

Selby District Council

Affordable Housing

Supplementary Planning Document

December 2010



Consultation on the Draft Affordable Housing Supplementary Planning Document (SPD) begins on Monday 10th January 2011 and comments should be submitted by the 21st February 2010.

Details of consultation events are available through the Council's website www.selby.gov.uk and the local press.

Copies of this document can also be viewed at Access Selby, contact centres in Sherburn in Elmet and Tadcaster and local libraries in the District.

You can now submit a comments form which is available on the Core Strategy pages of our website www.selby.gov.uk and email to affordablehousing@selby.gov.uk.

Comments forms are also available from the 'consultation points' referred to above and may be posted to the Senior Development Policy Officer (Affordable Housing), Development Policy, Selby District Council, Civic Centre, Portholme Road, Selby, North Yorkshire, YO8 4SB

If you require any further help or advice or if you need this document in a different format, for example large print, audio, Braille or in another language, please contact the LDF Team on (01757) 292034 or email ldf@selby.gov.uk

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1. Introduction

- The Council believes that everyone should have the opportunity of a decent home which they can afford in a community in which they want to work or live. Selby District Council is committed to providing high quality affordable housing for people who cannot access or afford market housing in the District
- Housing affordability is one of the biggest challenges facing the District. House prices are higher than national and regional averages, and have tripled over the period 1996 to 2010' Affordability ratios (house price to earnings) are also significantly higher than the 'Affordable Definition' of 3.5 (an affordable mortgage being 3.5 times annual income) particularly in the northern part of the District.
- Recent evidence suggests that there is a significant need for affordable housing in the District. However not only do we need more affordable housing, it needs to be the right kind of housing in the right location.

2. Purpose and Status of the SPD

- 2,1 Supplementary Planning Documents(SPD's) were introduced by the Planning and Compulsory Purchase Act 2004 to replace Supplementary Planning Guidance (SPG) and form part of a planning authority's Local Development Framework.
- 2.2 National Planning Guidance(PPS12) states that SPD's should provide additional information to existing plan policies and proposals to assist applicants and decision makers in interpreting and applying policy. SPD is given 'substantial weight' as a material consideration in planning decisions, particularly if it accords with national guidance/policy and has been the subject of consultation.
- 2.3 The purpose of this SPD is to set out the Council's approach to delivering affordable housing in accordance with the Local Development Framework(LDF) and national policy. This includes the range of approaches, standards and mechanisms required to deliver affordable housing which meets local needs and contributes towards attaining mixed sustainable communities and a balanced housing market.
- 2.4 By following the guidance and discussing proposals with the Council, the time it takes to determine a planning application will be minimised and the probability of success increased.

3. National Policy Context

- Planning Policy Statement 3 Housing, first published in December 2006 (amended June 2010), sets out the vision, objectives and policies in relation to housing provision and delivery. The principle aim of PPS3 is to increase housing delivery through a more responsive approach to local land supply, ensuring that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live.
- In order to deliver affordable and market housing, PPS3 specifies that Local Development Documents (LDD's) should seek to meet the needs and demand for housing in their area by:
 - Setting out the proportions of households requiring market and affordable housing
 - Specifying the types of households requiring market housing
 - Including a plan wide target for affordable housing, taking account of need and availability of finance
 - Setting separate targets for social rented and intermediate housing
 - Specifying the size and type of affordable housing needed
 - Setting out the circumstances where affordable housing is required taking account of the national indicative minimum threshold of 15 dwellings, setting lower threshold where viable and practicable
 - Describing the approach to seeking developer contributions to affordable housing, on and off-site
 - Considering allocating and releasing 'exceptions sites' for affordable housing in rural settlement
- 3.3 PPS3 also includes a definition of affordable housing which includes social rented and intermediate housing but excludes low cost market housing. (see section 5)

4. Local Policy Context

Core Strategy

- 4.1 The Council's Core Strategy encourages the development of sustainable communities, which are vital, healthy and prosperous. It aims to meet the current needs of local residents whilst recognising the importance of having regard as far as possible to future circumstances and the legacy being created for future residents.
- 4.2 The two main aims of the Core Strategy affordable housing policy are:
 - To establish the overall target for the provision of affordable

housing in the District in accordance with PPS3;

- To set out the broad framework within which developer contributions go towards meeting affordable housing need will be sought in association with normal market housing.
- 4.3 The Council has set itself a long term target for the Core Strategy period up to 2026 to secure up to 40% affordable housing from total housing provision from all sources, not just in association with private developments.
- 4.4 Given that Selby District is basically rural in character and has a high affordable housing need, 60% of which arises outside Selby, there is justification for operating lower thresholds than the national indicative site size threshold of 15 dwellings, subject to compatibility with levels of viability. Supplementary work on the relative viability of varying threshold levels has been undertaken, which has established that a site size of 10 units is the minimum which makes the provision of affordable units sufficiently viable. (See Affordable Housing Viability Study September 2009 and Affordable Housing Small Sites Threshold Testing Addendum Letter October 2010)

Core Strategy Policy CP5

A The Council will seek to achieve a 40/60% affordable/general market housing ratio within overall housing delivery

B In pursuit of this aim the Council will negotiate for on-site provision of affordable housing up to a maximum of 40% of total new dwellings on all market housing sites at or above the threshold of 10 dwellings(or sites of 0.3ha) or more. Commuted sums will not normally be accepted on these sites unless there are clear benefits to the community/or delivering a balanced housing market in relocating all or part of the affordable housing contribution.

- C. On sites below the threshold, a commuted sum will be sought to provide affordable housing within the District. The target contribution will be equivalent to the provision of 10% affordable units.
- D. The tenure split and the type of housing being sought will be based on the Council's latest evidence on local need.
- E. An appropriate agreement will be secured at the time of granting planning permission to secure the long-term future of affordable housing. In the case of larger schemes, the affordable housing provision will be reviewed prior to the commencement of each phase.

The actual amount of affordable housing, or commuted sum payment to be provided is a matter for negotiation at the time of a planning application, having regard to any abnormal costs, economic viability and other requirements associated with the development. Guidance will be provided through an Affordable Housing SPD.

4.5 Rural exception policy

The Core Strategy rural exception sites policy enables small sites to be developed, specifically for affordable housing in small rural communities that would not be developed for housing under normal planning policies. Acceptance of 'exception sites' is subject to their meeting an identified local need and that any homes developed will remain affordable in perpetuity.

Core Strategy Policy CP6

In settlements with less than 3,000 population planning permission will be granted for small scale 'rural affordable housing' as an exception to normal planning policy where schemes are restricted to affordable housing only and provided all of the following criteria are met:

- i) The site is within or adjoining Development Limits
- ii) A local need has been identified, the nature of which is met by the proposed development.
- iii) The development is sympathetic to the form and character and landscape setting of the village and in accordance with normal development management criteria, and

An appropriate agreement will be secured, at the time of the granting of planning permission to secure the long-term future of the affordable housing

Site Allocations DPD

Specific allocations for rural exceptions sites are considered as part of the Site Allocations DPD. The allocations will be in the Secondary Villages where there are no market housing allocations which would assist in affordable housing delivery. They may be on greenfield sites and/or previously developed land both within and adjoining development limits

Housing Strategy

- 4.7 Selby District Council is a partner in the North Yorkshire Sub-Regional Housing Partnership which is responsible for the development and implementation of the North Yorkshire Housing Strategy. A Local Action Plan will be developed specifically for Selby District.
- 4.8 Strategic Priority 1 of this Housing Strategy is to enable the provision of more affordable homes. The sub-region proposes to
 - Deliver a programme of additional affordable homes
 - Increase the availability of land for affordable housing

Investigate alternative delivery mechanisms for affordable housing

5. What is Affordable Housing?

5.1 Affordable housing definition

For the purpose of this SPD, the Council's definition of affordable housing will be based on the most up to date PPS3 definitions at the time a planning application is determined, in June 2010 the definitions were as follows:-

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

Affordable housing should:-

- Meet the needs of eligible households including availability as a cost low enough for them to afford, determined with regard to local incomes and house prices; and
- 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.

5.2 Forms of affordable housing

Social rented housing

Owned and managed by local authorities and Registered Providers(RP's) for which guideline target rents are determined through the national rent regime.

Intermediate affordable housing

Housing at prices and rents above those of social rent, but below market prices or rents which meet the criteria set out in the definition above. Common models of intermediate housing include:-

- Shared equity is where more than one party has an interest in the value of the home eg an equity loan arrangement or a shared ownership lease. There may be a charge on the loan and restrictions on price, access and resale
- Shared ownership where the purchaser buys an initial share
 in a home from a housing provider who retains the remainder.
 In most cases the purchaser may buy additional shares
 (staircasing) and own the whole property and it may also be
 possible to sell back shares under certain circumstance
 (staircasing down). Staircasing may however be restricted in
 some rural areas
- Intermediate rent is housing made available at below market

rent – levels should not exceed 80% of prevailing market rents

 Discounted sale homes are provided at a discount to the full market value. The purchaser buys the whole home at a reduced rate.

6. Evidence of Housing Need

Strategic Housing Market Assessment (SHMA)

- 6.1 In 2009, the Council commissioned consultants to undertake a SHMA.
- The study involved a detailed analysis of affordable housing requirements using a methodology advocated in Government Guidance. Analysis indicates that across Selby, there is an annual net shortfall of 378 and a gross shortfall of 409 affordable dwellings. This is taken as a measure of the annual supply/demand imbalance for the five year period 2008/9 to 2012/13. This compares with a net affordable housing requirement of 294 each year identified in the 2005 housing needs assessment.
- Around 25% of the identified need is in Selby town and if this is added to the need in the market towns of Sherburn and Tadcaster, this accounts for 40% of total need. The highest need is therefore across the rural areas of the District.
- Analysis of affordable housing requirements suggested that a range of affordable dwellings are required, in particular two and three bedroom general needs properties to address the needs of families. The report emphasises that particular care is taken to ensure that properties are built to reflect the demand from families and in the interests of long-term community sustainability.
- A tenure split in the range 50 to 70% social rented (and the balance of 30 to 50% to be intermediate tenure) across the District is recommended. This is based on the stated preferences of households in 2009 and an analysis of the relative affordability of intermediate tenure products.

7. Negotiating the type, size and tenure of affordable housing

7.2 Developers are recommended to view SDC website to access the most up to date contribution guidance and appendices to this SPD.

7.3 Site size and Suitability

In accordance with the Core Strategy Policy CP5, the Council will seek to negotiate a target of 40% affordable homes on residential

schemes (or mixed schemes with a residential element) of 10 dwellings or more, or 0.3ha or more regardless of the number of dwellings.

7.4 The Council will apply this policy to planning application on sites falling below the threshold where the Council can demonstrate that the site is capable of delivering more housing than proposed and/or the site forms part of a more substantial development, which would in its totality be above the threshold. For example where a site has been split into phases which individually fall below the threshold. This will apply regardless of land ownership.

7.5 **Type and tenure**

The exact number, type and size of affordable housing will be based on an assessment of need which will include:-

- Information from the most up to date SHMA or local needs survey if available
- · Current information from our Housing Register
- Existing affordable housing provision in the locality
- Local housing market characteristics
- 7.6 Based on the current housing needs evidence, the Council will seek 2 and 3 bed family housing rather than flats in order to meet a range of needs in flexible housing solutions for the long term. The Council will resist the provision of one bed properties for these reasons. A tenure split in the range 50 to 70% social rented (and the balance of 30 to 50% to be intermediate tenure) across the District will be the starting point for negotiations based on the evidence from the SHMA.

7.7 **Design and layout**

As with all forms of residential development the Council expects affordable housing to be built to a high standard of design and amenity. Affordable housing units provided within a new residential development should be of a similar size and quality to the open market housing and should be visually indistinguishable. They should meet the Homes and Communities Agency design and quality standards. An appropriate level of parking should be provided for the affordable homes.

7.8 **Pepper potting**

In order to create mixed and balanced communities, affordable housing should be dispersed through the application site. There may be circumstances where Registered Providers (RP's) have management reasons for seeking a proportion of the affordable housing to be sited together eg in flatted schemes but this should not prevent the remainder of the provision to be distributed across the development.

7.9 **Registered Providers**

The Council strongly recommends that developers put forward proposals with a partner RP's in order that they can be involved in the negotiations at the earliest possible stage and preferably be party to the section 106 Agreement There are several RP's who have existing stock in the District and work with the Council in the future development of affordable housing. A list of these Registered Providers is set out in Appendix 4. The Council's preferred option is that the developer builds and transfers the completed units to an RP at the transfer price for that particular dwellings (see section 9). In some circumstances the developer may transfer serviced land to the RP to enable the building of each affordable unit. Whatever option is chosen the Council will normally expect the affordable housing to be provided without the need for public subsidy. In some circumstances however, where there is some 'additionality' to the housing scheme, grant may be available from the Homes and Communities Agency to the RP which would need to be supported by the Council.

7.10 Local Connection

Affordable housing developed in Selby town, Sherburn and Tadcaster will be made available to people with a local connection to that settlement and the surrounding sub area parishes (see Map 1). In the rural parishes the affordable housing will be available in the first instance to people with a local connection to the parish and subsequently to people with a local connection to other parishes in the sub-area. If a local person in need of accommodation cannot be found to occupy the affordable property, a cascade mechanism will be used to widen the search area. The time periods required for each area of search and the definition of local connection will be set out in the Section 106 agreement.

7.11 Legal agreements

The affordable housing will be secured though a planning obligation under Section 106 of the Town and Country Planning Act 1990 Model heads of terms are to be found in Appendix 1 of this document and a draft section 106 agreement (based on this model) must be submitted with the planning application.

7.12 **Service Charges**

On developments where the affordable housing provision is subject to a service charge, the charge should not be so great as to make occupancy unaffordable. The Council will consider the level of service charges in the context of prices, rents, and overall affordability in relation to the findings of the SHMA.

8. Transfer prices

- 8.1 The expectation of the Council is for affordable housing on sites of 10 dwellings or above to be provided by the development as completed units on sites.
- The Council wants to avoid RP's bidding against each other to secure affordable homes from developers. and has worked with its RP partners to set a transfer price for each property type of a minimum size. The methodology is set out in Appendix 3 and will be periodically reviewed. This price is irrespective of tenure and is intended as a guide. It should be provided as part of the information submitted with the planning application and included in the section 106 agreement.

9. Development Viability

- 9.1 Developers are expected to consider the overall cost of development, including the required planning obligations and any abnormal costs, prior to negotiating the purchase of land or the acquisition or sale of an option. Early consultation with the Council on such requirements is therefore encouraged.
- 9.2 On certain sites development viability may be affected by a range or combination of factors such as high abnormal costs and/or competing or existing land values. Where it can be demonstrated that schemes would incur high abnormal costs, or where development viability is affected by other factors, a reduction in the level of affordable housing may be considered favourably.
- 9.3 Abnormal costs can broadly be described as site conditions, which a competent purchase, having undertaken the necessary investigation, could not have reasonably foreseen prior to the acquisition of a site.
- 9.4 Where development viability is considered to be affected, the developer should identify these issues and associated costs and submit a financial appraisal to the Council at the earliest opportunity. A list of information required can be obtained from the Council website.
- 9.5 The Council will refer the submitted appraisal to an independent valuer and will require an open and co-operative approach between the developer, the Council and the valuer. The cost of this will be reimbursed by the developers.
- 9.6 Where development viability is proven to be affected to a critical point by the provision of affordable housing a negotiated reduction may be agreed either to the overall numbers or to the to type, size and tenure.

10. Commuted Sums

- 10.1 If a site has been accepted as being appropriate for the provision of affordable housing (on sites of 10 dwellings or above) it is expected that those units will be provided on site. Consequently financial contributions to fund the provision of affordable housing on land elsewhere, will be only be acceptable in very exceptional circumstances where it can be shown there are clear benefits to the community/or delivering a balanced housing market in re-locating all or part of the affordable housing contribution.
- A financial contribution will be only be acceptable in-lieu of on-site provision if both the developer the Council agree that this is the preferred approach eg where the management of the affordable housing on site cannot be effectively secured. The sum will have an upper limit equivalent to a 40% affordable rate.
- There is a strong reliance on private development to contribute to the delivery of affordable housing. A high proportion of that development comes forward on small sites within village settlements. Therefore the Council's Core Strategy's affordable housing policy requires all developments to contribute in some way towards meeting housing need wherever the viability of the development allows.
- The Council's Economic Viability Assessment has indicated that 'onsite' provision of at least one whole unit on sites of less than 10 dwellings will not generally be viable. It is therefore proposed that below this threshold a contribution in lieu be sought for each new dwelling unit. The commuted sum will have an upper limit equivalent to a 10% affordable rate.
- 10.5 As with 'onsite' provision on sites of 10 dwellings or more, all contributions will be subject to negotiation and the policy parameters are there to inform discussion.
- The methodology for calculating the commuted sums is set out in Appendix 3 and the mechanism for payment will be secured through the section 106 agreement.
- 10.7 Contributions received in lieu for affordable housing on site will be held in a fund and used to meet the provision of affordable housing elsewhere in the District. An administration fee of 5% will be included in the sum paid. This includes new build schemes and purchase and refurbishment of empty properties

11. Planning Procedures

11.1 Developers are advised to consult with the Council's designated Affordable Housing Officer at the earliest opportunity within the site development process. This should be prior to the land acquisition stage and prior to the submission of a planning application. The Council's policy is that pre-application charges will apply for advice that relates to a specific site.

The Council will not validate a planning application where there is a requirement to provide an element of affordable housing, unless the application is supported by an Affordable Housing Plan(see Appendix 1), the Heads of Terms of a section 106 agreement (see Appendix 2) and a financial appraisal if the target of 40% affordable housing cannot be achieved.

12. Rural Exception Sites

- The rural exception sites policy (see section 4) enables small sites to be developed, specifically for affordable housing in small rural communities that would not be developed for housing under normal planning policies. Acceptance of 'exception sites' is subject to their meeting an identified local need and that any homes developed will remain affordable in perpetuity
- The housing need of the community can be identified through the SHMA, local housing needs surveys, housing register and other mechanisms such as community consultation events.
- The Council currently has the resources of a Rural Housing Enabler employed as part of the North Yorkshire Rural Housing Partnership who works with landowners, local communities and RP's to deliver rural affordable housing schemes. Landowners wishing to develop their land for exception site schemes should seek the advice of the Rural Housing Enabler or the Council's Affordable Housing Officer at the earliest opportunity.
- 12.4 Specific allocations for such sites in Secondary Villages will be considered in the Site Allocations DPD. These may be on 'greenfield' sites and/or previously developed land both within and adjoining village development limit

Information to accompany a planning application

- 1. The proportion of dwellings provided to be affordable (target of 40%)
- 2. A financial appraisal if the 40% target is not achieved
- 3. The proportion of affordable dwellings to be provided as social rent and intermediate housing
- 4. Layout plans showing the affordable dwellings by tenure
- 5. Details of the Registered Provider who will be partnering on the site
- 6. Timing/trigger arrangement for the transfer of the affordable dwellings to the identified Registered Provider
- 7. Details of open market valuations of the affordable dwellings
- 8. Draft section 106 agreement

Heads of Terms for section 106 agreements

- The number, type and tenure mix of the affordable housing
 Affordable housing plots and associated car parking bays to be identified on an attached plan
- 2. Schedule of affordable dwellings confirming plot number, house type and floor area
- 3. Requirement that the developer informs Selby District Council when the development commences
- 4. Requirement that the affordable dwellings be transferred to the partner Registered Provider named in the agreement
- 5. Time period for developer to enter into a contract with the Registered Provider and provisions for an alternative Registered provider in the event the deadline cannot be reached
- 6. Requirement for affordable dwellings to be built to a standard of specification which acceptable to the Registered Provider
- 7. Marketing obligations for the Registered Provider to be set out
- 8. Prices for affordable dwellings for sale to include marketing costs to be incurred by the Registered Provider
- 9. Triggers for when the affordable dwellings will be provided
- 10. Prices for the affordable dwellings to be inserted and index linked if necessary
- 11. Requirement for affordable dwellings to be made available to households with a local connection (definition included) and cascade periods set out
- 12. Requirement for those purchasing under Discount Sale to enter into a lease with the Registered Provider restricting resale ie limiting the percentage of open market value at which the home can be sold
- 13. Clause to cover the requirement of a commuted sum in the event that the developer fails to enter into a contract with a Registered Provider
- 14. Council to covenant to use the commuted sums to meet local housing needs
- 15. Council to covenant to repay any remaining monies if they have not been spent within five years of the date of payment
- 16. Mortgagee in Possession Clause
- 17. Clause requiring reassessment of economic viability (if 40% target not achieved) after a certain time period/construction of x dwellings

Transfer prices and Commuted sums

Transfer prices - Methodology

The Council works with its RP providers to set transfer prices for a range of property types

Properties for rent

RP's provide information on prices that could be paid based on the project rental income and borrowing limits. An average price for rental units is then calculated.

Intermediate properties

A District average of 50% of market values calculated based on an affordable mortgage being 3.5 times an annual salary.

Unit type	Size sq m	Price to developer
1 bed flat	50	£37,000
2 bed flat	65	£45,000
2 bed house	75	£56,000
3 bed house	85	£73,000
4 bed house	100	£85,000

January 2011

(Not yet agreed)

Commuted Sums – Methodology

The methodology is to ensure that the shortfall between the market value of affordable dwellings and market dwellings is met by the developer.

This is represented by the formula below:

(A-B) X(CXD)

Where A is the market value of a dwelling (or sq m)

Where B is the transfer value of a dwelling (or sq m) to a RP

Where C is the affordable housing percentage

Where D is the total number of dwellings (or sq m)

For 10 dwellings or above the target affordable housing percentage is 40% and sites of less than 10 dwellings the target percentage is 10% (see paragraph 10.2 and 10.5)

List of Registered Providers

Broadacres Housing Association

Broadacres House

Mount View

Standard Way

Northallerton DL6 2YD

Home

Knight House

2 Sandbeck Court

Wetherby LS22 7BA

Jephson Housing

Association

Jephson House

Lowfields Business Park

Old Point Way

Elland HX5 9DE

Chevin Housing Group

Harrison St

Wakefield WF1 1PS

South Yorkshire Housing

Association

43-47 Wellington Street

Sheffield S1 4HF

Connect Housing

205 Roundhay Road

Harehills

Leeds LS8 4HS

Yorkshire Housing

6 Innovation Close

Heslington

York YO10 5ZF

Hanover

(Elderly persons accommodation)

The Wave

1 View Croft Road Shipley BD17 7DU



Map 1 Parishes and Sub-Areas