, preferably based on housing market or journey to work areas, as well as an assessment of the viability of seeking a particular proportion of affordable housing from such developments. The appropriate indicator for monitoring whether affordable housing need across the East Midlands as a whole is being met is around 3,950 dwellings per annum.

Draft East Midlands Regional Plan (2006):

Policy 15 - Regional Priorities for Affordable Housing

Local Development Frameworks, housing strategies and investment plans should have regard to the priorities identified in the Regional Housing Strategy, and include policies seeking the provision of a mix of dwellings in terms of size, type, affordability and location, having regard to the existing local stock, in order to help create inclusive communities which provide wider housing opportunity and choice. Interim affordable housing targets for each Housing Market Area grouping are set out below, represented as percentages of total housing provision in Policy 14. These targets*, in particular Intermediate housing, should be reviewed following the completion of full Housing Market Assessments by the relevant local authorities and incorporated into Local Development Frameworks.

Coastal Lincolnshire HMA: 38% social rented;3% intermediate housing.
Central Lincolnshire HMA: 27% social rented;2% intermediate housing
Peterborough Partial HMA: 28% social renting;7% intermediate housing
Newark/Ashfield/Mansfield (Nottingham Outer) HMA: 25% social renting;
Northern (Sheffield/Rotherham) HMA: 33% social renting;
Peak, Dales & Park HMA: 35% social renting;19% intermediate housing
Northampton (West Northamptonshire) HMA: 23% social renting;12% intermediate housing
Corby/Kettering/Wellingborough (North Northamptonshire) HMA: 23% social renting;3% intermediate housing
Derby HMA: 33% social renting
Leicester & Leicestershire HMA: 25% social renting; 8% intermediate housing
Nottingham Core HMA: 23% social renting;7% intermediate housing
East Midlands Region: 27% social renting;5% intermediate housing
* Figures do not represent a maximum

Appendix 3

Useful Contact Details and Website links

South Derbyshire District Council Contacts:

Housing Strategy Manager
Contact: Beverly Wagstaffe
Beverly.Wagstaffe@south-derbys.gov.uk
07976 081933

Development Control Manager
Contact: Tony Sylvester
Tony.Sylvester@south-derbys.gov.uk
01283 595743

Planning Policy Manager
Contact: Ian Bowen
Ian.Bowen@south-derbys.gov.uk
01283 595821

Websites:

South Derbyshire District Council: www.south-derbys.gov.uk

Housing Corporation: www.housingcorp.gov.uk

**Department of Communities and
Local Government** www.communities.gov.uk

Derbyshire County Council: www.derbyshire.gov.uk

East Midlands Regional Assembly: www.emra.gov.uk

Government Office for the East Midlands www.goem.gov.uk

Appendix 4

Affordable Housing Delivery Management Charge

This charge is levied by the authority to:

- 1) Help offset the costs of the intensive work involved in negotiating with developers.
- 2) Establish and replenish a fund which the authority can utilise for more specialist advice and assistance in negotiating with developers (if needed).
- 3) Enable the authority to keep a rolling programme of housing needs assessments progressing and therefore up to date.

There are three tiers of payment which reflect the additional burdens involved in dealing with larger applications. In each case a flat fee is levied per site, as follows:

Sites of 15 up to 50 dwellings	£500
Sites over 50 up to 500 dwellings	£2,500
Sites over 500 dwellings	£5,000

Appendix 5

RSLs Currently Active in South Derbyshire

<p>Derwent Living 1 Centro Place Pride Park Derby DE24 8RF Telephone 01332 346477</p>	<p>The Guinness Trust 31 Clarendon Park Clumber Avenue Nottingham NG5 1AH Telephone 0115 9628200</p>
<p>East Midlands Housing Association Jubilee House Stenson Road Whitwick Business Park Coalville, Leicestershire. LE67 4NA Telephone: 01530 276000</p>	<p>Longhurst Group Nottingham Office 26-28 High Pavement Nottingham NG1 1HN Telephone 0845 30 90 700</p>
<p>Home Housing Association 2 St Andrews House Vernon Gate Derby DE1 1UJ Telephone 01332 294505</p>	<p>Spirita Housing Association (Formerly Walbrook) Raleigh House 68-84 Alfreton Road Nottingham Tel 0115 9887100</p>
<p>Hallmark Housing Association 1 Prospect Place Millennium Way Pride Park Derby DE24 8HG Telephone 01332 614700 (BME Housing Association)</p>	<p>Peak Rural Housing First Floor 10 Cromford Mill Mill Lane Cromford Derbyshire DE4 3RQ. Telephone 01629 826040</p>
<p>Riverside Housing (Midlands) Riverside House 49 Western Boulevard Leicester LE2 7HN Telephone 0845 1127722</p>	<p>Trent and Dove Housing Association Trinity Square Horninglow Street Burton-upon-Trent Staffordshire DE14 1BL Telephone 01283 528528</p>
<p>Trident Housing Association 239 Holliday Street Birmingham B1 1SJ Telephone 0121 6334633</p>	<p>Nottingham Community Housing Association 12/14 Pelham Road Sherwood Rise Nottingham NG5 1AP Tel: 0845 650 1201</p>