



AFFORDABLE HOUSING STATEMENT

Outline planning application for the demolition of all existing structures and redevelopment of the site with up to 45 dwellings (30% affordable (up to 14)) and 0.3 hectares of landscaped open space with vehicular access from Maypole Lane and pedestrian/cycle access only from North End Road.

Land at Street Buildings North End Road Yapton



Paul Collins MRTPI





Introduction

1. This Statement is provided in accordance with the Council's Local Validation List requirements.

Planning Policy Requirements

Relevant Development Plan Policy

2. "Saved" Policy DEV 17 in the adopted Arun District Local Plan 2003¹ reads as follows:

"Within allocated and unidentified housing developments of 25 or more dwellings or residential sites of 0.8 hectare or more, irrespective of the number of dwellings, the Local Planning Authority will seek to secure the provision of affordable housing.

The appropriate level and type of provision will be dependent upon identified local housing need, character of the area, suitability of the site and market conditions at the time of the submission of the relevant planning application.

Where sites are considered suitable for affordable housing but other factors demonstrate that on-site provision is not appropriate, the Local Planning Authority will seek direct provision on another site or, in exceptional circumstances, accept a payment in lieu of provision.

For the purposes of the Local Plan, affordable housing comprises both social and low cost market housing. The provisions made for social housing should ensure that appropriate arrangements are in place to ensure that it is provided, in perpetuity, to those in housing need in the District. This will usually be in conjunction with a Registered Social Landlord. The Local Planning Authority will use either planning conditions or obligations to ensure provision of the agreed social housing element as part of the overall development.

The provisions made for low cost market housing should ensure that it will be available to people who cannot afford to rent or buy houses generally available on the open market".

3. The Yapton Neighbourhood Plan 2014 – 2029 made on 5 November 2014 includes Policies H2 and H3 together with the supporting text (copied at Appendix 1) which relate to affordable housing provision in Yapton and read as set out overleaf.

¹ The relevant development plan policy for the purposes of Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, PPG Paragraph: 006 Reference ID: 21b-006-20140306 and Framework paragraphs 47,50 and 14.



Policy H2: Dwelling size

Developments of fifteen or more dwellings must provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:

- 1-bed dwellings: 10-15% of all dwellings
- 2-bed dwellings: 25-35% of all dwellings
- 3-bed dwellings: 45-55% of all dwellings
- 4+-bed dwellings: 5-10% of all dwellings

Policy H3: Dwellings appropriate for the needs of older people

In order to provide for the needs of older people in Yapton developments of five or more dwellings must ensure that a minimum of 25% of the 1-, 2- and 3-bed dwellings are delivered to Lifetime Homes standards.

4. These development plan policies applicable to Yapton are in direct conflict with “saved” ADLP Policy DEV 17.
5. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published².

Relevant interim and emerging policies

6. The Council’s Affordable Housing web page (last updated in May 2016) states the following:

“The Arun District experiences high levels of housing need and housing affordability is now a major issue locally due to the relationship between house prices and household income. The market therefore excludes many people seeking access to housing in the district therefore the Council continues to enable an appropriate level affordable housing.

Affordable housing is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market; eligibility is determined by the Council’s Allocations Policy. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision. Affordable housing which does not meet the prescribed definition in the National Planning Policy Framework (NPPF) at Annex 2, such as “low cost market” housing, will not be considered as affordable housing for planning purposes. Please see the Interim Affordable Housing Policy.pdf”

² NPPG Paragraph: 012 Reference ID: 21b-012-20140306



7. The Council's Interim Affordable Housing Policy" was adopted by the Full Council on 18 August 2010 and predates the YNP made on 5 November 2014 and it reads as follows:

"The Council has revised its standards for Affordable Housing. On 18 August 2010 the Council resolved that:

1. The following interim approach towards the provision of affordable housing in accordance with Planning Policy Statement 3 (PPS3) be approved:

(i) the Council will seek affordable housing provision on new housing developments in accordance with PPS3 as detailed below; and

(ii) the following be adopted by way of guide figures for the purposes of negotiation, to be read in conjunction with Arun Local Plan Policy DEV17:

(a) from developments of 15 or more units an affordable housing provision of 30% across the board should be required of developments; and

(b) from developments of 1 to 14 units an affordable housing provision of 15% be sought district wide, subject to further research to ensure this is financially viable.

2. In order to introduce a degree of certainty and transparency in discussions with developers a 'capping clause' be sought in Section 106 agreements regarding the value of land and property sold by a developer to a Registered Social Landlord. It is proposed that this will seek that the owner or developer make an offer to a RSL. This shall include:

(a) Sale of land contract.

(b) A Draft Transfer.

(c) A price of 45% of open market value at time of offer".

8. The Council's Affordable Housing web page (last updated in May 2016) continues by stating :

"In implementing its Affordable Housing Policy, the Council will seek 30% affordable housing on-site on residential developments of 15+ residential units. The tenure, dwelling type/size and location of on-site affordable housing must be agreed with the Council's Housing Strategy and Enabling Manager.

For residential redevelopments of 11-14 units, the Council will seek 20% affordable housing on-site as below;

11 units = 2 affordable homes

12 units = 2 affordable homes

13 units = 3 affordable homes

14 units = 3 affordable homes

For residential developments of 11-14 units, the Council will accept either affordable housing for rental or intermediate housing in accordance with the National Planning Policy Framework (NPPF). The tenure, dwelling type/size and location of on-site



affordable housing must be agreed with the Council's Housing Strategy and Enabling Manager.

If it is agreed with the Council's Housing Strategy and Enabling Manager that on-site delivery of affordable housing on developments of 11-14 units is neither viable nor practical, the Council will accept a commuted sum payable in lieu of on-site affordable housing of £45,000 for each foregone affordable dwelling. This sum will be included in the S106 agreement and will be payable in full on completion of the development.

The Council will not apply its Affordable Housing Policy on developments of between 1 and 10 residential dwellings".

9. The Arun District Local Plan 2011-2031 and supporting documents submitted for independent examination to the Secretary of State for Communities and Local Government via the Planning Inspectorate on 30 January 2015 contains the following district wide Affordable Housing Policy:

Policy H SP2 Affordable housing

For schemes of 7 units or less, the Council will require the payment of a commuted sum. For all development schemes of 8-14 residential units the Council will require 15% of the total number of units proposed on site to be provided as affordable housing on the same site, in the first instance and for all developments of 15 residential units or more the Council will require 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance. Where it can be proven, however, that either of the above are non-viable options, then off-site provision as part of another development within Arun District may be considered (as agreed with the local planning authority). Where it can be proven that this second option is also non-viable, then payment of a commuted sum in lieu of either on-site or off-site affordable housing provision, (prescribed in a planning obligation) as determined by the Council, will be considered sufficient. The Council will negotiate the affordable housing tenure mix on development sites from an initial default position of 80% rent and 20% intermediate market housing. Affordable housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes. Provision of affordable housing can be by either an Arun preferred Register Partner, an Affordable Housing Provider or the Council. All providers will be required to sign and adhere to the principles of the Council's Developer and Partner Charter Plus. Affordable housing will be made available for households on the Council's housing register or on the Homebuy Zone Agent's register, with nominations made by the Council from those registers. All planning applications that include residential development, either in whole or in part, must include an Affordable Housing Statement. Developments shall also be consistent with all other Local Plan policies.



10. However, the examination of the submitted plan and this draft policy was formally suspended by the examining Inspectors on 2 February 2016 and there is (at the date of writing) no date for when it will be resumed.
11. On the 10 April 2017 and following the approval by Full Council, ADC consulted on “Proposed Main Modifications” to the emerging Arun Local Plan submitted for examination and the consultation ran from 10th April to 30th May 2017 and the results in terms of representations have not yet been published at the date of writing.
12. The “Proposed Main Modification” to Draft Policy H SP2 Affordable housing in Plan version submitted for examination include a renumbering of the policy and changes are shown as follows:
 - All changed text is highlighted in blue
 - All addition text is shown underlined
 - All deleted text is shown struck through.

so that the draft policy as now proposed for modification reads as follows:

Policy AH SP2 Affordable housing

~~For schemes of 7 units or less, the Council will require the payment of a commuted sum. For all development schemes of 8-11-14 residential units the Council will require 15% 20% of the total number of units proposed on site to be provided as affordable housing on the same site, in the first instance and [for all developments of 15-11~~
residential units or more the Council will require a minimum 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance. Where it can be proven, however, that either of the above are is a non-viable options, then a reduction in the amount of affordable housing on a site or off-site provision as part of another development within Arun District may be considered (as agreed with the local planning authority). Where it can be proven that the above is this second option is also non-viable, then payment of a commuted sum in lieu of either on-site or off-site affordable housing provision, (prescribed in a planning obligation) as determined by the Council, will be considered sufficient. The Council will negotiate the affordable housing tenure mix on development sites from an initial default position of 80 75% rent and 20 25% intermediate market housing. Affordable housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes. The affordable dwelling mix should comprise of the following range of homes

1 bedroom 35 – 40%

2 bedroom 35 – 40%

3 bedroom 15 – 20%

4+ bedroom 5 – 10%



Provision of affordable housing can be by either an Arun preferred Register Partner, an Affordable Housing Provider or the Council. All providers will be required to sign and adhere to the principles of the Council's Developer and Partner Charter Plus. Affordable housing will be made available for households on the Council's housing register or on the Homebuy Zone Agent's register, with nominations made by the Council from those registers. All planning applications that include residential development, either in whole or in part, must include an Affordable Housing Statement."

13. Finally the Council's Local Validation List updated on 11 May 2017 reads as follows in this regard:

Information Item	Types of Application that require this information	Geographic locations where this information is required	What information is required?	Where to look for further assistance
Affordable Housing	11-14 units a level of 20% provision is required on site or the equivalent commuted sum. 15 or more units will require a provision of 30% affordable housing units.	All areas of the District	For schemes of 11-14 units and 15 or more units a Planning Obligation (often referred to as s.106 agreements) will be required to secure the necessary provision whether this be on-site or a commuted sum payment for off-site provision. <u>Affordable Housing Statement Requirement</u> Where affordable housing is being provided on site, a statement setting out the following is required: • Number and mix of affordable units. • Mix of tenure of affordable units. • Plans showing location of units. • Details of floor space provision for each unit type. • Proposed Registered Social Landlord partner. • Details of contact with this Council's Housing Enabling staff. • Details of funding provision (if available). • Heads of terms for S106 including any cascade arrangements if necessary.	Council's Housing Enabler Officer – for confirmation of mix and format of provision. 01903 737714 NPPF March 2012 Arun Affordable Housing policy 18th August 2010 and associated documentation available at http://www.arun.gov.uk/affordable-housing

14. This confusing mix of conflicting adopted and emerging policies and statements of unknown and/or indeterminate status makes it very difficult for us or the applicant to determine what the Council's affordable housing policy actually is, the weight to



be attached to same and/or assess which of the various approaches we should follow in respect of the Outline application submitted.

15. However, the two consistent factors appear to be that contrary to the relevant adopted development plan policies (ADLP 2003 and/or the YNP 2014 – 2029) the Council now seeks the provision on site of a minimum of 30% affordable housing (as defined by the Framework) on all schemes for 15 or more dwellings and that an applicant must submit an Affordable Housing Statement in support of a qualifying application in the prescribed form in order that it may be validated by the Council.

The Applicant's Affordable Housing Statement

16. This is provided in the prescribed form (to the extent that this is possible with an Outline Application where all matters except for access are reserved) in the table below.

Required Content	Applicant's Comments
Number and mix of affordable units.	The application is for outline planning permission in respect of up to 45 dwellings of which 30% would be affordable (up to 14). Therefore it is not possible to specify the number or mix of affordable units beyond these parameters at this stage and indeed it would be inappropriate to do so until the reserved matter stage when the actual number/mix of the housing proposed in terms of the determinate matters of scale and layout would be fixed.
Mix of tenure of affordable units.	The Framework defines affordable housing as including the following tenures: <i>Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.</i> <i>Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the</i>



	above, as agreed with the local authority or with the Homes and Communities Agency. Affordable rented is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable). Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing. Once again in an outline application of this type it would be inappropriate to attempt to define the mix between these three different affordable housing tenures at this stage particularly as whilst the 30% provision is fixed the final number of affordable housing units to be provided is not. However, the applicant is able to commit to the general default parameters of 75% of the 30% affordable provision proposed being either social rented or affordable rented and 25% intermediate market housing specified in <i>Policy AH SP2 Affordable housing</i> in the “Proposed Modifications” to the plan submitted for examination.
Plans showing location of units.	Not possible given the outline nature of the application and the fact that layout is a reserved matter.
Details of floor space provision for each unit type.	Not possible given the outline nature of the application and the fact that layout, scale and appearance are reserved matters.
Proposed Registered Social Landlord partner.	Not required given the range of providers that are possible but none has been secured at this stage as the applicant is a landowner and not a developer.



Details of contact with this Council's Housing Enabling staff.	No contact made prior to submission but happy to discuss if appropriate following submission.
Details of funding provision (if available).	Not available
Heads of terms for S106 including any cascade arrangements if necessary.	Not applicable. Applicant considers that the appropriate delivery mechanism should be a suitably worded condition on any OPP granted for the reasons given below.

17. In view of the somewhat chaotic and indeterminate ADC policy position and the forgoing the applicant proposes that the delivery of the 30% affordable housing required be secured by way of a condition on any OPP granted worded³ as follows:

"The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the LPA. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of the NPPF or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of the total number of dwellings approved at reserved matters stage of which 75% shall be social or affordable rented and 25% intermediate housing;*
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Social Landlord involved);*
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

The affordable housing shall be retained in accordance with the approved scheme".

³ The principle of the use of such a condition and its wording were agreed by the Inspector and the Secretary of State in respect of the appeal decision dated September 2016 for a nearby site in Yapton (APP/C3810/A/14/2228260 Council reference Y/60/14/OUT)