

# Taunton Deane Borough Council

**Executive – 15 January 2014**

## **Taunton Deane Borough Council Planning Obligations Affordable Housing Supplementary Planning Document**

**Reporting Officer: Jo Humble, Housing Enabling Lead**

(This matter is the responsibility of Councillor Jean Adkins, Housing Portfolio Holder.)

### **1. Executive Summary**

The Taunton Deane Core Strategy 2011-2028 was adopted in September 2012. The proposed affordable housing supplementary planning document is intended to provide additional guidance in decision making relating to planning applications that include residential development, where an affordable housing contribution is to be sought.

Executive approval was granted on 9<sup>th</sup> October 2013 for a public consultation to take place. The public consultation ran during the period 31 October - 12 December 2013. Comments received have been given consideration and the Officer recommendations have been made.

### **2. Background**

- 2.1 The purpose of the proposed Supplementary Planning Document (SPD) is to provide greater detail on Policy CP4 Housing in the Council's Core Strategy 2011-2028.
- 2.2 Policy CP4 aims to ensure that affordable housing is provided as part of all development schemes which provide five or more net additional dwellings. The policy states that 25% of all new housing should be in the form of affordable units.
- 2.3 Gypsy and Traveller sites are covered by separate Development Management policy (DM3) within the adopted Core Strategy, therefore this SPD is not applying consideration to Gypsy and Traveller sites.
- 2.4 The Council operates an Affordable Housing Development Partnership which delivers affordable housing in the Borough and the adoption of this supplementary planning document will provide a clear guide for the TDBC affordable housing development partnership to work with.
- 2.5 This proposed SPD will be processed through the Statutory Consultation process in line with the Statement of Community Involvement.
- 2.6 As the proposed SPD is intended as additional guidance to the adopted Core

Strategy and emerging site allocations document a separate sustainability appraisal has not been deemed as required.

- 2.7 Following Executive approval on the 9th October 2013, a public consultation has been undertaken during the period 31 October 2013 – 12 December 2013.

### **3. Taunton Deane Borough Council Planning Obligations Affordable Housing Supplementary Planning Document**

The complete affordable housing supplementary planning document including recommended amendments is annexed to this report.

A total of 12 responses were received and full details can be found at <http://consultldf.taundean.gov.uk/portal>

A summary of comments received through the public consultation and Officers subsequent recommendations are:

#### **Public comment**

1.3 Location - The draft SPD appears to make little reference to the spatial distribution of social and affordable units, ref section 1.3. During a conversation with Housing Section at the beginning of the Monkton Heathfield development the Clerk was assured that TDBC would endorse the 'pepperpot' distribution model on the basis that it would allow integration of different housing types, and this model would be of greater priority than the Housing Association's preference for clusters of affordable units for ease of maintenance and management. TDBC has only to look at the development at Nerrols to remember the adverse impact of putting all the social and affordable units in one part of the development; West Monkton Parish Council has consistently pressed hard for plans to be adopted that ensure the development of ghettos are minimized and the 'slums of tomorrow' are not built in this urban extension. As a general policy document, the position of TDBC should be more robustly expressed than currently expressed.

#### **Officer comment**

The aim for affordable housing is to create mixed, sustainable and balanced communities. The current wording proposed under section 1.3 Location allows for the numerous considerations which are made when agreeing the location of affordable housing. This is a site specific consideration and 'pepper potting' is not always the most appropriate solution.

#### **Public comment**

1.4 Tenure - We have initial concerns that the provision of a 60% balance towards social rented will be challenging to the deliverability of sites. We also seek confirmation that the requirement is based on an up to date evidence base given changes to the housing market, affordable housing products and delivery mechanisms (noting Core Strategy evidence base was prepared in 2010/11).

We also seek confirmation that the required tenure mix is based upon sound consideration to the different housing market areas within the Borough.

### **Officer response**

The local authority will continue to monitor the changes in the housing market and affordable housing products. At this time, 60% balance towards social rented at a 25% affordable housing provision has been deemed viable. In instances where applicants claim that full or partial delivery of the affordable housing as required by CP4 is not possible on viability grounds Section 1.7 Site Viability can be applied which includes flexibility on tenure mix.

### **Public comment**

1.4 Tenure -Affordable Housing is delivered through a number of mechanisms, and this section of the SPD must recognise this. Affordable Rent has become the preferred delivery mechanism from central Government, with the HCA grant-funding linked to the supply of affordable rent properties. It is important that within this section there is recognition that depending on site specifics and funding arrangements, the tenure of affordable units coming forward will change from scheme to scheme.

### **Officer response**

Affordable Rent has been recognised as an acceptable tenure and can form 40% of the total affordable housing provision within each scheme.

### **Public comment**

1.4 Tenure - The Parish Council feel strongly that affordable housing gain from development should remain within the Parish, even where schemes yield 3 or fewer affordable dwellings.

It is not felt that an allocation of 25% social housing across the board provided the flexibility required of development in very varied locations.

Affordable home provision should be social rent houses rather than part ownership or private rent houses,

Phasing of housing over a number of years would help ensure that social housing is available to local people over a longer period as new local housing need arises.

### **Officer response**

Recommend amendment to section 1.4 tenure paragraph 5

***On schemes yielding 3 or fewer affordable dwellings the Council will give consideration to seek a financial contribution in lieu of providing the affordable housing onsite. This will be on a scheme specific basis.***

***In all cases, either a partial contribution will be sought or the affordable housing unit will be rounded up to the next whole unit to provide any overall provision of 25% affordable housing.***

Both rented and intermediate housing is being sought in order to provide a broader choice of housing option. Affordability will be considered when determining the type of intermediate housing required.

Phasing of housing is not within the Council's control; however the Council is in the process of agreeing a site allocation plan.

**Public comment**

1.7 Site Viability – Suggest these viability figures must be independently checked

**Officer response**

Recommend amendment to section 1.7 paragraph 5 with the removal of 'ideally'.

***“Applicants should have their figures independently assessed using the services of the Council's preferred independent assessor prior to submitting to the council.”***

**Public comment**

1.8 Off site provision – The suggestion in sections 1.2 and 1.8 that developers could agree off-site affordable housing provision with TDBC has been shown to be deeply unacceptable to local communities. This does not appear to be a successful way to build coherent communities

**Officer response**

It is only in exceptional circumstance that an off site provision will be sought. The Councils priority is to seek affordable units on site.

**Public comment**

1.9 Financial Contribution - As this is a proposed policy document, there should be either a brief explanation or a file reference to an explanation of the 'Taunton Deane Financial Contributions Calculator System', and which section of the Authority deals with it.

**Officer response**

The Planning Officer and Housing Enabling Lead will be responsible in determining the level of financial contribution on a scheme specific basis.

Recommend addition to section 1.9 Financial contribution

***The ‘contribution’ made by a developer as a commuted sum is the assessed difference in residual value of a 100% market housing scheme and a scheme with the policy requirement for affordable housing (or a lesser percentage where this is justified by viability considerations).***

***Residual value is the difference between the total scheme revenue (of the market and affordable housing) and the cost of the schemes (including a return to the developer). For the purposes of assessing a commuted sum, the price paid for a site is not part of the calculations.***

## **Public comment**

1.10 Exception Sites - these should only be allowed outside but adjacent to settlement boundaries where evidence clearly demonstrates the investigations that have been undertaken to find suitable alternatives and where viability is the issue, these conclusions are independently verified. This may be a part of the mechanism to encourage the reuse of brownfield land.

## **Officer response**

Recommend following additional bullet point within ‘The Council will expect these developments to be small scale and should:

- ***Consider all potential sites around a settlement in order to identify the most suitable site. The development should be of an appropriate size as not to have an overbearing impact on the settlement or the countryside.***

Amendment to final bullet point in section 1.10 –

***A detailed statement, including viability information independently verified at the applicants cost by the Council’s preferred independent assessor should be submitted with the planning application.***

## **Public comment**

1.10 Exception sites, the case is made for initial and subsequent occupancy of dwellings to be restricted first to those having an identified local need for affordable housing. The Parish of West Monkton (population circa 2200 electors) would have qualified in this context were it not for the Monkton Heathfield development imposed on it under the Local Plan, and labeled an urban extension. West Monkton Parish Council strongly urges TDBC to recognize that the Parish of West Monkton has been caught by the growth plans for Taunton. In this proposed policy document, the special case of the rural parish of West Monkton, suddenly labeled an urban extension, should be explained: accepting that change is unavoidable and in the space of a generation Monkton Heathfield is likely to be just another suburb. Therefore an allowance for initial and subsequent occupancy of dwellings to be restricted first to those having an identified local need for affordable housing should be put in place for a fixed period of years.

## **Officer response**

West Monkton has been identified as an area of major growth and as such will provide more housing than required for immediate residents. In the event that an exception site was to come forward within the Parish of West Monkton a local connection clause would be included following an amendment made to 1.16 Local Connection

***All exception sites will include a Local Connection clause.***

#### **Public comment**

1.11 Design, Quality and Sustainability Standards - The requirement for meeting the relevant Code for Sustainable Homes level should be amended to allow for the consideration of any other relevant requirement applicable at the relevant point in time. We would also note that the code level (or equivalent requirement) will need to be set at the submission of the full application or reserved matters application rather than the date of commencement of development.

The requirement for meeting sustainability standards is also a key factor in determining the viability of development proposals. Therefore we seek recognition within the SPD that such provisions should be factored into site viability considerations.

#### **Officer response**

Section 1.11 paragraph 3 has been amended to read:-

The affordable housing should be built to meet the latest Homes and Communities Agency Design and Quality Standards including the relevant Code for Sustainable Homes level requirement applicable ***or such Standards which may supersede at the date of approval of the full application or reserved matters application.*** These Standards can be viewed on the Homes and Communities Agency website <http://www.homesandcommunities.co.uk/>)

Section 1.7 Site Viability – Paragraph 2 has the following addition:-

In instances where applicants claim that full or partial delivery of the affordable housing as required by CP4 is not possible on viability grounds, the Council, through the Housing Enabling Lead, will consider in the first instance a revised tenure split and unit types for the development. ***Consideration will also be given to additional costs attributable to meeting the Design, Quality and Sustainability Standards referred to in section 1.11***

#### **Public comment**

1.14 Specialist residential development - As a developer who specialises in providing retirement homes we feel the affordable housing requirement for this particular sector is too high. An affordable housing threshold of 25% on schemes of more than 5 dwellings is quoted. Whilst I appreciate this is in line with CP4 of the Core Strategy, the policy will create a 'vicious circle', whereby new housing for the elderly, which is

needed will not be built. This will result in elderly people continuing to occupy family housing, which in turn is needed by younger families.

We therefore recommend that the unit threshold for specialist (retirement) residential development increased. Furthermore the policy should acknowledge that where a proposed development addresses a specific need, such as retirement housing, it may be appropriate to seek an alternative to onsite provision through for example an off site financial contribution

### **Officer response**

The threshold will remain unchanged as there is an affordable housing requirement for all age groups. Section 1.7 Site Viability of the affordable housing SPD can be applied in instances where applicants claim that full or partial delivery of the affordable housing as required by CP4 is not possible on viability grounds.

It is only in exceptional circumstances that an off site financial contribution will be sought. This would be a scheme specific discussion.

### **Public comment**

1.14 Specialist residential development - Extra Care Accommodation (also known as Assisted Living accommodation) while providing independent living and importantly self-contained units, also provides significant levels of care and is also widely acknowledged as falling within Use Class C2 and therefore is also not required to provide Affordable Housing Contributions.

The SPD however, clearly states that extra care/assisted living accommodation will be subject to affordable housing contributions on the seemingly arbitrary basis that they provide self contained accommodation. In other words the Council considers Extra Care Accommodation to be a C3 residential dwelling on the grounds it provides self contained accommodation. We raise significant objections to the Council's position on this matter as it is contrary to common local authority interpretation and recent Appeal case precedent.

### **Officers response**

The affordable housing SPD can not change Council Policy, it is to provide additional guidance to CP4 Housing of the Core Strategy which makes no distinction between different types of C3 accommodation.

### **Public comment**

1.16 A local connection clause should still be required, if only for a proportion of dwellings, where there will be 25 or more affordable houses. A significant proportion of Taunton's housing will be met by very large developments, and the current wording could result in a totally inadequate number of affordable properties to meet local needs.

### **Officer response**

Taunton Deane Borough Council operate a choice based lettings system and on schemes developing 25 or more affordable homes will provide local residents with a choice of affordable homes. The local connection clause is primarily aimed at areas where there is limited affordable housing choice.

### **Public comment**

1.16 Local Connection - Concerns with regards to exception sites. If the scheme gives rise to a requirement of 25 affordable homes or more on one site a local connection clause is not required

### **Officer response**

Noted. Addition made to 1.16 Local Connection

***All exception sites will include a Local Connection clause.***

### **Public comment**

1.16 Local Connection - I suggest a local priority clause is given to people who live in the TDBC area and any surplus housing offered to the other local authorities in Somerset with this modification in the arrangement. If a priority clause is not included then the public deserves the efficiency savings in staff so the service can be provided at less cost to the public and the public should be told in clear terms that people from other local authorities are being considered for housing before them.

### **Officer response**

Taunton Deane Borough Council operates a choice based lettings system. More details on the mechanisms for allocating homes can be found in the Homefinder Somerset Allocations Policy. A local connection clause is primarily aimed at areas where there is limited affordable housing choice.

### **Public comment**

Developer contributions – We believe that the SPD should contain a section on developer contributions. Whilst it is noted that CIL will soon be in place in the Borough, there is a need to clarify the expectations of developer contributions in relation to affordable housing.

The Council should accept within the SPD, that schemes delivered by HARPS (Housing Association and Registered Providers) are frequently marginally viable and that the ability to provide the contributions and obligations provided within market schemes is significantly compromised. The requirement to submit detailed viability evidence within each affordable housing scheme to justify a departure from the Council's expectations in relation to obligations and contributions significantly frustrates delivery and fails to recognise the different development landscape of affordable housing led schemes. Negotiations with HARP's should begin with the understanding that contributions may be significantly lower but that through an open book exercise based upon sharing of development balance sheets, rather than a



costly, timely and cumbersome RICS viability assessment, an agreement can be reached with the HARP.

### **Officer response**

Developer contributions are available on the Taunton Deane Borough Council website and through the planning officer dealing with the planning application.

Affordable Housing led schemes are discussed in detail with the Housing Enabling team and in the event that viability is an issue section 1.7 site viability will be applied. The approach should be consistent for both open market and affordable housing led schemes with an open book approach.

### **Public comment**

Questions have been raised in relation to housing needs data and how it links back to evidence from the Core Strategy. It is suggested the proposed document will increase the amount of people seeking social housing and affordable housing.

### **Officer response**

The Core Strategy has been adopted following an independent examination and the supporting evidence of housing need was justified to set the affordable housing threshold at 25% of all new housing should be in the form of affordable units on development schemes which provide five or more net additional dwellings.

The purpose of the affordable housing SPD is to provide greater detail on Policy CP4 and is intended to be used in decision making relating to planning applications that include residential development, where an affordable housing contribution is to be sought.

### **Public comment**

Questions have been raised in relation to New Homes bonus allocation and Infrastructure Delivery Plan.

### **Officer response**

New Homes Bonus allocation and Infrastructure Delivery Plan are not matters for the affordable housing SPD to consider.

### **Public comment**

Questions have been raised that this is a pan Somerset policy and applicants outside Taunton Deane may be allocated housing within the Borough.

The policy need to be clear that it relates to all five local authorities of Somerset not just TDBC.

### **Officer response**

The purpose of the affordable housing SPD is to provide greater detail on Policy CP4 within the **Taunton Deane Borough Council** adopted Core Strategy and is intended to be used in decision making relating to planning applications that include residential development, where an affordable housing contribution is to be sought.

It is not a Somerset wide policy, however Taunton Deane Borough Council is one of five local authorities who use the choice based letting system 'Homefinder Somerset' and as such those registered have the opportunity to bid across the five local authority areas. More details can be obtained from the Homefinder Somerset allocations policy.

### **Public comment**

Could it be clarified how the predicted growth in population for the Taunton population, who need social and affordable housing, will be accommodated and why it is reasonable for the Parish of West Monkton to have a greater number of people than the total current existing population requiring social and affordable housing imposed upon it when local people or people from the wider Taunton area might not be able to live in the parish of their choice when they have contributed (financially, emotionally, family ties etc) to it all their lives.

### **Officer response**

West Monkton has been identified as an area of major growth and as such will provide more housing than required for immediate residents.

## **4. Finance Comments**

Comments received from Nick Tregenna, Principal Accountant:

There are no financial implications arising from the proposals outlined within the report which will impact directly upon the Council's revenue budget. However, the recommended **Affordable Housing Supplementary Planning Document** would provide the Council with the opportunity to maximise the potential for Affordable Housing through either an allocation within specific developments; or in exceptional circumstances, from funding provided by an applicant to supplement development elsewhere within the Borough.

## **5. Legal Comments**

Comments received from Roy Pinney, Legal Services Manager

The proposed SPD reflects the purpose for such documents identified in Annex 2 of the NPPF, which identifies them as "*Documents which add further detail to the policies in the Local Plan*", which "*can be used to provide further guidance for development on...particular issues*". The NPPF specifically states that in the decision making process, a supplementary document is to be regarded as a material planning consideration, but confirms that such documents are not to be regarded as forming part of the development plan.

The process of adoption of Supplementary Planning Documents is regulated by Part 5 of the Town and Country Planning (Local Plans) (England) Regulations 2012, and the post-adoption procedural steps required by these Regulations will need to be followed. Any decision by a local planning authority to adopt an SPD will represent a decision of the authority which is technically susceptible to a possible application for permission for judicial review.

## **6. Links to Corporate Aims**

The affordable housing supplementary planning document supports the Councils Business Plan Aim 1: Quality Sustainable Growth and Development and is identified under the 'Affordable Housing' key activity.

## **7. Environmental Implications**

The proposed SPD will require that the affordable housing should be built to meet the latest Homes and Communities Agency Design and Quality Standards including the relevant Code for Sustainable Homes level requirement applicable or such Standards which may supersede at the date of approval of the full application or reserved matters application.

## **8. Community Safety Implications**

The proposed SPD is intended to encourage the delivery of mixed, balanced and sustainable communities with affordable housing being integrated with market housing.

## **9. Equalities Impact**

Evidence taken shows no potential for discrimination specific to protected groups

A full equalities Impact Assessment is provided at appendix 4

## **10. Risk Management**

The key risk for TDBC is not optimising affordable housing delivery to meet the local housing need and maintain high quality, sustainable affordable homes.

## **11. Partnership Implications**

The adoption of the affordable housing SPD would provide a clear guide for the TDBC affordable housing development partnership to work with.

## **12. Recommendations**

The Executive is invited to recommend that it approves the Affordable Housing Supplementary Planning Document for adoption.

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# Annex

## Taunton Deane Borough Council Planning Obligations Affordable Housing Supplementary Planning Document

### 1.1 Introduction

The purpose of the proposed Supplementary Planning Document (SPD) is to provide greater detail on Policy CP4 Housing in the Council's Core Strategy 2011 - 2028. The guidance within the SPD is intended to be used in decision making relating to planning applications that include residential development, where an affordable housing contribution is to be sought.

Policy CP4 aims to ensure that affordable housing is provided as part of all development schemes which provide five or more net additional dwellings. The policy states that 25% of all new housing should be in the form of affordable units.

The type and size of the affordable housing units to be provided should fully reflect the distribution of property types and sizes in the overall development.

Affordable housing is currently defined in Annex 2 of National Planning Policy Framework. A copy of current definitions is included in *Appendix 1*

### 1.2 Affordable Housing Threshold

25% of all new housing should be in the form of affordable units. Affordable Housing will be sought on sites of 5 or more net additional dwellings.

Affordable Housing maybe secured via on-site or off-site affordable housing provision, whether provided in-kind or an equivalent financial contribution.

### 1.3 Location

Where it is provided on site, affordable housing should be located on the same site as and be an integral part of the development. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of units on the site.

### 1.4 Tenure

The Council will seek a tenure split of 60% social rented housing and 40% intermediate housing or Affordable Rented on affordable housing provision of 3 affordable dwellings or more.

This tenure mix was identified in the evidence base which informed the adopted Core Strategy: Fordhams Locally Balanced Housing Projections (2010, 2011)

The 40% can be intermediate housing or Affordable Rented accommodation, in line with the definitions in the NPPF (see appendix 1).

The unit types should reflect the mix of the overall development.

On schemes yielding 3 or fewer affordable dwellings the Council will give consideration to seek a financial contribution in lieu of providing the affordable housing onsite. This will be on a scheme specific basis.

In all cases, either a partial contribution will be sought or the affordable housing unit will be rounded up to the next whole unit to provide any overall provision of 25% affordable housing.

All financial contributions will be ring fenced for expenditure to develop affordable housing within the Borough.

## **1.5 Affordable Housing Scheme**

Proposals involving affordable housing should be discussed at the earliest opportunity with the Borough's Housing Enabling Lead as part of pre-application discussions.

The affordable housing scheme is to be agreed in writing by the Housing Enabling Lead at the Council.

The scheme must include:-

- The location and layout of the affordable housing
- The mix and anticipated tenure of the affordable housing

The Council is keen to use Planning Performance Agreements (PPA) as a mechanism for managing large scale developments. The approach to affordable housing should be included in any PPA.

## **1.6 Registered Providers**

The Council operates an Affordable Housing Development Partnership which delivers affordable housing in the Borough.

The Council's current list of Approved Partners is included in *appendix 2*.

## **1.7 Site Viability**

Policy CP 4 seeks 25% affordable housing provision and states that when assessing proposals the Council will have regard to the economics of provision.

In instances where applicants claim that full or partial delivery of the affordable housing as required by CP4 is not possible on viability grounds, the Council, through the Housing Enabling Lead, will consider in the first instance

a revised tenure split and unit types for the development. Consideration will also be given to additional costs attributable to meeting the Design, Quality and Sustainability Standards referred to in section 1.11

In the event that viability issues cannot be resolved through changes to the tenure and/or unit type, the applicant will be expected to submit a viability statement. Ideally this should be completed as part of the pre-application process prior to the submission of the planning application.

In such development proposals where the applicant considers that full or part delivery of affordable housing is not possible, the Local Planning Authority will expect the application for planning permission to include detailed calculations and submissions to enable an assessment of viability to be carried out. This will prevent delays to determination or the prospect of refusal of planning permission.

Applicants should have their figures independently assessed using the services of the Council's preferred independent assessor prior to submitting them to the Council. This open book approach will enable any affordable housing contribution to be assessed and agreed prior to the submission of a formal planning application. In this way data which the applicant may regard as commercially sensitive will remain outside the public domain.

Pursuit of this approach by applicants will assist in the efficient consideration of planning applications. The applicant will be expected to meet the costs of the Council's preferred independent assessor.

## **1.8 Off site provision**

In exceptional circumstances, where the Council agrees that affordable housing can be provided off-site, its location will be sought in the following priority order taking into account local need and site availability:

- Adjacent to the development
- Elsewhere within the Parish (or Taunton urban area in the case of the unparished area)
- Elsewhere in the Borough.

It is expected that such off-site provision will accommodate the same number and type of units that would otherwise be required on the application site.

## **1.9 Financial Contribution**

The Council will likewise only accept financial contributions in-lieu of on-site provision in exceptional circumstances. In such cases the applicant should set out a detailed statement alongside their application outlining the reason or reasons why on-site provision is not considered to be appropriate.

Where the Borough Council agrees that a financial contribution in lieu of on-site provision of affordable housing would be acceptable, the contribution will

be calculated through the Taunton Deane Borough Council Financial Contribution Calculator system.

The 'contribution' made by a developer as a commuted sum is the assessed difference in residual value of a 100% market housing scheme and a scheme with the policy requirement for affordable housing (or a lesser percentage where this is justified by viability considerations).

Residual value is the difference between the total scheme revenue (of the market and affordable housing) and the cost of the schemes (including a return to the developer). For the purposes of assessing a commuted sum, the price paid for a site is not part of the calculations.

The Council will use the financial contributions in the following ways:

- Fund the provision of new affordable housing through Registered Providers;
- Purchase land for new affordable housing schemes either directly by the Council or through Registered Providers;
- Fund activities relating to the delivery of affordable housing.

#### **1.10 Exception Sites**

The Council intends as far as possible to plan for meeting affordable housing needs within or adjacent to rural settlements by identifying and prioritising sites for housing development through the site allocations process.

Within the adopted Core Strategy, Development Management Policy DM2, Development in the Countryside states under point 6. that Affordable Housing will be supported outside of defined settlement limits if

- a. adjoining settlement limits, provided not suitable site is available within the rural centre;
- b. in other locations well related to existing facilities and to meet an identified local need which can not be met in the nearest identified rural centre.

The National Planning Policy Framework recognises that on occasion it may be appropriate to permit the development of affordable homes on sites that would otherwise not be released for housing development that is 'exception sites'.

The Council will expect these developments to be small scale and should:

- Meet or help to meet a proven and specific local need for affordable housing in the Parish or adjoining rural Parishes, which would not otherwise be met. Local housing needs will need to be demonstrated via an up to date Parish survey. The cost of the survey is to be borne by the applicant.



- Be within or adjacent to the settlement boundary, well related to existing community services and facilities and sympathetic to the form and character of the village.
- Consider all potential sites around a settlement in order to identify the most suitable site. The development should be of an appropriate size as not to have an overbearing impact on the settlement or the countryside.
- Arrangements will be secured to ensure that initial and subsequent occupancy of the dwellings is restricted first to those having an identified local need for affordable housing through the use of appropriate safeguards, including planning conditions or Section 106 obligations.
- In the event that a small proportion of cross subsidy through open market housing is required to facilitate the provision of the remaining affordable housing to meet an identified local need, this will need to be discussed with the planning officer and housing enabling lead prior to submitting a planning application. A detailed statement, including viability information independently verified at the applicants cost by the Council's preferred independent assessor should be submitted with the planning application.

### **1.11 Design, Quality and Sustainability Standards**

Policy CP 4 expects the delivery of mixed, balanced and sustainable communities with affordable housing will be integrated with market housing.

In order to achieve a successful development the affordable housing should not be visually distinguishable from the market housing on site in terms of build quality, materials, architectural details, levels of amenity space, parking provision and privacy. It should be fully integrated with the market housing and distributed across the site or in clusters distributed throughout the development.

The affordable housing should be built to meet the latest Homes and Communities Agency Design and Quality Standards including the relevant Code for Sustainable Homes level requirement applicable or such Standards which may supersede at the date of approval of the full application or reserved matters application. These Standards can be viewed on the Homes and Communities Agency website <http://www.homesandcommunities.co.uk/>

Developers are strongly advised to consult with the Council's Registered Provider Partners at an early stage to ensure that the design of affordable housing units will meet these Standards.

### **1.12 Delivery – Phasing**

The Council will expect timely delivery of the affordable housing element of implemented schemes.

Where ever possible developers should ensure that they are in contract with an approved registered provider prior to commencement of the development on site.

### **1.13 Service Charge**

Any service charges applicable to affordable housing are to be agreed with the Registered Provider at the earliest opportunity.

If in the course of the negotiations it is deemed by the Registered Provider that the proposed service charge is unaffordable, the developer should then liaise with the Borough's Housing Enabling Lead to resolve this matter.

### **1.14 Specialist residential development**

The requirement for affordable housing as set out in CP4 extends to all types of residential development including retirement flats. A retirement flat comes within the same use class as residential (class C3) and is therefore subject to the same policy requirement to provide 25% affordable housing on schemes of five or more net additional dwellings

Care homes, residential and nursing homes (class C2) that do not provide individual units of self contained accommodation are not required to provide affordable housing.

For example, developments of student accommodation, in which the units are not self contained (where each unit shares a kitchen or bathroom), will not be expected to include provision for affordable housing. Where student accommodation units are self contained, they will be treated in the same way as general needs housing and the developer will be expected to provide 25% affordable housing.

Within schemes which include 25 units or more affordable housing provision, the Council will seek a 10% provision of fully adapted disabled units within the affordable housing. These homes should comply with a recognised and approved wheelchair design guide.

### **1.15 Housing Need**

The Council will refer to Housing Needs data held within the Choice Based Lettings System in the first instance.

In the event if further housing needs information is deemed necessary by the Borough's Housing Enabling Lead, the applicant will be expected to provide a local Housing Needs Survey for approval at their own cost.

Housing Needs Surveys should be undertaken through close liaison with the Parish Council and Housing Enabling Lead and should be of a standard to provide robust evidence.

### **1.16 Local Connection**

A local connection clause will be included in S106 agreements in relation to all schemes outside the Taunton and Wellington urban area to ensure that the Parish which is accommodating the development has priority access to the affordable homes which can contribute towards absorbing the Parish's housing need.

Where a scheme gives rise to a requirement for 25 affordable homes or more on one site a local connection clause is not required.

All exception sites will include a Local Connection clause.

Maps of the Taunton and Wellington urban areas are available in **appendix 3**.

### **1.17 Occupancy**

Affordable housing for social rent and Affordable Rent secured through planning obligations will be allocated in accordance with the Choice Based Lettings System, Homefinder Somerset or such other register or scheme that may supersede the Homefinder Somerset Register.

Homefinder Somerset is the housing register of persons who have registered for and require affordable housing in the County of Somerset. It is jointly maintained by the five local authorities of Somerset being Taunton Deane Borough Council, Sedgemoor District Council, South Somerset District Council, Mendip District Council and West Somerset Council and can be found at <http://www.homefindersomerset.co.uk/>.

In the first instance, applicants for intermediate housing secured through the planning obligations will be taken from either Homefinder Somerset register or the Homebuy Agent list or such register of list that may supercede.

The Homebuy agent list is a list of applicants who are assessed as eligible to acquire Intermediate Housing properties from the relevant Registered Provider of Affordable Housing. It is compiled and maintained by the regional agent for the South West of England appointed by the Homes and Communities Agency .

In exceptional circumstances and in the event of there being no one available on the Homefinder Somerset Register or Homebuy agent list, any person approved in writing by the Housing Enabling Lead (such approval not to be unreasonably withheld).

## Appendix 1 – Affordable Housing SPD

### Annex 2 – National Planning Policy Framework – March 2012

#### Affordable housing

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 rent (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 of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.

## Appendix 2 – Affordable Housing SPD

### Affordable Housing Registered Providers

#### Main Registered Provider Partners.

This is the primary level of the Partnership and the preferred developers of affordable housing in the Borough

- ***Curo (formerly Somer and Redland Housing)***

[www.curo-group.co.uk](http://www.curo-group.co.uk)

email: [enquiries@curo-group.co.uk](mailto:enquiries@curo-group.co.uk)

- ***DCH (formerly Devon and Cornwall Housing)***

[www.dchgroup.com](http://www.dchgroup.com)

- ***Knightstone Housing Association***

[www.knightstone.co.uk](http://www.knightstone.co.uk)

email: [talktous@knightstone.co.uk](mailto:talktous@knightstone.co.uk)

- ***Magna West Somerset***

[www.magnaws.org.uk](http://www.magnaws.org.uk)

email: [westsom@magna.org.uk](mailto:westsom@magna.org.uk)

- ***Yarlington Housing Group***

[www.yhg.co.uk](http://www.yhg.co.uk)

email: [first@yhg.co.uk](mailto:first@yhg.co.uk)

#### Approved Development Partners

This is the secondary level of the Partnership for registered providers which have been vetted by the local authority

- ***Aster Group***

[www.aster.org.uk](http://www.aster.org.uk)

email: [info@aster.co.uk](mailto:info@aster.co.uk)

- ***Raglan Housing***

[www.raglan.org](http://www.raglan.org)

email: [development@raglan.org](mailto:development@raglan.org)

- ***SHAL Housing***

[www.shal.org](http://www.shal.org)

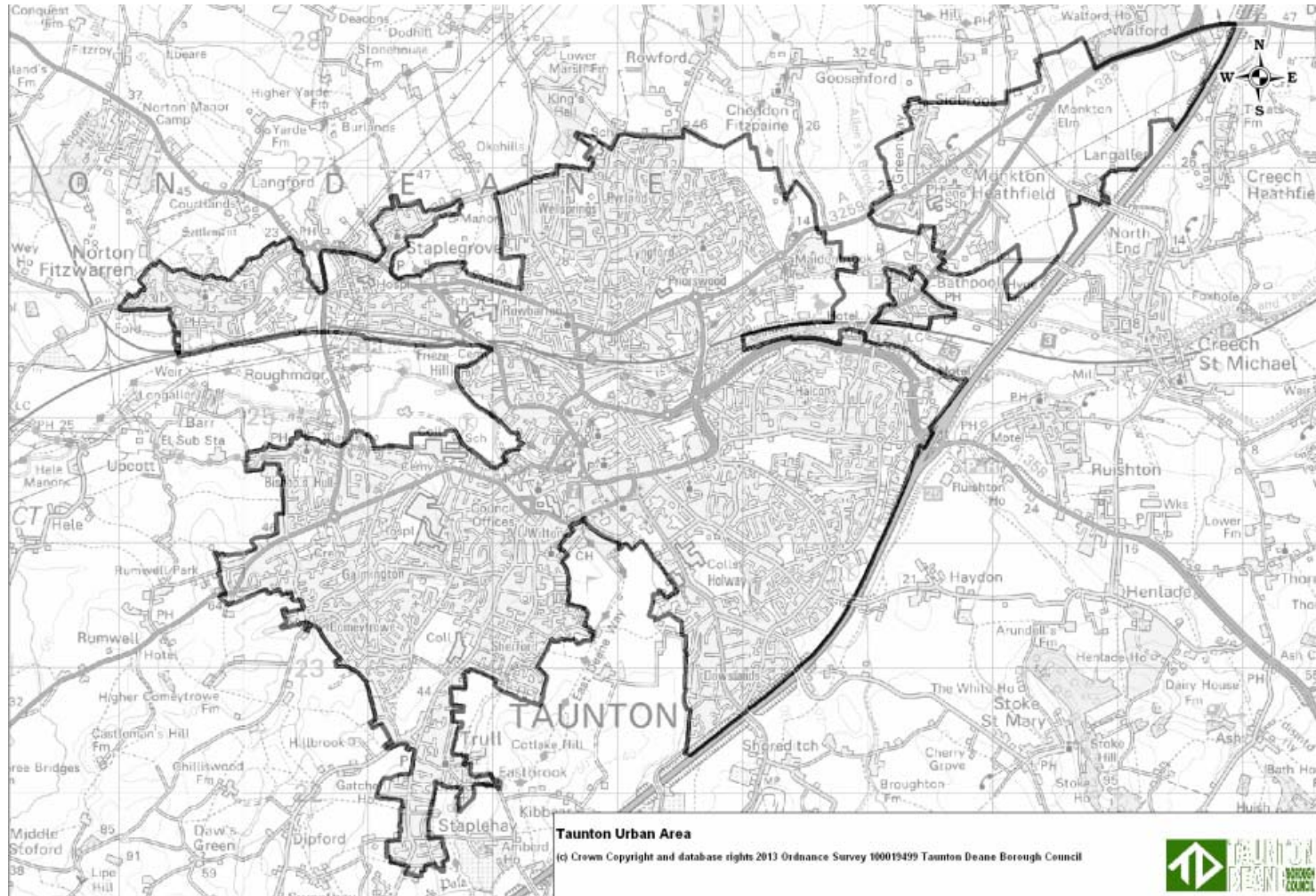
email: [information@shal.org](mailto:information@shal.org)

- ***Sanctuary Housing***

[www.sanctuary-group.co.uk](http://www.sanctuary-group.co.uk)

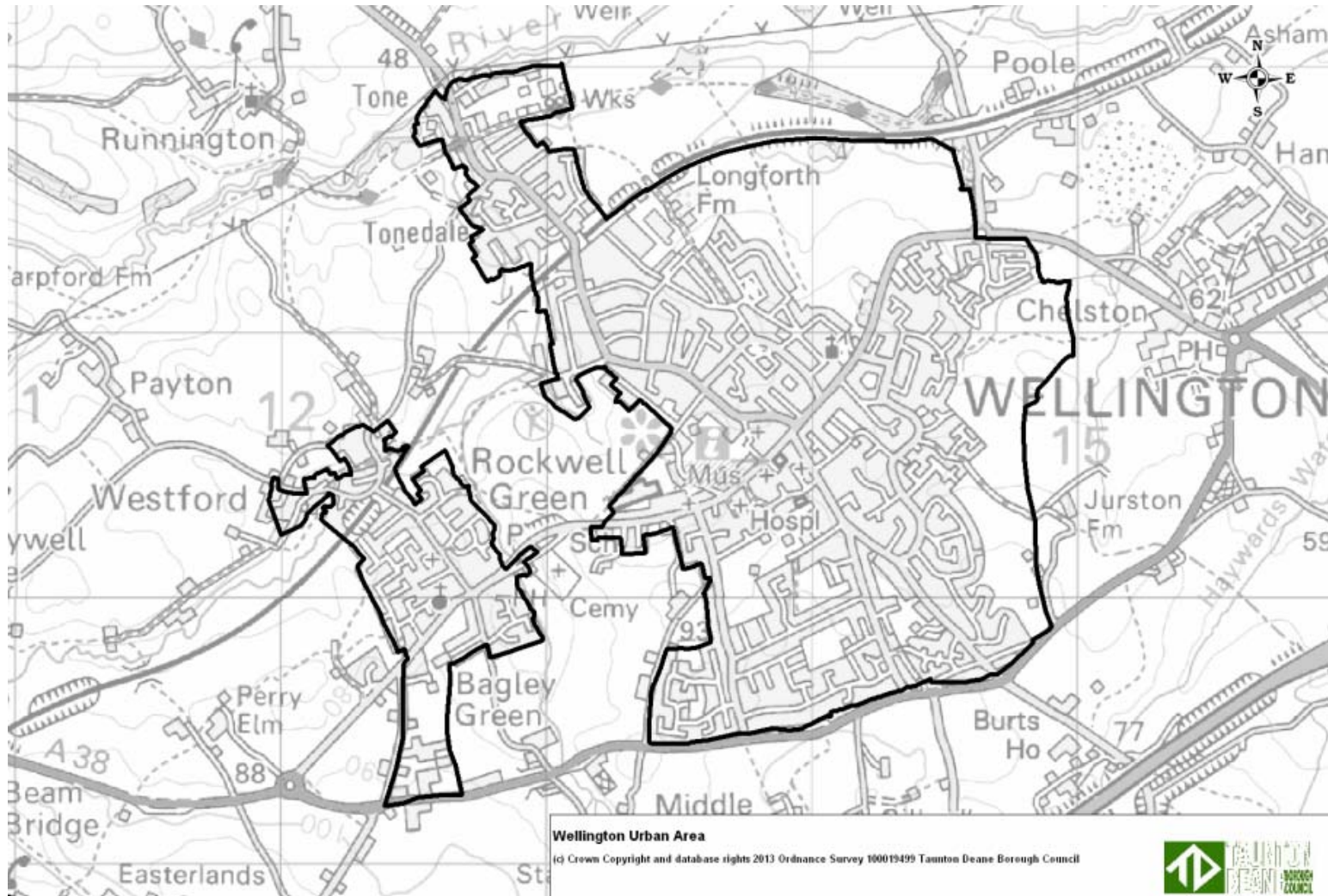
email: [contactus@sanctuary-housing.co.uk](mailto:contactus@sanctuary-housing.co.uk)

# Appendix 3 – Affordable Housing SPD Taunton Urban Area





## Wellington Urban Area





## Appendix 4 - Affordable Housing SPD

### Equality Impact Assessment – pro-forma

<b>Responsible person</b>	Jo Humble	<b>Job Title</b> Housing Enabling Lead
<b>Why are you completing the Equality Impact Assessment? (Please mark as appropriate)</b>	Proposed new policy/service	X
	Change to Policy/service	
	Budget/Financial decision – MTFP	
	Part of timetable	
<b>What are you completing the Equality Impact Assessment on (which, service, MTFP proposal)</b>	<b>Proposed adoption of Affordable Housing Supplementary Planning Document</b>	
<b>Section One – Scope of the assessment</b>		
What are the main purposes/aims of the policy/decision/service?	To provide guidance to be used in decision making relating to residential planning applications, where an affordable housing contribution is to be sought.	
Which protected groups are targeted by the policy/decision/service?	The policy is to facilitate the delivery of affordable housing in the Borough to those identified in housing need. It is not specific to a 'protected group'.	
What evidence has been used in the assessment - data, engagement undertaken – please list each source that has been used The information can be found on....	Homefinder Somerset Equality impact assessment TDBC Core Strategy Equality impact assessment Homes and Communities Agency equality objectives 2012-2015  Consultations for this report included the Housing Association partners, TDBC LDF Steering Group and Strategic Planning Working Group.	
<b>Section two – Conclusion drawn about the impact of service/policy/function/change on different groups highlighting negative impact, unequal outcomes or missed opportunities for promoting equality</b>		
Lettings will be taken from the choice based lettings system 'Homefinder Somerset' and potential purchasers will be registered through the Homebuy Agent, South West Homes. Both agencies have equality and diversity policies in place to ensure protected groups are		

not disadvantaged. Affordable homes should be built to the Homes and Communities Agency Design and Quality standards which gives consideration to equality.

Age – Provision is made within affordable housing development for all age groups, including specialist accommodation for younger and older persons.

Gender – no specific policy or mention in the text because no general inequalities were identified or known about to show disadvantage.

Sexual orientation - no specific policy or mention in the text because no general inequalities were identified or known about to show disadvantage.

Gender reassignment - no specific policy or mention in the text because no general inequalities were identified or known about to show disadvantage.

Pregnancy and maternity - no specific policy or mention in the text because no general inequalities were identified or known about to show disadvantage.

Religion /Belief - no specific policy or mention in the text because no general inequalities were identified or known about to show disadvantage.

Disability – Provision for disabled accommodation has been made within the policy to prevent disadvantage.

Race – Gypsy and Traveller sites are covered by separate Development Management policy (DM3) within the adopted Core Strategy, therefore this SPD is not applying consideration to Gypsy and Traveller sites.

<b>I have concluded that there is/should be:</b>	
No major change - no adverse equality impact identified	Evidence taken shows no potential for discrimination specific to protected groups
Adjust the policy/decision/service	
Continue with the policy/decision/service	
Stop and remove the policy/decision/service	
Reasons and documentation to support conclusions	
<b>Section four – Implementation – timescale for implementation</b>	
<b>Section Five – Sign off</b>	
Responsible officer Date	Management Team Date
<b>Section six – Publication and monitoring</b>	
Published on	
Next review date	Date logged on Covalent

### Action Planning

The table should be completed with all actions identified to mitigate the effects concluded.

<b>Actions table</b>					
<b>Service area</b>				<b>Date</b>	
<b>Identified issue drawn from your conclusions</b>	<b>Actions needed</b>	<b>Who is responsible?</b>	<b>By when?</b>	<b>How will this be monitored?</b>	<b>Expected outcomes from carrying out actions</b>