

BABERGH DISTRICT COUNCIL

FROM: Head of Natural and Built Environment

REPORT NUMBER: **H225**

TO: Strategy Committee
Development Committee

DATE OF MEETING: 7 April 2009
8 April 2009

AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT

1. PURPOSE OF REPORT

1.1 The purpose of this report is to outline the contents of the proposed Affordable Housing Supplementary Planning Document, highlight consultation responses received and responses to the consultations and seek Members' agreement to adopt this document.

2. RECOMMENDATIONS

2.1 That the Development Committee considers and approves the Affordable Housing Supplementary Planning Document (Appendix 1) as proposed for adoption by the Strategy Committee at its meeting on 7 April 2009.

2.2 That the Strategy Committee adopts the Affordable Housing Supplementary Planning Document (Appendix 1) subject to:

(a) the incorporation of any minor amendments suggested by the Development Committee at its meeting on 8 April 2009 and

(b) the Head of Natural and Built Environment being authorised to make any minor corrections arising from 2.1 and 2.2(a) together with any consequential amendments as necessary.

The Strategy Committee is able to resolve this matter.

3. FINANCIAL IMPLICATIONS

3.1 The adoption of the Affordable Housing Supplementary Planning Document raises no financial implications.

4. RISK MANAGEMENT

4.1 This report is most closely linked with the Council's Significant Business Risk No. 5 - Capacity. Key risks are set out below:

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
Organisational capacity, if the SPD is not adopted it could increase appeals and DC workloads	C (significant)	3	1. Adopt SPD 2. Ensure that the SPD is fully implemented (including support and training)

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
Could impact on the level of affordable housing secured and the risk of developments not providing affordable housing satisfactory	D	3	1. Adopt SPD 2. Implement SPD (including support and training)

5. **KEY INFORMATION**

Background

- 5.1 Supplementary Planning Documents provide clarity to developers and the general public about how exactly the Council proposes to interpret and operate existing policies on particular issues. This Supplementary Planning Document deals with the Council’s approach to affordable housing and refers to policies HS08 and HS09 of the adopted Local Plan.
- 5.2 Local Plan Policies HS08 and HS09 set out the Council’s intention to require developers to deliver and negotiate with developers for an element of affordable housing on new housing sites where a local need has been identified.
- 5.3 As a formal Supplementary Planning Document, this document will have the status of a material consideration in the determination of planning applications, and it will operate alongside other documents in the Local Development Framework (LDF).
- 5.4 The document will help to steer and shape planning applications to ensure that an appropriate level of affordable housing is secured and that it is provided in a satisfactory way. The document can be reviewed on a regular basis to make provision for changing circumstances.
- 5.5 This document, however, cannot and does not set policy in its own right. Opportunities will exist for members over the coming months to consider existing affordable housing policies as part of the Local Development Framework process.

Main Provisions of the Proposed Document

- 5.6 A copy of the document as recommended for adoption is attached at Appendix 1. The Affordable Housing Supplementary Planning Document contains policy advice on a number of affordable housing issues which includes:
 - 5.6.1 A definition is provided for affordable housing in the document, being “housing provided with a subsidy for people that are unable to resolve their housing needs in the local private market”;

- 5.6.2 Guidance on the amount of affordable housing that will be sought is provided, namely that up to 35% affordable housing will be required or negotiated and that tenures should reflect housing needs within the district (this equates to 75% social rented and 25% intermediate affordable housing at present);
- 5.6.3 Information is provided regarding the need for affordable housing across the district and the acute shortage of affordable housing in the district;
- 5.6.4 Guidance regarding layout, design and landscaping standards that will be expected for affordable housing included in schemes are provided, for example that affordable housing should be fully integrated with market housing;
- 5.6.5 Clarify the circumstances in which the Council will accept provision off-site, or financial contributions in-lieu of affordable housing provision as well as setting out a formula for calculating these payments;
- 5.6.6 Information about who would be appropriate providers to own or manage affordable housing, including a list of the Council's RSL partners;
- 5.6.7 Information on what the Council will be expecting in terms of legal agreements to ensure that affordable housing remains affordable and available to those in local housing need. For example where affordable housing units should be located on site will be included in the legal agreement; and
- 5.6.8 Guidance regarding the Council's policy on supporting bids for Social Housing Grants and when these are likely to be available. For example if higher design standards can be achieved in a scheme, prospects of obtaining a Social Housing Grant would be better.

Issues Raised During the Consultation on the Draft Document

- 5.7 The document was prepared in accordance with statutory requirements and the provisions of the Council's adopted Statement of Community Involvement. Opportunity was provided for the public to comment on a draft Affordable Housing Supplementary Planning Document. This included placing an advertisement to make the public aware of the consultation process.
- 5.8 Relatively few consultation responses were received following the publication of the draft Affordable Housing Supplementary Planning Document. The consultation responses received were not very contentious.
- 5.9 A total of 12 organisations/ individuals commented on the draft SPD. Of these responses, 3 were from organisations/ individuals generally seeking a more relaxed approach to affordable housing provision within the district. Three organisations were generally supportive of the document including Nayland with Wissington Parish Council. All other comments received (including those of Chelmondiston Parish Council and Shotley Parish Council) related to detailed matters such as design and landscaping considerations.

- 5.9 The consultation document, which contains a summary of the responses and the changes made to the draft document in response to them, is available for inspection in the Members Room.

Amendments Proposed in Response to the Consultations

- 5.9 The consultation responses were considered and where appropriate incorporated into the proposed final document. Relatively minor amendments were made in response to the consultations. These are mainly points of clarification regarding detailed matters such as landscaping and design considerations. In addition more guidance have been added in terms of how commuted sums will be calculated and how commercially sensitive data will be dealt with.

Sustainability Appraisal

- 5.10 A Sustainability Appraisal/ Strategic Environmental Assessment (SA/ SEA) report has been prepared alongside the Supplementary Planning Document. The purpose of the SA/ SEA report is to assess the social, economic and environmental impacts of the proposed Affordable Housing Supplementary Planning Document. The SA/ SEA report concluded that the social, economic and environmental impacts of the SPD document were anticipated to be generally very positive. The report is available for inspection in the Members Room.

6. **APPENDICES**

Appendix 1: Affordable Housing Supplementary Planning Document

7. **BACKGROUND PAPERS REFERRED TO:**

- (a) Final Sustainability Appraisal
- (b) Consultation Statement

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Affordable Housing

Supplementary Planning Document

(Babergh Local Plan - Alteration No.2)

March 2009

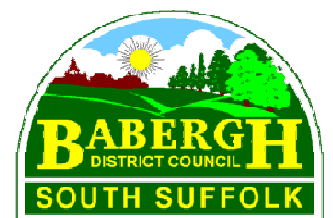


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Introduction

Purpose of this Supplementary Planning Document (SPD)

- 1 Policies HS08 and HS09 in the current Babergh Local Plan (Alteration No.2) adopted in June 2006 enable the Council to ask developers in certain circumstances to provide affordable housing if planning permission is granted. The purpose of this Supplementary Planning Document (SPD) on Affordable Housing is to provide detailed guidance regarding the implementation of Policies HS08 and HS09 of the Local Plan.
- 2 As a formal SPD, this document will have the status of a material consideration in the determination of planning applications, alongside other documents in the Local Development Framework (LDF). This SPD, however, cannot and does not set policy in its own right.

Documents Published Alongside this Draft SPD

- 3 Alongside this document the Council has produced the Final Sustainability Appraisal (SA), in accordance with the Town and Country Planning (Local Development)(England) Regulations 2004. The purpose of the SA is to promote sustainable development by integrating sustainability considerations as part of planning document preparation. The appraisal considered the SPD and how it contributes to sustainable development. It made recommendations in terms of how the SPD could be amended to ensure that it is as sustainable as possible. More detail regarding this is can be viewed in the SA report.

Policy Context

National Planning Policy

- 4 Adopted national planning policy guidance for the provision of affordable housing is contained within Planning Policy Statement 3: Housing (PPS3) (2006) and this is supported by the Delivering Affordable Housing policy statement published in May 2006. The Government's key objective in PPS3 is "to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they would wish to live." According to the Delivering Affordable Housing statement this means "providing a wide choice of housing to meet the needs of the whole community in terms of tenures and price ranges. This should include affordable housing." Its focus is on "providing high quality homes in mixed sustainable communities for those in need, widening the opportunities for home ownership and offering greater quality, flexibility and choice to those who rent." PPS3 defines affordable housing and enables Local Authorities to include policies to set targets in terms of affordable housing within Local Development Documents while ensuring robust evidence support these policies.

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- 5 The Green Paper on Homes for the Future: More Affordable and Sustainable published in July 2007 include “proposals to improve the housing fabric of our society” by providing “more homes to meet growing demand; well-designed and greener homes, linked to good schools, transport and healthcare; and more affordable homes to buy or rent.”

Regional Planning Policy

- 6 Regional Policy in the form of Policy H2 of the Regional Spatial Strategy (RSS) or known as the East of England Plan requires Local Development Documents to set out appropriate targets for affordable housing taking into account the objectives of the RSS, local assessments of affordable housing need, the need to set targets for social rented and intermediate housing, housing market considerations and the Regional Housing Strategy. At a regional level the affordable housing target is set at 35%.

Local Planning Policy

- 7 The current Local Plan (Alteration No 2) was adopted in June 2006. It was drafted and adopted prior to Planning Policy Statement 3: Housing (PPS3) coming into force, when Planning Policy Guidance 3: Housing (PPG3) and Circular 6/98 were still in place. This SPD will wherever possible follow the guidance set out within PPS3, however the SPD supports the affordable housing policies contained within the Babergh Local Plan Alteration No.2 (2006) and does not set policy in its own right and must therefore hold the adopted local plan policies in consideration. In circumstances where the SPD cannot reflect PPS3 when having regard to the Babergh Local Plan Alteration No.2 (2006), it is expected that the Local Development Framework will inform new local planning policy and a review of the SPD on Affordable Housing once these new policies replace current Local Plan policies. In accordance with the Local Development Scheme (LDS), the Core Strategy is anticipated to be adopted in 2011. Policies HS08 and HS09 are attached in Appendix A. Policy HS08 would apply to settlements with a population more than 3000 and Policy HS09 would apply to settlements with a population of less than 3000.

Definition and Tenure of Affordable Housing

- 8 Affordable and Social Housing Needs are defined in the adopted Babergh Local Plan Alteration No.2 (2006) as “housing that is provided, with a subsidy for people who are unable to resolve their housing needs in the local private sector market because of the relationship between housing, costs and income”. PPS3 defines affordable housing as “housing provided to specified eligible households whose needs are not met by the market including social and intermediate housing”. As social rented and intermediate housing involves a subsidy below market value, it is considered that the definition in the Local Plan is in accordance with the definitions in PPS3. The definition in the Local Plan should therefore be read as including social rented and intermediate housing (including social rented, shared equity products and other low cost homes for sale and intermediate rent) provided to specified eligible households whose needs are not met by the market. These definitions do not include low cost market housing. All of these terms referred to are contained in the glossary of this document. This is also in accordance with definitions provided in the Housing and Regeneration Act of 2008.

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- 9 The Council is committed to meeting the immediate and future housing needs of the district. In order to do this it is essential that all new affordable housing wherever possible must be provided in perpetuity. Affordable housing units for shared ownership shall be subject to staircasing restrictions at 75% unless a social housing grant is paid (in which case staircasing will be allowed to 100% and the subsidy should be recycled). In circumstances where staircasing is allowed up to 100% it is required that sale receipts will be recycled back into new affordable housing within the district. Affordable housing should be managed by a registered social landlord or other provider compliant with the requirements of Planning Policy Statement 3.
- 10 The tenures of affordable housing to be provided should reflect housing needs and demands within the district as set out in the most recent Housing Needs Survey and Strategic Housing Market Assessment. The 2008 studies indicate a requirement of 75% for social rented and 25% for intermediate housing. The Council may consider a variation of this mix, but it must be justified in terms of housing need, location and other factors. Early consultations with the Council's Affordable Housing Team would be advisable.

Affordable Housing Need

Need within the district

- 11 Babergh District suffers from an acute shortage of affordable housing as indicated in the Housing Needs Survey of 2008, the Strategic Housing Market Assessment of 2008 and the adopted Local Plan. In an attempt to address this issue, every opportunity must be taken to ensure the delivery of this type of housing wherever it is required. Due to the competition for land within this district, in particular within the larger centres of population including Sudbury, Great Cornard and Hadleigh, Registered Social Landlords (RSLs) are rarely able to compete with speculative developers for sites available on the open market. Equally, land availability within the smaller villages is becoming scarce. Accordingly, it is essential that affordable housing is provided, where required, other than in exceptional circumstances.
- 12 The Babergh District Council Housing Needs Survey of 2008 was completed on behalf of the Council by David Couttie Associates (DCA). The purpose of the study was to examine the housing requirements (needs, aspirations and demands) of the communities and households of the District.
- 13 Key recommendations of the Housing Needs Survey of 2008 are to:
 - Enable the provision of an appropriate mix of dwelling types but mainly small units of accommodation to meet the needs of the growing number of smaller households. Seek to achieve an affordable mix of 50% one and two bedroom units, 35% 3-bedroom units and 15% 4 bedroom units;
 - Set affordable housing targets at 40% for all suitable sites in Development Plan Documents to replace the adopted Local Plan; and
 - Negotiate a general apportionment of 75% RSL rented units and 25% intermediate affordable housing in meeting the overall targets for affordable housing.

- 14 The Strategic Housing Market Assessment (SHMA) was carried out in partnership with Ipswich Borough Council, Mid Suffolk District Council and Suffolk Coastal District Council, and was completed in November 2008. According to the SHMA the levels of need for affordable housing within the Babergh district were greater than existing total annual housing targets set for the district in the RSS between 2001 and 2021. In terms of the viability assessment (SHMA) the findings suggests that the existing affordable housing requirement of up to 35% target is reasonable in Babergh and it suggests there is scope for an increase to 40%. The study generally would provide support for the low size threshold in rural areas under the current affordable housing policy.

Local Affordable Housing Need

- 15 The local need for affordable housing will be determined by assessing the follow sources of information:
- 1) The most up to date:
 - Housing Needs Survey;
 - Strategic Housing Market Assessment; and
 - Common Housing Register (2008 register attached in Appendix B).
 - 2) Local housing needs surveys if required.
- 16 The evidence gathering should be carried out at the earliest opportunity. Advice should be obtained from the Council's Affordable Housing Team in terms of local affordable housing needs.

Site Size Thresholds

- 17 PPS3 makes it clear that new housing should make efficient use of land, which Policy HS27 of the current Local Plan supports. Where land is used inefficiently in the Council's opinion and densities proposed are contrary to local and national policy to circumvent the affordable housing requirement this will lead to the refusal of planning permission.
- 18 Babergh District Council will be alert to, and not permit any benefit to be gained from, the artificial subdivision of a site to circumvent the affordable housing policies. If the Council believes there is a reasonable expectation of adjoining land coming forward for housing development, it will take account of the whole site area when calculating what affordable housing is required. Affordable housing will also be sought where a site is capable in the Council's opinion of accommodating the stated thresholds.
- 19 If any proposed development site includes the demolition of an existing dwelling, the affordable housing contribution in terms of Policy HS08 or HS09 will be calculated on the net number of dwellings to be provided on the site.

- 20 Policies HS08 would apply to settlements with a population more than 3000 and Policy HS09 would apply to settlements with a population of less than 3000. Appendix C contains a table of the 2001 Census data and mid-year population estimates for the Babergh District. According to the 2006 mid-year population estimates the following villages/ towns have population figures of over 3,000, namely: Glemsford (3,410), Great Cornard (8,160), Hadleigh (8,480), Long Melford (3,540), Pinewood (4,510) and Sudbury (12,280).

Policy HS08

- 21 Affordable housing will be required for sites with a site size threshold of 0.5 hectares, capable of accommodating at least 15 dwellings (including renewal of permissions) in the Council's opinion or on allocated sites listed in Policy HS08.

Policy HS09

- 22 Affordable housing will be negotiated on sites that can accommodate three dwellings or more (in the Council's opinion).

Amount of Affordable Housing

- 23 The Council will require (in terms of Policy HS08) and negotiate (in terms of Policy HS09) for a provision of up to 35% affordable housing. Applicants who cite non-viability as the reason for not providing 35% affordable housing in terms of Policy HS08 and HS09 must support their case with financial evidence (open book accounts), which they should submit with the application. Judgements about viability can only be made on the basis of full and robust development appraisals. Developers are responsible for presenting robust and detailed information to the Council in relation to site viability. The evidence will be open to public scrutiny, and where necessary to be audited by external experts, at the cost of the applicant. If the data is commercially sensitive then a way forward in terms of the viability appraisal will have to be agreed with the Council for example that the information should be provided to the Council's chosen agent or consultant.
- 24 Babergh District Council expects developers to have considered the financial implications of the affordable housing policy requirements and other planning obligations when purchasing land for development.

Integration and Mix of Affordable Housing

- 25 Affordable housing should be visually and operationally integrated within market housing (pepper potting), including in terms of location, build quality, materials, details, access to amenity space, landscaping and privacy, subject to input from the relevant RSL and the ongoing affordability of the units.

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- 26 The 2008 Babergh Housing Needs Survey identified a requirement to develop a more balanced housing stock across the district. In particular the survey identified a need for small units across the district including one and two bedroom units. This need was also identified in the Strategic Housing Market Assessment 2008 (SHMA). The mix of affordable housing types and sizes across the district will be sought in accordance with Policy HS34 of the Local Plan, with particular emphasis on seeking a percentage of one and two bedroom units.

Design of Affordable Housing

- 27 Affordable housing will be required to comply with national, regional and local design and landscaping guidance and policies, including those in the adopted Local Plan as well as any Supplementary Planning Document (SPD) on Design. The same design and landscaping considerations will be applied to affordable housing as to market housing. Affordable housing is often on the edges of built-up areas or even in countryside locations and can have an adverse impact on landscape character if it is not designed to a suitable standard. Design and landscaping would therefore be considered particularly important in these cases.
- 28 Affordable housing should comply with the Homes and Communities Agency's Design and Building Standards (www.housingcorp.gov.uk), including the current minimum Code for Sustainable Homes' rating. Designs that meet the Agency's enhanced standards are encouraged, as this will improve prospects of funding. The latest standards can be downloaded from the Agency's website and their offices can provide further clarification regarding these standards.

Site Suitability for Affordable Housing Provision

- 29 The suitability of the site for residential development including affordable housing will be considered against all relevant national, regional and local legislation, guidance and policies as well as any material considerations.

Policy HS08

- 30 The towns of Sudbury (including Great Cornard), Hadleigh and the Ipswich fringe (built-up part in the Babergh District, Wherstead Bourne Hill and The Strand), as well as Glemsford and Long Melford offer sustainable locations for residential development in terms of access to facilities and services as set out in Policy HS03 of the adopted Local Plan (Alteration No 2).

Policy HS09

- 31 The following villages with a population less than 3000 offer sustainable locations for residential development in accordance with Policy HS03 of the adopted Local Plan:

- Acton
- East Bergholt

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- Bildeston
- Boxford
- Brantham
- Bures St Mary
- Capel St Mary
- Chelmondiston
- Great Waldingfield
- Holbrook
- Lavenham
- Nayland
- Sproughton
- Stratford St Mary

- 32 In all the remaining villages, considerations that will be balanced to determine whether affordable housing should be negotiated at a particular site or not (a template letter attached in Appendix F has been prepared to negotiate affordable housing), include:
- (1) The need for affordable housing within that particular village and surrounding villages and how affordable housing in each particular case would contribute to meeting the identified needs;
 - (2) The long term viability and management of the scheme; and
 - (3) The relationship of the site to services.
- 33 Advice regarding the above mentioned can be obtained from the Council's Affordable Housing Team.

Commuted Sums

- 34 Affordable housing should be provided on site to create mixed and balanced communities aside from in exceptional circumstances. The justification and practical benefits of off site provision should be clearly made by applicants, for example a lack of RSL Interest.
- 35 If it is agreed by Babergh District Council that affordable housing should not be provided on site, the developer will be expected to identify and acquire an alternative site in close proximity to their main development, on which the affordable housing must be provided. If it is agreed that none of these options are possible, only then will a commuted sum be negotiated.
- 36 Commuted sums for an affordable housing unit will be calculated as follows:

Open market fully serviced plot value + build cost of the unit types required – RSL contribution = commuted sum per affordable housing unit

The elements of the formula are as follows: -

- Open Market Fully Serviced Plot Value – This is calculated by the District Council's appointed Valuer who provides a regularly updated schedule of plot values throughout the Babergh District for both large open market plots and small rural sites and for different locations within the district;
- Unit Build Cost – This information is obtained annually from the Council's partner RSLs and this contribution will be based on average receipts throughout the district; and

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- RSL contributions – This information is obtained annually from the Council's partners RSLs and this contribution will be based on average receipts throughout the district.

Delivery of Affordable Housing

Registered Social Landlords and appropriate providers of Affordable Housing

- 37 The Council encourages all affordable housing to be owned and managed by one of the Council's Registered Social Landlord (RSL) partners. Transfer to a RSL will be secured by a Section 106 Legal Agreement. The Council's Affordable Housing Team would be able to advise and assist developers/ landowners/ applicants in terms of contacting appropriate RSLs. It is advised that early contact is made with an appropriate RSL. A list of the the Council's partner Registered Social Landlords (RSL) is provided in Appendix D. However the Council will consider other providers who comply with PPS3 and have attained Homes and Communities Agency's Accreditation for managing affordable housing. Where it is proposed to develop and manage affordable housing without a Registered Social Landlord, applicants will be required to enter into a Section 106 Legal agreement to secure the affordable housing and ensure that only eligible candidates acquire affordable housing.

Section 106 Legal Agreement

- 38 Appropriate mechanisms should be in place to ensure that affordable housing remains affordable and available to those in local housing need before planning permission is granted for an application. This is done by a Section 106 Legal Agreement. The Council aims to start discussions on legal agreements relating to affordable housing at an early stage in the process. The legal agreement should normally cover the following headings, however more information regarding this is provided in Appendix E:
- Transfer from developer to Registered Social Landlord (RSL) or other appropriate provider;
 - Location of affordable units on site;
 - Timing of the provision of affordable housing units;
 - Number, tenure and size of the affordable housing units; and
 - Minimum standards which the affordable housing units are to meet.

Funding

- 39 Affordable housing on planning obligation sites (sought in terms of Policy HS08 and HS09) must be provided without a Social Housing Grant if viable. This means that developers should consider the costs of providing affordable housing in the format detailed above, together with other appropriate planning obligations, when negotiating the purchase price of land within the district.
- 40 Only in very exceptional circumstances will an application for Social Housing Grant (SHG), be supported for planning obligation developments if viable. Such requests will be considered where 'Additionality' is demonstrated. This means that the SHG required will deliver additional elements to the affordable housing; for example an increase in the total number of affordable units, or a higher number of rented units than the usual 75%, or an improvement in the Design and Quality standards of the units, or their Code for Sustainable Homes rating.

- 41 If a developer/ applicant argue that a Social Housing Grant (SHG) is required to make the development viable, a viability assessment should confirm that the development is not able to support the required affordable housing without a SHG. Full open book accounts must be provided to the Council for an assessment to be undertaken. The developer will be asked to fund the necessary viability assessment and this will be completed by an independent assessor, who is acceptable to both the Council and the Developer. If the data is commercially sensitive then a way forward in terms of the viability appraisal will have to be agreed with the Council.

Planning Application Process

Pre-Application Advice

- 42 Affordable housing advice can be obtained from the Council's website via www.babergh.gov.uk (follow links to Housing and Rents and then to Affordable Housing). Information regarding Parish Plans and Local Design statements are available from Parish Councils. In addition the Council encourages pre-application discussions in terms of affordable housing to ensure that proposals are appropriate to particular sites. Advice can be obtained regarding the following aspects during pre-application discussions, including:

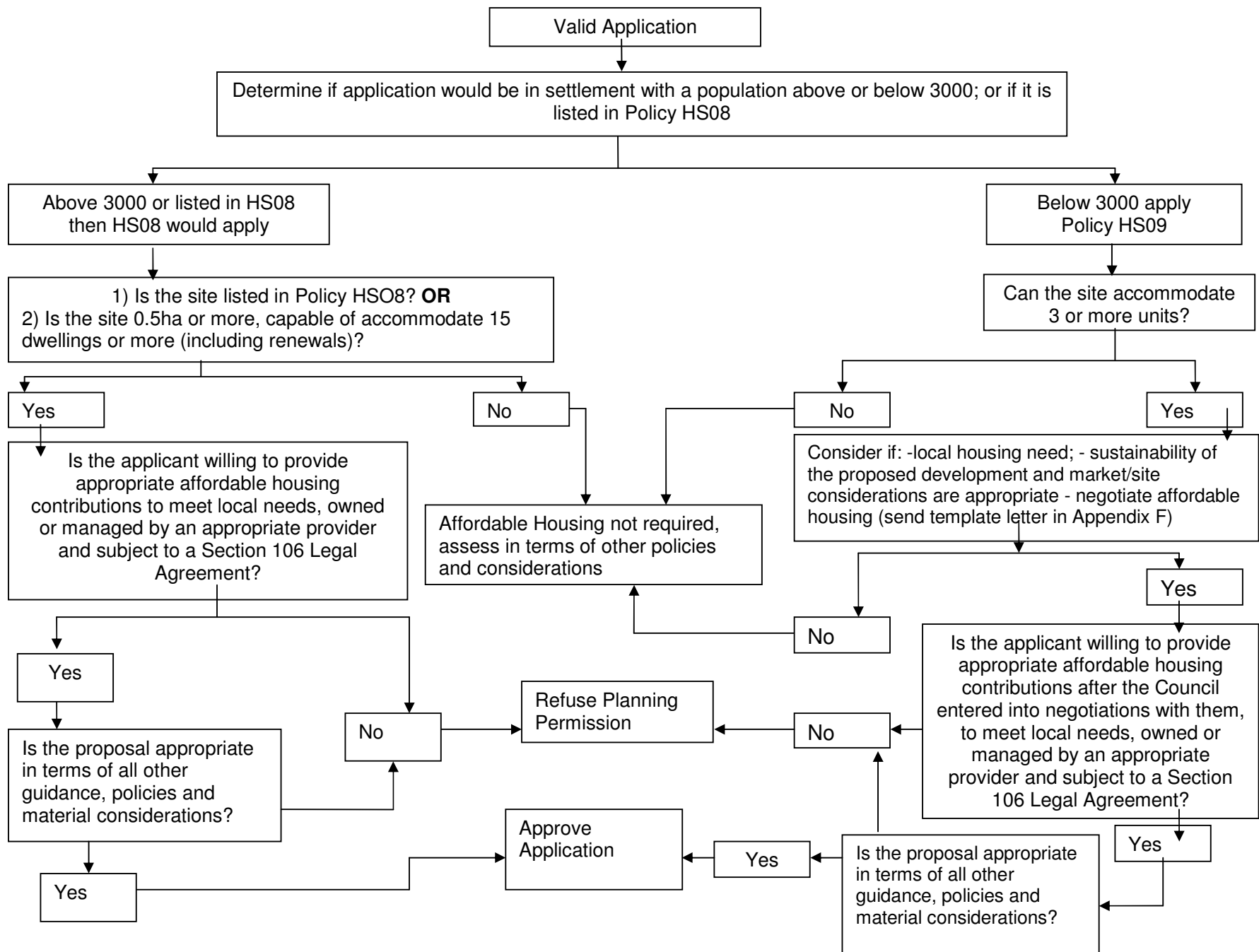
- Amount, tenure and mix of affordable housing;
- Exceptions to normal requirements;
- Section 106 Legal Agreements;
- RSL partnership working;
- Management and maintenance arrangements;
- Retaining the housing as affordable housing;
- Availability of Social Housing Grant (SHG); and
- Other development control matters.

Submitting a Planning Application

- 43 Planning applications should contain sufficient information to satisfy the Council that the affordable housing provision proposed will be appropriate to meet needs within the district. Before planning permission is granted affordable housing contributions should be secured through a Section 106 Legal Agreement.

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- 44 The flowchart below provides an indication of the actions to follow once a planning application is received in terms of Policy HS08 and HS09 and a checklist is provided in Appendix G. It is important to note that apart from Policies HS08 and HS09, all other national policies and legislation, regional and local plan policies and all material considerations will be assessed to determine the outcome of an application. It should therefore not be assumed that if the application submitted is acceptable in terms of affordable housing alone that the application would be approved.



Monitoring

45 Babergh District Council will monitor delivery of affordable housing to ensure that local needs are met. The monitoring information will inform the preparation of future planning policy in the district. In particular monitoring information to be considered will include:

- Affordable dwelling completions;
- Provision of affordable dwellings by RSL;
- Social rented affordable housing;
- Intermediate affordable housing;
- No of affordable dwellings lost; and
- Financial contributions due, received and spent.

Glossary

Affordable and Social Housing is housing that is provided, with a subsidy for people who are unable to resolve their housing needs in the local private sector market because of the relationship between housing, costs and income.”

Commuted Sum is the financial contribution paid to Council instead of providing the affordable housing on site.

Core Strategy sets out the key elements of the planning framework for an area. It contains the spatial vision and objectives for development in an area and set out the strategic policies to achieve this.

Equity Share is where more than one party has an interest in the value of the home eg an equity loan arrangements or a shared ownership lease. There may be a charge on the loan, and restrictions on price, access and resale.

First Choice (affordable housing need) shows only those applicants who have made that particular ward their first choice. This number is exclusive to this ward, although applicants may make other wards a subsequent choice. This is useful when considering local needs schemes.

Homes and Communities Agency is a non-departmental body that is responsible for funding and regulating the provision of affordable housing in England.

Intermediate Affordable Housing (in accordance with PPS3) is housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria of affordable housing as set out in PPS3. These can include shared equity products (eg Homebuy), other low cost homes for sale and intermediate rent.

Local Connection (affordable housing need) shows only those applicants who have a connection by address to this particular ward. This is useful when considering rural exception sites.

Local Development Document (LDD) is the generic name for both Development Plan Documents and Supplementary Planning Documents to be produced under planning legislation.

Local Development Framework (LDF) is a portfolio of planning documents, which will collectively deliver the spatial planning strategy for an area.

Local Development Scheme (LDS) sets out an authority’s intentions regarding the preparation of documents within its LDF over a three-year minimum period.

Pointed Affordable (affordable housing need) is the total number of applicants shown as being in housing need and seeking accommodation in each ward. Again these applications are not exclusive to each ward.

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS) these guidance and statements set out the Government's national policies on aspects of planning in England. Planning Policy Statements are updates of Planning Policy Guidance and replaces these. In particular PPG3 related to and PPS 3 relates to planning and housing.

Regional Spatial Strategy (RSS) the strategic tier of the development plan prepared by the East of England Regional Assembly and approved by the First Secretary of State (May 2008).

Registered Social Landlord (RSL) refers to a housing landlord registered with the Homes and Community Agency to provide social housing. RSLs run as businesses but do not trade for profit. Their continuing interest in the property ensures control over subsequent changes of ownership and occupation.

Sustainability Appraisal (SA) is an approach followed to identify and evaluate the likely effects of a plan on the social, economic and environmental conditions in a plan area.

Section 106 Agreement is a legal agreement that the developer/ applicant of a planning application enters into as part of the planning permission for a particular site.

Shared Ownership is a form of shared equity under which the purchaser buys an initial share in a home from a housing provider, who retains the remainder and may charge a rent. The purchaser may buy additional shares ('staircasing'), and this payment should be 'recycled' for more affordable housing. In most cases, a purchaser may buy the final share ('staircase out') and own the whole home, though this may be restricted in some rural areas.

Social Housing Grant (SHG) is the capital grant that the Homes and Community Agency or local authority provides as a subsidy to fully or partially fund RSLs when developing social housing. SHG is paid under Section 18 of the Housing Act of 1996.

Social Rented Housing (in accordance with PPS3) is rented housing owned and managed by local authorities or registered social landlords, for which guideline target rents are determined through the national rent regime. The proposals set out in the Three Year Review of Rent Restructuring (July 2004) were implemented as policy in April 2006. It may include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Community Agency as a condition of grant.

■ Affordable Housing Draft SPD

Strategic Housing Market Assessment (SHMA) will form part of the evidence base for the Local Development Framework and will provide information regarding the level of need and demand for housing and the opportunities that exist to meet it. The study will look at strategic housing services and will identify housing drivers that influence the housing markets within the study area.

Supplementary Planning Document (SPD) expands upon policy or provide further detail to policies in Development Plan Documents, but do not have development plan status and is not subject to an independent examination. Whilst not having development plan status, they exist within the Local Development Framework. The SPD is subject to a sustainability appraisal and community involvement.

Threshold is the number of units that triggers certain requirements in terms of policy such as affordable housing on residential developments.

Total Affordable Housing Need is the total number of applicants seeking accommodation in each particular ward. These applications are not exclusive to each ward.

Appendix A: Extract of Local Plan - Policies HS08 and HS09

HS08 On those allocated sites listed below, and others which come forward for residential development in a settlement with a population of 3,000 or more and which are 0.5 hectares or more in size, capable of accommodating at least 15 dwellings, or on sites of similar size and capacity on which a renewal of planning permission is sought, the District Council will require up to 35% of dwellings to be provided in the form of affordable housing to meet identified local needs. Such properties will be required to be owned or managed by a registered social housing landlord, (or other providers compliant with Circular 6/98) in perpetuity.

- Walnuttree Hospital, Sudbury
- Cornard Road, Sudbury
- People's Park, Sudbury
- Head Lane , Great Cornard
- Church Lane, Sproughton
- Folly Road, Great Waldingfield
- The Chilton Mixed-Use Development Package
- Grays Close, Hadleigh
- Rotheram Road, Bildeston
- Friends Field, Bures St. Mary
- Church Farm, Whatfield
- Bures Road, Great Cornard
- Goodlands Farm, Boxford
- High Bank, Melford Road, Sudbury
- Crownfield Road, Glemsford and
- Land east of Carsons Drive, Great Cornard

The precise number, size and type of affordable housing units and appropriate tenure arrangements to be provided on any site will relate to contemporary demands, as indicated in the most recent Housing Needs Survey, site location and other factors.

HS09 On windfall sites in settlements in rural areas with a population of 3,000 or fewer, the Council will seek to negotiate on a site to site basis an element of affordable housing of up to 35% of the total provision, having regard to the up to date Housing Needs Survey, market and site considerations and the sustainability of the proposed development.

If a developer cannot provide the affordable housing on site, a commuted payment will be required in line with the prevailing charges set out by the District Council in order to provide subsidised affordable housing on an alternative site.

Appendix B: Common Housing Register 2008

PARISH	TOTAL	POINTED	FIRST CHOICE	LOCAL CONNECTION
Acton	505	247	16	13
Aldham	201	79	3	2
Alpheton	236	102	5	1
Assington	257	100	2	1
Belstead	254	104	8	3
Bentley	258	124	10	9
Bildeston	266	119	27	14
Boxford	344	150	22	17
Boxted	221	85	0	0
Brantham	253	121	40	16
Brent Eleigh	189	75	1	0
Brettenham	150	62	2	2
Bures	325	133	30	13
Burstall	186	68	2	1
Capel St Mary	347	161	33	20
Chattisham	196	78	1	0
Chelmondiston	233	120	23	18
Chelsworth	169	61	1	0
Chilton	407	196	1	0
Cockfield	230	114	26	18
Copdock & Washbrook	331	157	29	18
East Bergholt	326	147	24	15
Edwardstone	216	92	3	1
Elmsett	239	106	19	8
Erwarton	153	69	3	3
Freston	197	91	0	0
Glemsford	347	163	46	35
Groton	199	86	0	0
Great Cornard	570	256	92	N/A
Great Waldingfield	517	261	13	10
Great Wenham	214	91	2	0
Hadleigh	638	253	205	N/A
Harkstead	191	99	4	4
Hartest	203	80	3	1
Higham	176	70	1	0
Hintlesham	270	100	7	2
Hitcham	175	69	5	3
Holbrook	301	170	39	31
Holton St Mary	193	77	3	1
Kersey	238	94	4	2
Lavenham	451	212	49	26
Lawshall	217	96	9	7
Layham	236	81	5	3
Leavenheath	257	112	6	2
Lindsey	179	70	1	0
Little Cornard	372	150	1	0

Affordable Housing Draft SPD

PARISH	TOTAL	POINTED	FIRST CHOICE	LOCAL CONNECTION
Little Waldingfield	421	197	4	2
Little Wenham	202	86	0	0
Long Melford	671	321	75	46
Milden	164	60	0	0
Monks Eleigh	228	89	6	3
Nayland	259	104	21	15
Nedging	194	83	8	4
Newton	352	157	6	4
Pinewood	292	120	46	2
Polstead	234	97	3	2
Preston St Mary	159	64	0	0
Raydon	221	95	1	0
Semer	187	79	3	1
Shelley	164	61	1	0
Shimpling	198	86	1	0
Shotley	223	111	32	25
Somerton	163	58	0	0
Sproughton	290	122	20	8
Stanstead	221	87	5	5
Stoke by Nayland	291	137	19	11
Stratford St Mary	221	90	2	0
Stutton	239	118	9	5
Sudbury	852	386	167	N/A
Tattingstone	256	125	8	4
Thorpe Morieux	155	66	2	2
Wattisham	173	57	1	0
Whatfield	212	90	2	2
Wherstead	248	103	5	1
Woolverstone	200	93	1	0

'Total' = total number of applicants seeking accommodation in each particular ward. These applications are not exclusive to each ward.

'Pointed' = total number of applicants shown as being in housing need and seeking accommodation in each ward. Again these applications are not exclusive to each ward.

'Local Connection' = shows only those applicants who have a connection by address to this particular ward. This is useful when considering rural exception sites.

'First Choice' = shows only those applicants who have made that particular ward their first choice. This number is exclusive to this ward, although applicants may make other wards a subsequent choice. This is useful when considering local needs schemes.

Appendix C: Parish Population Figures - Census 2001 figures and Suffolk County Council Mid-Year Estimates

Parish	Census 2001 Figures	Mid Year Population Estimates					
		Mid 2001	Mid 2002	Mid 2003	Mid 2004	Mid 2005	Mid 2006
Acton	1,800	1,800	1,790	1,800	1,790	1,790	1,790
Aldham	196	200	200	200	200	200	210
Alpheton	242	240	240	250	250	260	260
Arwarton	110	110	100	110	110	110	120
Assington	371	370	360	380	380	380	400
Belstead	189	190	190	200	190	190	190
Bentley	727	730	740	750	750	760	790
Bildeston	1,011	1,010	960	960	970	970	1,000
Boxford	1,258	1,260	1,270	1,280	1,270	1,280	1,230
Boxted	107	110	100	110	120	120	120
Brantham	2,606	2,610	2,620	2,620	2,650	2,660	2,630
Brentleigh	174	170	180	190	190	180	180
Brettenham	243	240	250	260	260	270	240
Bures St. Mary	899	900	900	920	930	940	940
Burstall	189	190	200	200	200	200	200
Capel St. Mary	2,993	2,990	2,990	2,970	2,950	2,940	2,920
Chattisham	138	140	140	140	140	140	150
Chelmondiston	1,018	1,020	1,000	1,000	990	990	1,010
Chelsworth	146	150	140	140	140	140	130
Chilton	373	380	390	390	400	400	440
Cockfield	839	840	850	860	840	840	850
Copdock and Washbrook	1,104	1,100	1,100	1,130	1,130	1,130	1,150
East Bergholt	2,689	2,690	2,700	2,740	2,850	2,960	2,810
Edwardstone	343	340	340	340	360	360	350
Elmsett	730	730	720	750	770	770	830
Freston	122	120	130	120	120	120	120
Glemsford	3,286	3,290	3,330	3,380	3,350	3,370	3,410
Great Cornard	8,000	8,000	7,980	8,060	8,070	8,080	8,160
Great Waldingfield	1,457	1,460	1,440	1,440	1,450	1,460	1,470
Groton	222	220	220	210	220	240	260
Hadleigh	7,239	7,240	7,460	7,870	8,150	8,170	8,480
Harkstead	276	280	270	270	280	280	280
Hartest	427	430	430	430	430	440	430
Higham	132	130	130	140	140	140	150
Hintlesham	564	560	550	550	560	580	580
Hitcham	596	600	610	610	620	620	650
Holbrook	2,317	2,320	2,300	2,310	2,420	2,420	2,380
Holton St. Mary	209	210	220	200	210	220	210
Kersey	349	350	340	340	340	340	340
Kettlebaston	58	60	70	70	70	70	80
Lavenham	1,738	1,750	1,750	1,760	1,750	1,780	1,760
Lawshall	935	930	920	950	960	940	940

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Parish	Census 2001 Figures	Mid Year Population Estimates					
		Mid 2001	Mid 2002	Mid 2003	Mid 2004	Mid 2005	Mid 2006
Layham	576	580	560	550	550	560	580
Leavenheath	1,373	1,370	1,370	1,350	1,380	1,380	1,380
Lindsey	187	190	180	200	190	190	180
Little Cornard	305	300	310	300	300	300	300
Little Waldingfield	350	350	350	350	350	360	360
Long Melford	3,433	3,440	3,460	3,470	3,470	3,510	3,540
Milden	106	100	100	100	100	100	90
Monks Eleigh	425	430	430	450	440	440	440
Nayland-with-Wissington	1,161	1,160	1,160	1,140	1,130	1,120	1,120
Nedging-with-Naughton	388	390	380	390	400	400	390
Newton	497	500	500	500	510	510	520
Pinewood	4,013	4,050	4,340	4,420	4,470	4,520	4,510
Polstead	808	800	810	820	820	830	840
Preston St. Mary	220	220	220	200	220	230	220
Raydon	487	490	490	490	490	500	500
Semer	158	160	160	150	150	150	160
Shelley	66	70	70	70	60	60	70
Shimpling	395	390	380	400	410	420	430
Shotley	2,373	2,370	2,360	2,360	2,390	2,380	2,380
Somerton	81	80	80	80	80	80	80
Sproughton	1,281	1,280	1,250	1,310	1,370	1,390	1,380
Stanstead	316	320	320	320	320	310	310
Stoke-by-Nayland	703	700	700	710	700	720	690
Stratford St. Mary	703	700	700	720	730	740	760
Stutton	786	790	780	770	820	820	810
Sudbury	11,933	11,940	11,890	12,100	12,110	12,110	12,280
Tattingstone	462	470	510	510	520	530	530
Thorpe Morieux	257	260	250	260	260	260	250
Wattisham	99	100	100	100	100	110	100
Wenham Magna	156	160	150	150	150	150	170
Wenham Parva	27	30	20	20	20	20	10
Whatfield	318	320	310	300	320	310	300
Wherstead	352	350	350	360	360	360	350
Woolverstone	244	240	240	240	240	240	240

Source: Census 2001; ONS mid-year estimates

Appendix D: List of Partner Registered Social Landlords

1. **Hastoe Housing Association**
Rectory Farm Barns
Little Chesterford
Saffron Walden
Essex
CB10 1UD
Tel: 01799 533490
E-mail: EastRegion@hastoe.com

2. **Orbit Housing Association**
Broadland Housing Association
Norwich City Football Club
Jarrold Stand
Carrow Road
Norwich NR1 1HU
Tel: 01603 750200

3. **Orwell Housing Association**
Crane Hill Lodge
325 London Road
Ipswich
IP2 0BE
Tel: 01473 218818
Fax: 01473 286818
E-mail: orwell-housing.co.uk

4. **Flagship Housing/ Suffolk Heritage Housing Association**

Flagship Housing

1st Floor

The Chapel

Keswick Hall

Norwich

NR4 6TJ

Tel: 01603 255434

Website: <http://www.flagship-housing.co.uk>

5. **Iceni Homes/ Suffolk Housing Society**

Unit 13 Forbes Business Centre

Kempson Way

Bury St Edmunds

Suffolk

IP32 7AR

Tel: 01284 723834

Fax: 01284 725478

E-mail: info@icenihomes.com

Appendix E: Standard Heads of Terms for Section 106 Agreement

1. The owner of the land the subject of the planning application shall enter into the agreement with the Council so as to bind that land. All persons who have an interest in the land shall also be a party to the agreement and give their consent to the planning obligations.
2. The agreement to contain a warranty that the owner has full power to enter into the agreement and that there is no person having a charge over or any other interest in the land (other than any party joining in the agreement) whose consent is necessary to make the agreement binding on the land and all estates and interests in the land.
3. The agreement to be a local land charge and registered as such.
4. The affordable housing to be owned or managed by a housing provider ("the Housing Provider") who is;
 - a RSL; or
 - an organisation in receipt of Homes and Community Agency Grant; or
 - an organisation registered by the Homes and Community Agency under the Homes and Community Agency's accreditation scheme the affordable housing having been constructed to Homes and Community Agency minimum standards or equivalent.
5. The agreement to provide for phasing of the development and reference to appropriate triggers for
 - the conclusion of an agreement with the Housing Provider for the construction and subsequent transfer to, or management agreement with the Housing Provider of the affordable housing units; and
 - the transfer to or conclusion of a management agreement with the Housing Provider in respect of the affordable housing units.
6. The location, type, size of affordable housing units either to be specified in the agreement or provision made for a restriction on the commencement of the development until the details have been agreed.
7. Depending on whether an outline or full planning application has been submitted, the agreement to specify numbers or percentages of affordable housing units and also the split between tenures either in numbers or percentages.
8. Affordable housing units for rent to be let at a weekly rent which does not exceed the Homes and Community Agency rent cap levels for the time being or such other rent level limits as may be set by the Homes and Community Agency.
9. Affordable housing units for rent to be constructed in accordance with the scheme development standards of the Homes and Community Agency.

10. Affordable housing units for shared ownership shall be subject to staircasing restrictions at 75% unless social housing grant is paid (in which case staircasing will be allowed to 100%).
11. All affordable housing units to be allocated to persons who are included on a published waiting list criteria system as may be adopted by the Housing Provider or such other system as shall be approved by the Council.
12. If any affordable housing unit is sold to a tenant exercising a right to acquire or a shared owner staircases to full ownership any subsidy realised from the sale after deduction of outstanding loans and costs of sale and transfer shall be used for the provision of additional housing within the Council's administrative area.
13. The owner shall supply to the Council information in order that the Council may determine whether the terms and conditions of the agreement are being observed.
14. Exclusion of the operation of the Contracts (Rights of Third Parties) Act 1999.
15. No compensation shall be payable by the Council as a result of the planning obligations.
16. Payment of the Council's legal costs by the owner.
17. No person to be liable for breach of the planning obligations after parting with all interest in the land.
18. Planning obligations to take effect on commencement of the development.
19. Waiver of breach not to constitute a continuing breach or prevent enforcement of the planning obligations.
20. The agreement to determine on expiry of planning permission before the development is commenced or on revocation of planning permission.
21. Mortgagee exclusion clause.
22. All references to the Council RSL and Homes and Community Agency shall include their respective successors in function.

Appendix F: Standard Letter Template – Request to Applicant/ Developer for Affordable Housing in terms of Policy HS09

xxx
xxx
xxx
xxx
xxx
xxx

Our Ref: **B/xx/xx/FUL/xx**
Case Officer: xxx
Direct Line: 01473 82xxxx
Fax: 01473 823594
Email: xxx@babergh.gov.uk

Date: xxx

Dear Sir/ Madam

Application No: B/xx/xx/FUL/xx
Location: xxx
Proposal: Erection of xxx dwellings

I refer to the above-mentioned application for planning permission. Please be advised that the application falls to be assessed (inter alia) against the criteria contained with Policy HS09 of the Babergh Local Plan Alteration No.2 (2006).

Policy HS09 states the following: *On windfall sites in settlements in rural areas with a population of 3,000 or fewer, the Council will seek to negotiate on a site to site basis an element of affordable housing of up to 35% of the total provision, having regard to the up to date Housing Needs Survey, market and site considerations and the sustainability of the proposed development. If a developer cannot provide the affordable housing on site, a commuted payment will be required in line with the prevailing charges set out by the District Council in order to provide subsidised affordable housing on an alternative site.*

This application has been assessed against the criteria defined within Policy HS09, and it has been concluded that should the application be approved by the Local Planning Authority, (xxx affordable housing unit(s) on site (xxx social rented and the remainder intermediate housing) / a commuted payment) would be required, in order to provide the required subsidised affordable housing.

(In line with the prevailing charges set out by Babergh District Council, the total payment required amounts to £xxx in this instance). The required (affordable housing) / (financial contribution) need to be secured by a Planning Obligation under Section 106 of the Town and Country Planning Act 1990, before planning permission can be granted.

Please can you confirm your clients' agreement or otherwise in respect of the above, in writing, within 14 days of the date of this letter. Please be aware that failing to comply with Policy HS09 can lead to a refusal of planning permission.

This request should not be taken to imply that planning permission will necessarily be forthcoming, as the application must also be assessed against other policies of the Development Plan and any other material planning considerations. Further advice regarding affordable housing can be obtained via www.babergh.gov.uk (planning, affordable housing SPD and housing, affordable housing) or by contacting the Council's Affordable Housing Team.

Yours faithfully,

xxx
Development Control Officer

Appendix G: Checklist for Implementation of Policies HS08 and HS09 of the Local Plan

Please note that the application will be assessed in terms of all other policy guidance, local plan policies and material considerations to determine if it is acceptable

ACTIONS IN TERMS OF AFFORDABLE HOUSING	INVOLVEMENT
1. Check that all the required information is submitted to support the application	Development Control
2. Check the population figures of the settlement where the application is submitted or if the site is Listed in Policy HS08	Development Control
3. If the population figure is above 3000 or the site is listed in Policy HS08 apply Policy HS08; If the population figure is below 3000 apply Policy HS09	Development Control
4. Policy HS08	
4.1 Check if the application site is an allocation as listed in Policy HS08	Development Control
4.2 If not determine if the application site is 0.5 hectares or more in size and capable of accommodating at least 15 dwellings (including renewals)	Development Control
4.3 If 4.1 or 4.2 apply determine if the amount of affordable housing, type, tenure, mix of affordable housing and management arrangements are appropriate. Up to 35% affordable housing will be sought unless need for the locality would indicate otherwise.	Affordable Housing Team and Development Control
4.4 Determine if the design of the affordable housing is appropriate including if the affordable housing is well integrated with the rest of the scheme	Development Control and Affordable Housing Team
4.5 Secure Affordable Housing in Section 106 Legal Agreement	Legal, Development Control and Affordable Housing Team
4.6 If affordable housing cannot be provided on site source a Commuted Sum, however this will only be considered in exceptional cases and secure in Section 106 Legal Agreement	Development Control, Affordable Housing Team and Legal
5. Policy HS09	
5.1 Determine if three or more dwellings could be accommodated on site	Development Control
5.2 Determine if there is a local need for affordable housing and if the site is suitable for affordable housing	Development Control and Affordable Housing Team
5.3 If 5.1 and 5.2 apply enter into negotiations with the applicant for up to 35% affordable housing to be provided (letter in Appendix F to be forwarded to applicant)	Development Control
5.4 Determine if the amount of affordable housing, type, tenure, mix of affordable housing and management arrangements are appropriate	Development Control and Affordable Housing Team
5.5 Determine if the design of the affordable housing are appropriate including if the affordable housing is well integrated with the rest of the scheme	Development Control and Affordable Housing Team
5.6 Secure Affordable Housing in Section 106 Legal Agreement	Legal, Development Control and Affordable Housing Team
5.7 If affordable housing cannot be provided on site source a Commuted Sum, however this will only be considered in exceptional cases and secure in Section 106 Legal Agreement	Development Control, Affordable Housing Team and Legal

Babergh District Council
Corks Lane
Hadleigh
IPSWICH IP7 6SJ
Tel: 01473 822801
Fax: 01473 825708

This document can be made available on audio tape
in Braille, large print or another language upon request
by telephoning 01473 826622

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