

# APPENDIX 1

## Supplementary Planning Guidance – Affordable Housing

April 2014

### 1. Introduction

1.1 This note is one of a series of Supplementary Planning Guidance notes (SPGs) amplifying the development plan policies in a clear and concise format with the aim of improving the process, design and quality of new development. The notes are intended to offer broad guidance which will assist members of the public, Members of the Council, and officers in discussions prior to the submission of planning applications and assist officers and Members in determining planning applications.

1.2 The purpose of SPGs is to:

- Supplement or elaborate on adopted LDP policies
- Take account of national guidance.

### 2. Status and stages in preparation

2.1 The Council's SPG notes are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. This SPG document was formally approved for consultation adopted by Denbighshire County Council's Planning Committee on 13<sup>th</sup> November 2013 .....

2.2 These notes have been prepared in accordance with guidance contained in Planning Policy Wales (November 2012 February 2014); Local Development Plans Wales (December 2005); Technical Advice Note 2 – Planning and Affordable Housing (June 2006).

2.3 This SPG provides further advice and guidance on how affordable housing is to be delivered on new residential schemes submitted via the planning system. It supplements adopted Denbighshire LDP policies BSC 4 ('Affordable housing'), BSC 6 ('Local connections affordable housing in hamlets'), BSC 8 ('Rural exception sites') and BSC 9 ('Local connections affordable housing within small groups or clusters').

2.4 A glossary of terms is set out in Appendix 1.

### 3. Affordable housing

3.1 Affordable housing is housing provided to meet the needs of those who cannot afford general market housing, and is retained as affordable for the first and any subsequent occupiers. Affordable housing can be provided in several forms and through a Local Authority, Registered Social Landlord, private developer or via self-build housing. Affordable housing includes:

- Social rented housing:
  - Housing for rent which is owned by Local Authorities and Registered Social Landlords
  - Typically the most affordable category of affordable housing
- Intermediate housing:
  - Housing where prices/rents are above those of social rented housing, but below market housing prices/rents
  - Can include shared equity/ownership schemes, discounted for sale and affordable private rented housing
    - The purchase price for affordable housing will be calculated using the calculation in Appendix 2
    - ~~Private rented housing~~ Intermediate rent levels should be no greater than 80% of market rents for comparable properties in the local (i.e. town/community council) area, including any service charges.

3.2 Based on Welsh Government guidance, a household spending more than 30% of its gross income on rent or mortgage payments is considered to have an unaffordable rent/mortgage. Affordability levels for owner-occupation will be based on up to 3.53 times the household income.

3.3 **The unmet and demonstrable need for affordable housing is a material planning consideration to be taken into account when planning applications are to be determined.**

#### **4. Affordable housing policy**

4.1 The Council's approach to securing affordable housing through new developments is set out in LDP policy BSC 4 – Affordable housing. All residential developments of 3 or more dwellings will be expected to make a contribution to affordable housing. On sites of 10 dwellings or more, this will be a minimum of 10% of the development. For developments of 3-9 dwellings, a financial contribution towards the provision of affordable housing will be required. Developments of 1 or 2 dwellings will not be expected to make a contribution towards affordable housing. Policy BSC 4 includes provision to increase the amount of affordable housing required as house prices increase. Further detail is provided in paragraph 4.15.

- 4.2 The requirement for affordable housing provision will apply to the following types of planning applications:
- New build housing (outline and full applications)
  - Conversion of existing buildings where additional residential units are being created, including flats (full applications)
  - Replacement of existing dwellings where the additional number of units exceeds the threshold of 3 dwellings (full applications)
  - All renewals including applications to vary commencement periods.
- 4.3 Proposals within the West Rhyl Regeneration Area will not be required to make provision towards affordable housing. Further information on development in this area is provided in the relevant adopted Supplementary Planning Guidance.
- 4.4 The Council will consider in each case whether the proposal forms part of a larger parcel of land that is being sub-divided into smaller areas or piecemeal proposals, which would cumulatively meet or exceed the policy thresholds. Should the Council be satisfied that there is an attempt to circumvent the policy requirements, planning permission will be withheld until the larger and complete scheme has been determined.
- 4.5 The mechanism for securing affordable housing will normally be a legal agreement between the Council and developer, or through an appropriate planning condition. As stated in policy BSC 4, the provision of affordable housing will be expected to be made on-site as part of the proposed development, where the relevant threshold is met.
- 4.6 The Council, whilst supportive of ensuring development proceeds, is committed to the delivery of affordable housing alongside market housing. In cases where this is not considered possible, sufficient justification must be provided by the developer. The point at which the affordable units/financial contribution must be provided will be specified by the Council in each case. Although it may be tailored to the specific circumstances of that development, provision must normally be made in a phased manner and always before the completion of the last market unit.

#### On-site provision

- 4.7 On-site provision is a clear priority in line with national and local policies and in support of sustainable and balanced communities, inclusion and mixed tenure. Affordable housing must:
- Be fully integrated into new development
  - Be of at least an equal or similar ~~standard~~ **quality** of design and external appearance
  - Be on-site provision by the transfer of land and/or property at a discounted price to be affordable
  - Meet the necessary design/space standards

- Remain affordable for as long as a need for affordable housing exists
- Remain occupied by eligible households.

#### Alternative provision

- 4.8 While on-site provision will always be the priority option for providing affordable housing, there may be circumstances when off-site provision (either through an alternative site or financial contribution) can be justified. Such circumstances include:
- When it can be shown that on-site provision is unsuitable or inappropriate
  - When alternative provision would better meet the overall local housing needs
  - When planning, housing and/or regeneration objectives would be better served by having alternative provision.
- 4.9 Such justification will need to be carefully made as the presumption will remain for on-site provision unless circumstances indicate otherwise. This is a matter for the developer to demonstrate and for the Council in conjunction with housing agencies to consider and agree.
- 4.10 Off-site provision on an alternative site will only be allowed where the principle of residential development has already been agreed on both the application site and the alternative site(s).
- 4.11 The payment of a financial contribution in lieu of affordable dwellings provided on-site will only be acceptable in exceptional circumstances and with the agreement of the Council. In such instances, the calculation of the financial contribution will be based on the full cost of provision of affordable housing elsewhere, including land acquisition. The contribution will be calculated using the formula set out in Appendix 2.

#### Financial contributions

- 4.12 Financial contributions will be required from developments of 3-9 dwellings, using the formula set out in Appendix 2.
- 4.13 Financial contributions will also be required in lieu of whole dwellings on developments of 11-19, 21-29, 31-39 etc. dwellings, unless the developer prefers to provide an additional whole unit on site instead. For example, on a development of 18 dwellings, one dwelling would be provided on site and a financial contribution would be required in lieu of the remaining 8. The contribution will be calculated using the formula set out in Appendix 2.

#### No affordable housing provision

- 4.14 This will only be considered in exceptional circumstances, and only once all other options have been exhausted, where:
- The planning history of the site makes it unreasonable to require affordable housing e.g. previous **planning** commitments.
  - The proposal meets an identified, acknowledged and overriding approved regeneration aim or project in accordance with an approved Council regeneration strategy, and where the provision of affordable housing would seriously prejudice this.
  - The applicant is able to demonstrate to the Council that there is no affordable housing need in the locality currently or within 5 years.

#### Updating the affordable housing requirement

- 4.15 As set out in policy BSC 4, house sale prices will be monitored through the LDP Annual Monitoring Report and, should prices increase 10% above 2009 sale prices (Affordable Housing Viability Study, 2009) then all developments of 3 or more dwellings will be required to provide 30% affordable housing. Should sale prices increase by 20% above 2009 prices, developments of less than 3 dwellings will also be required to make a financial contribution to the provision of affordable housing. With regard to the latter circumstance, the Council will publish guidance on the calculation to be applied when appropriate.
- 4.16 In order to capture improved values following the grant of planning permission, an 'overage' clause/agreement will be required. This will also be applied to developments where a reduced affordable housing contribution is being provided. The settlement of the overage will either be made via a financial contribution (on smaller sites) or as on-site units (in the case of larger, phased developments).

## **5. Other affordable housing policy types**

### Local connections affordable housing in hamlets

- 5.1 LDP policy BSC 6 ('Local connections affordable housing in hamlets') apportions a level of growth to each of the identified settlements and states that all housing development must be affordable to meet local needs (i.e. 100% affordable housing). Market housing will not be permitted in the hamlets. By tying housing to local need, this policy will ensure that the needs of local people are given priority and that rural housing makes a contribution to affordable housing.
- 5.2 It is anticipated that development in hamlets will be mainly for single dwellings. Applicants for development in hamlets should normally be the prospective occupiers of the proposed dwellings.

- 5.3 Occupants will not necessarily need to be registered on a housing waiting list but must have a strong local connection to the Community Council area, be in unsatisfactory accommodation and also have a financial need for an affordable dwelling, in accordance with the Council's Local Connections Policy (included as Appendix 3) ~~and also have a financial need for an affordable dwelling~~. Applicants will be required to provide evidence in support of the proposed occupant's local connection, accommodation need and financial eligibility. Further guidance on this will be provided by the Council.

#### Local connections affordable housing in open countryside

- 5.4 LDP policy BSC 9 ('Local connections affordable housing within small groups or clusters') states that any 'infill' housing in open countryside must be affordable to meet local needs. Further guidance on the criteria for an 'infill' site is contained within the relevant adopted Supplementary Planning Guidance.
- 5.5 Any dwellings, and intended occupants, proposed under this policy will be subject to the same criteria applied to 'Local connections affordable housing in hamlets' (see above).

#### Rural exceptions sites

- 5.6 This is affordable housing provided in rural areas outside but adjacent to village development boundaries as part of the rural exceptions policy set out in LDP policy BSC 8.
- 5.7 Any dwellings, and intended occupants, proposed under this policy will be subject to the same criteria applied to 'Local connections affordable housing in hamlets' (see above). In line with policy BSC 8, only proposals for 10 units or less will be considered on rural exception sites.

#### Conversions of rural buildings

- 5.8 LDP policy PSE 4 ('Re-use and adaptation of rural buildings in open countryside') allows for the conversion of rural buildings to affordable housing, where an employment use has been demonstrated not to be viable (further guidance is contained within the relevant adopted Supplementary Planning Guidance).
- 5.9 Any dwellings, and intended occupants, proposed under this policy will be subject to the same criteria applied to 'Local connections affordable housing in hamlets' (see above).

#### Rural enterprise dwellings

- 5.10 The development of Rural Enterprise Dwellings is comprehensively addressed through national planning guidance, namely Technical

Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010) and accompanying Practice Guidance document (December 2011). TAN 6 includes a cascade element whereby in the absence of a demand from a rural enterprise worker to occupy such a dwelling, it will become available to persons eligible for affordable housing under the Council's criteria.

## **6. Tenure & design of affordable housing**

- 6.1 With regard to the tenure of affordable homes there is a clear Council preference for the provision of social rented accommodation, as meeting the most acute need in the County. However, given the wide range of local need and circumstances in the County, the proposed tenure should be informed by discussion with the Council. Shared equity and low-cost home-ownership schemes can have the benefit of reducing purchasers deposit requirements.
- 6.2 On-site provision of affordable housing should be fully integrated into the proposed development and dispersed throughout the site, in the interests of creating a mixed development. Locating the affordable provision in one particular area (or areas) is unacceptable. The design and appearance of the affordable units must also be equal, or similar to, that of the market housing units being provided. The affordable units must also meet the necessary space standards and be in accordance with the terms of other LDP policies and SPG. Grant-funded properties provided by Registered Social Landlords will be built to Lifetime Homes standard. All permitted development rights for extensions to new (whether through new-build or conversion) affordable properties (including those in hamlets and open countryside) will be withdrawn in order to prevent the affordable properties extending in size and so becoming unaffordable.

## **7. Contacts**

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## **APPENDIX 1**

### **GLOSSARY**

#### **Affordable housing**

Housing that is provided to meet the needs of those who cannot afford general market housing, and is retained as affordable for the first and any subsequent occupiers.

#### **Affordable private rented housing**

A type of intermediate housing for rent which is usually owned by a private developer/company (but can also be provided by a RSL).

#### **Commuted sum**

A sum of money required to be paid by a developer to the Local Authority in lieu of physical provision (i.e. instead of an affordable unit).

#### **Financial contribution**

A sum of money required to be paid by a developer to the Local Authority, to be spent on the provision of affordable housing.

#### **Intermediate housing**

A type of affordable housing where prices or rents are above those of social rented housing but below market housing prices or rents. This can include equity sharing schemes.

#### **LDP Annual Monitoring Report (AMR)**

An annual report which Local Authorities are required to provide to Welsh Government following adoption of the Local Development Plan. The AMR assesses whether policies and targets are being met and whether any changes may to the LDP need adjusting or replacing.

#### **Local Development Plan (LDP)**

A statutory plan produced by each Local Authority which sets out how the County will develop in the future. The LDP contains policies and land-use allocations used in the determination of planning applications. Denbighshire's adopted development plan is the Denbighshire Local Development Plan 2006-2021.

#### **Market housing**

Private housing for rent or sale where the price is set by market forces.

#### **Overage**

The excess or surplus over what is originally required. In the case of affordable housing this would be the additional contribution required should housing market values subsequently increase after the original contribution has been agreed (e.g. after the grant of planning permission). Overage may also be referred to as 'clawback'.



**Planning conditions**

Conditions on a planning permission which can enable a development proposal to proceed where it would otherwise be necessary to refuse planning permission.

**Registered Social Landlord (RSL)**

The technical name for social landlords that own or manage social housing and are registered with, and regulated by, Welsh Government. Most RSLs are Housing Associations (independent, not-for-profit organisations).

**Rural exception site**

A small scale housing site adjoining a village development boundary for the provision of affordable housing to meet local needs, which would not otherwise be allocated in the LDP.

**Section 106 agreement**

A legal agreement setting out the arrangements to overcome obstacles which may otherwise prevent planning permission from being granted. This may be used to offset negative consequences of development, to help meet local needs or to secure benefits which would make a development more sustainable.

**Social Housing Grant (SHG)**

Capital grant provided by Welsh Government to Local Authorities to fund Registered Social Landlords to fully or partially fund investment in social housing.

**Social rented housing**

A type of affordable housing for rent which is provided by Local Authorities and Registered Social Landlords and has regard to Welsh Government's guideline / benchmark rents.

**Specialist / supported housing**

A type of housing for those who require accommodation with particular adaptations or an element of care / support.

## APPENDIX 2

### CALCULATIONS

a) **Calculation of commuted sum in lieu of an on-site affordable unit (developments of 10+):**

This calculation is based on the number of affordable units which would have been required, multiplied by the per dwelling maximum Acceptable Cost Guidance (ACG) figure for that area:

$$C \times N = \text{£CS}$$

**C** is the ACG figure for the area and of the type of affordable unit which would have been required

**N** is the number of affordable units which would have been required

**CS** is the commuted sum payable.

ACG figures are published by Welsh Government and reflect different houses sizes and locations in the County. The appropriate figure can be provided by the Council.

#### Example

A development of 20 houses in St Asaph - the affordable contribution would have been for 2 units. Assuming the need (following discussion with the Council) is for 2 bedroom houses, the commuted sum required would be:

$$\text{£}134,500 \times 2 = \text{£}269,000$$

b) **Calculation of financial contribution (developments of 3-9 units):**

This calculation is based on the average gross internal floorspace of the proposed market housing units and the median build cost per square metre as published by the Royal Institute of Chartered Surveyors (RICS):

$$((F \times B) \times 10\%) \times N = \text{£FC}$$

**F** is the average gross internal floorspace of the proposed units

**B** is the median build cost per square metre as published by RICS

**N** is the total number of units being proposed

**FC** is the financial contribution payable.

The build cost figure to be applied will be as published through the RICS Build Cost Information Service (BCIS) Online service, and can be provided by the Council. This figure will be updated on a regular basis.

### Example

A development of 9 units, with an average gross internal floorspace of 90 square metres. Assuming the median RICS build cost (available on request from the Council) is £825/sqm, the financial contribution required would be:

$$((90 \times \text{£}825) \times 10\%) \times 9 = \text{£}66,825$$

### **c) Calculation of financial contribution (developments of 11-19, 21-29 etc. units):**

This calculation is similar to that in point **b)** above but applies to the number of units falling between the thresholds for on-site provision of whole units:

$$((\mathbf{F} \times \mathbf{B}) \times 10\%) \times \mathbf{N} = \text{£}\mathbf{FC}$$

**F** is the average gross internal floorspace of the proposed market housing units

**B** is the median build cost per square metre as published by RICS

**N** is the number of units falling between the whole unit thresholds of 10, 20, 30 etc.

**FC** is the financial contribution payable.

The build cost figure to be applied will be as published through the RICS Build Cost Information Service (BCIS) Online service, and can be provided by the Council. This figure will be updated on a regular basis.

### Example

A development of 18 units, with an average gross internal floorspace of 90 square metres – the affordable housing requirement would be one unit on-site and a financial contribution from the remaining 8 units. Assuming the median RICS build cost (available on request from the Council) is £825/sqm, the contribution required would be:

$$((90 \times \text{£}825) \times 10\%) \times 8 = \text{£}59,400 \text{ plus one unit on-site}$$

### **d) Calculation for the value of affordable units for ~~shared equity & discounted for sale schemes:~~**

This calculation is based on median household income for the local area multiplied by 3.5~~3~~. The resultant value is then discounted according to the table below:

$$(\mathbf{H} \times 3.5\del{3}) \times \mathbf{P} = \text{£}\mathbf{V}$$

**H** is the median household income for the local area

**P** is the percentage specified in the table below

V is the value of the affordable unit.

Type of dwelling	Maximum purchase price as a % of the affordable unit value
1 bedroom flat	60%
2 bedroom flat	70%
2 bedroom bungalow	83%
2 bedroom house	90%
3 bedroom house	100%

Type of property	Maximum price as a % of the affordable value
1 bedroom	80%
2 bedroom	90%
3 bedroom	100%
4 bedroom	110%

Information relating to household incomes is provided via CACI Paycheck data and can be provided by the Council. This figure will be updated on a regular basis.

#### Example

For a 2 bedroom flat in Prestatyn Central, assuming the median household income is £23,445 (available on request from the Council), the value would be:

$$(\text{£}23,445 \times 3.53) \times 79\% = \text{£}57,440 - 69,632$$

## APPENDIX 3

### LOCAL CONNECTIONS POLICY

*Where the provision of Affordable Housing is to be provided through granting planning permission and a Section 106 agreement (or similar) is required to ensure that the household meets all 3 of the following criteria :*

- *is an eligible affordable household*
- *comprises a household in unsatisfactory accommodation*
- *comprises a household with a genuine or strong local connection.*

*The definition and criteria to qualify under the local connections test is set out below:*

#### **LOCAL CONNECTION**

**At least one of the following tests or criteria must be met to establish a strong or genuine local connection above:**

- (i) A household must have lived/resided as its **PRINCIPAL RESIDENCE** continuously in the locality for 5 years
- (ii) A household must have previously lived/resided as its **PRINCIPAL RESIDENCE** continuously in the locality for 5 years and wishes to move back
- (iii) The household has worked continuously in the locality for at least 5 years – or retired from work in the locality within the last 2 years following continuous work in the locality for at least 5 years
- (iv) A household which has vacated tied accommodation as its principal residence and which has lived or worked in the locality for minimum of 5 years
- (v) A household containing a key worker who works in the locality and wishes to live in the locality – no qualifying period is necessary
- (vi) Where the household/person is moving into the area to look after a close relative/friend who (i) qualifies as above and (ii) is in need of substantial care and attention
- (vii) A household containing a person on the Specialist Housing Register for Denbighshire
- (viii) A household containing a person on the Supported Housing Project List for Denbighshire.

Set out below are relevant definitions of terms used and the relationship between the planning policies and housing policies/allocations.

### **Relationship to Housing Policies and Definitions**

This is the Local Connections Policy for affordable housing. The policy applies where the provision of affordable housing is supported by the granting of planning permission with a Section 106 agreement (or similar).

Definitions of the key terms are set out below as well as how the planning policy/criteria relate to housing policies.

#### **1. Housing policy**

- 1.1 The above conditions establish eligibility criteria under planning policy. Once a household is accepted as being eligible then they could be considered for any suitable vacancy under housing policies. Priority between eligible applicants will be decided in the following order:
- Suitable in terms of property size
  - Eligibility criteria, based on local connections policy criteria (i)-(vi) above taken in priority sequence
  - Date order of application.
- 1.2 An Affordable Housing register exists for those seeking shared ownership or low cost homeownership in Denbighshire. This is a multi-agency partnership between Cymdeithas Tai Clwyd, Pennaf, Wales & West and Denbighshire County Council and is administered by Cymdeithas Tai Clwyd.

#### **2. Definitions**

- 2.1 Affordable housing is defined in the Council's Affordable Housing Supplementary Planning Guidance (SPG) as housing provided to meet the needs of those who cannot afford general market housing, and is retained as affordable for the first and any subsequent occupiers.
- 2.2 Unsatisfactory accommodation can be any of the following:
- Age, condition or unfitness which cannot be made satisfactory at reasonable cost
  - Unsuitable for adaptation, improvement or change at reasonable cost
  - Too small or too large for current / expected needs
  - Sharing accommodation with family or others
  - Rented accommodation where the household wishes to buy or rent an affordable property.
- 2.3 The locality is the town or community council area in which the application has been made. Where no eligible household exists, in consultation with the local Member, the time period listed in sections (i), (ii), (iii) and (iv) can be reduced from 5 years down to 4 years. Where still no eligible household exists, in consultation with the local Member,

the time period listed in sections (i), (ii), (iii) and (iv) can be further reduced from 4 years down to 3 years. Where no eligible household exists the locality is to extend to the adjoining town or community councils. Where no eligible household exists in adjoining areas, then the search will extend progressively outward by 5 miles radii until such an eligible household is identified and secured.

2.4 Five years are to be measured from the date of intended occupation of the dwelling.

2.5 ~~Whether an intended occupant is a key worker will be considered on the merits of the case, but is generally considered to be a person whose job makes a significant to the social, economic or environmental vitality of the locality.~~ 'Key workers' are defined as persons whose primary employment is, or who have the offer of primary employment (for which evidence will be required), in the following roles:

- Clinical NHS staff (excluding consultants, doctors and dentists)
- Teachers and nursery nurses in schools and further education or sixth form colleges
- Police officers and community support officers
- Probationary service officers
- Emergency services officers
- Social workers, nursery nurses, educational psychologists and therapists (e.g. occupational therapists) employed by local authorities, the Children and Family Court Advisory Support Service or the NHS
- Any other person whose employment fulfils an important role in the local economy.