

SWLP Policy Guidance

Annex B ~ Housing

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Introduction

This guidance is written to assist understanding and implementation of the housing policies within the South Warwickshire Local Plan. It should be read in conjunction with the relevant housing policies and associated explanatory text.

Housing Requirements

Amount of Affordable Housing

The amount of affordable housing required on new developments is set out in policy HO.3 for general needs housing and policy HO.6 for Specialised Housing. The matters below cover circumstances that may affect the amount of affordable housing a site is expected to deliver.

Subdivision

Where the site is a subdivision of a larger site or adjacent to another potential housing site, the site size for threshold purposes will be taken to be the larger development site. Therefore, where a site has been subdivided, or is in separate ownerships, the site size will be that of all the sites taken together.

In determining whether two or more adjacent development sites should be considered as one, the following will be considered:

- whether a previous application incorporated parts of both sites;
- whether the sites are inter-dependent in any way – for example, functionally or physically;
- whether there is a community of interest between the two owners; and/or
- whether there is a reasonable prospect of developing both sites together

When applying the applicable affordable housing thresholds, regards will be had to the density of the development as well as the numbers of units proposed. For example, there may be instances where a scheme is judged to have an inappropriate density in order to circumvent the policy requirement. In such cases the Local Planning Authority may refuse the application if the density of the development is contrary to local and national policy.

Vacant Building Credit

In accordance with paragraph 65 of the NPPF, to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due will be reduced by a proportionate amount, equivalent to the existing gross floorspace of the existing buildings. This calculation should be submitted to the Local Planning Authority for approval at the point of application.

This Vacant Building Credit (VBC) does not apply to vacant buildings which have been abandoned or have been vacated for the sole purpose of redevelopment. VBC can be applied for on sites that demolish a vacant building to make way for housing development, and for applications bring a vacant building back to use as dwellings.

The proportion of the vacant building floor space as part of the total new floor space should be used to calculate the proportion of the affordable housing required by the policy, as summarised in the simple formula:

(Net change in Floorspace/Proposed Floorspace) x Policy Requirement = Site Affordable Housing Requirement

Illustrative example:

- A proposed new development for 100 homes (with a floor space of 125 sqm each) results in total proposed floor space of 12,500 sqm.
- Policy H2 requires 40% affordable housing – which equates to 40 affordable homes and 60 market homes.
- However, there are existing vacant buildings on the site with a floorspace of 5,000 sqm.
- The difference between the gross floorspace of the vacant buildings and the proposed new build floor space is 7500 sqm
- Therefore the affordable Housing requirement on this site is $(7500/12500) \times 40 = 24\%$. This equates to 24 dwellings.

Viability and Viability Negotiations

It is expected that developers will be aware of their obligations in respect of affordable housing, and other planning requirements, at the outset of a development and that the financial implications of these will have been taken into account prior to negotiations on the purchase of the land.

Where applicants claim that they are unable to provide the proportion of affordable housing required by the applicable policy because this would make the scheme unviable, the Local Planning Authority will require written evidence of the costs of the scheme. The Local Planning Authority will ask their independent viability expert to review the applicant's submission, the reasonable costs of which will be paid by the applicant. The viability process should be undertaken in accordance with the relevant Planning Practice Guidance and be publicly available.

In cases where the Local Planning Authority are satisfied that a scheme would not be viable with the policy required level of affordable housing, officers will negotiate with the applicant on the most appropriate solutions, with a focus on maintaining delivery of social rent homes where practical. In doing so, they will consider the affordable housing priorities in that location and the nature of the overall development.

Tenure

The starting point for determining the appropriate tenure mix for a site will be policy H0.4 however the final decision as to the most appropriate affordable housing tenure profile on any particular site will be informed by local need, the existing affordable housing stock profile and commitments, market conditions and a host of external factors beyond the remit and scope of the planning system (e.g. welfare reform). Early advice on the most appropriate tenure mix should be sought from the Housing Team at the Local Planning Authority and deviations from the policy will require robust justification. It is also essential to consult potential partner Registered Providers at pre-application stage.

Total affordable housing costs (rents and sale prices together with any applicable service charges) must be set at levels that will ensure that the accommodation is genuinely affordable to all households on low incomes, including those in work and/or with special needs. It also needs to take into account the size and type of homes to be provided, not only their tenure.

All affordable tenure profiles will only be considered acceptable if they:

- Foster the development of cohesive and stable communities;
- Ensure the needs of households are met by ensuring housing costs are genuinely affordable;
- Ensure that any homes provided remain affordable for future eligible households (unless subsidy recycling arrangements apply);
- Include delivery arrangements to ensure the delivery of all agreed affordable tenures within any given scheme.

Size

Applicants should aim to adhere to the dwelling size mix set out in policy HO.1. Where applicants propose an alternative mix that departs from that shown in the policy, the onus will be on the applicant to fully justify any such deviation. Applicants will be expected to include the following information and evidence (to the extent that it is relevant in any particular case and either available to the applicant or otherwise in the public domain) as part of any justification:

- A comparison table illustrating the difference between the proposed mix and the optimum mix set out in policy HO.1 and indicating the extent of any deviation in terms of both the number of units and percentages;
- Evidence of local market circumstances (including local supply and demand and factors such as sale prices and speed of sales for different sizes of dwelling);
- Evidence of projected likely future demand/aspirations of house buyers in relation to bedroom numbers;

- Evidence of site/development-specific issues that affect the mix;
- Evidence from up to date Housing Needs Surveys;
- Evidence from any relevant Neighbourhood Development Plan, Parish Appraisal or Parish Plan;
- For large scale schemes with a lengthy build programme over several phases – any proposals to include a ‘review mechanism’ to allow the mix to be adjusted as necessary for forthcoming phases.

This list is not intended to be exhaustive. In circumstances where variations to the preferred mix are proposed, the Local Planning Authority may appoint suitably qualified consultants to appraise the validity of the information submitted. Applicants will be expected to pay the Authority’s reasonable costs for such an appraisal.

Implementation

For outline applications, a table indicating the range of market and (if required) affordable dwellings types proposed should be submitted with the application. It shall be accompanied by a reasoned justification (containing information and evidence as outlined above) if this is to depart from the preferred mix as set out in the Table above.

For full or Reserved Matters applications, a schedule containing an analysis of the range of market and (if required) affordable types proposed should be submitted with the application. It shall be accompanied by a reasoned justification containing information and evidence as outlined above if the number of any particular size of home results in a percentage falling outside any of the ranges as set out in policy H01.

Design of Affordable Housing

The proper integration of different housing tenures within individual sites is an integral aspect of good planning, and one means by which sustainable and successful development can be assured. The outcome should be the physical and social integration of affordable and market housing within any given site, so as to promote community cohesion. 100% affordable housing schemes should be integrated into the wider site/settlement and a mix of affordable tenures.

Design

To ensure that market and affordable homes are functionally and visually indistinguishable, the following considerations should be applied to both market and affordable homes:

- Size and type of home - ensuring a balanced stock profile of both affordable and market homes will assist in their integration. For example, groups of small affordable homes in lengthy terraces in the context of larger detached market houses would usually be inappropriate;

- External materials - both market and affordable homes should be built in the same general style and materials (including boundary and surface treatments);
- External and garden spaces - the same type of market and affordable homes should have the same amount of external space;
- Access arrangements - affordable homes should use the same highway access as market homes and buildings must not have separate entrances for affordable and market residents;
- Parking – the same type of market and affordable homes should have the same siting and level of car and cycle parking.

Layout

Policy HO.4 requires affordable homes to be ‘dispersed across the site in clusters appropriate to the size, scale and layout of the development’. The size of such clusters will depend on the overall size of the scheme but should generally be no more than 8-10 units.

In the case of outline planning applications – where the detailed layout and appearance of a site will not necessarily be known – a masterplan (or similar) should indicate how the above considerations will be taken account of in the subsequent detailed design process. Where necessary, planning obligations will contain a maximum size for clusters of affordable homes, unless justified by reference to specific circumstances and with the agreement of the Local Planning Authority. Flats and specialised housing will be given special consideration.

Delivery of Affordable Housing

Application Requirements

All planning applications that include affordable homes must be accompanied by an Affordable Housing Statement. This should include confirmation that the applicant is prepared to enter into a planning obligation based on the Local Planning Authority’s model Section 106 clauses.

For Full and Reserved Matters applications, the Affordable Housing Statement must include confirmation that the estate layout and detailed design of all dwellings proposed as affordable homes has been discussed with, and is considered satisfactory by, a named partner Registered Provider.

On Site Affordable Housing

Section 106 Agreement

The delivery and management of affordable housing will be secured through a planning obligation which is commonly known as a Section 106 Agreement. Experience has shown that the use of planning conditions has been unsatisfactory.

For details of the affordable housing clauses please contact the Local Planning Authority.

Amongst other matters, the planning obligation will set out:

- The overall proportion or number of affordable homes to be provided (determined in accordance with Policy HO.3);
- The overall tenure profile of the proposed affordable homes;
- That the site developer submits for approval by the Local Planning Authority an Affordable Housing Specification for all the agreed affordable housing. The specification is a mechanism for determining key delivery and management details, including the identity of the Registered Provider who is to develop or partner the development of the scheme;
- For outline applications, this Specification must be submitted and approved prior to the approval of consequential Reserved Matters application.
- For full applications, the Specification must be submitted and approved prior to the commencement of development;
- A requirement to deliver all the affordable homes, irrespective of tenure, and trigger points for their delivery.

Registered Provider Involvement

The preference is for affordable housing to be delivered through Registered Providers (RPs). The early involvement of RPs will expedite the delivery of affordable homes and minimize the risk of RPs not taking on the homes because the detailed design and specification of the homes does not meet their requirements.

It is recognised that the identity of the named partner Registered Provider may change between the submission of the Affordable Housing Statement and the submission of the Affordable Housing specification.

Nomination Rights

All affordable homes must only be let or sold to tenants or purchasers with a need for such accommodation. Local Authorities currently have the right to nominate tenants (within a set period of time) to all Social Rent and Affordable Rent properties. Shared ownership properties can be sold directly by Registered Providers and Fixed Equity sale properties (as defined in the Glossary) can be sold directly by the developer. For all other affordable housing tenures, the Local Authorities reserve the right to determine whether it will make nominations to the properties.

Irrespective of who is letting or selling affordable homes, all the affordable homes must be let to tenants or sold to purchasers who satisfy at least one local connection criterion defined with reference to:

- Residency at the time of birth;
- Current and immediate past residency for a minimum period;
- Previous residency for a minimum period;

- Current work location subject to minimum qualifying periods;
- Current close family residency for a minimum period.

Precise local connection criteria requirements will be set by the relevant Council and defined through Section 106 agreements. The order in which local connection criteria take precedence will be defined in cascades set by the relevant Council.

Local Lettings Plans will be required at the discretion of each Council taking into account the particular context and circumstances of a development. Where required, a Local Lettings Plan will set out key operational nomination and allocation arrangements (and possibly sales arrangements). The Local Lettings Plan must be submitted and approved prior to the occupation of any of the properties to which they relate. The Plans can be varied from time-to-time by agreement.

The Local Authorities reserve the right to amend nomination rights as required.

Phasing

To ensure affordable housing is built alongside the market housing and not delayed relative to the market housing, the Local Planning Authorities will use trigger clauses in Section 106 agreements. For example, it may be required that no more than 50% of the open market dwellings shall be occupied until 50% of the affordable houses are ready for occupation. The trigger points to be used will be determined by the Local Planning Authority.

Off Site Contributions / Commuted Sums

As part of the aim to deliver mixed and sustainable communities that cater for a range of accommodation needs, types and tenures, the Local Planning Authority will seek to provide affordable housing on-site alongside general market housing. This approach is endorsed in the NPPF. The requirement for on-site provision is also borne out of the obligation to meet affordable housing needs given the practical challenges and risks associated with delivering affordable homes via off-site contributions. These difficulties include:

- The need to find suitable land or property to purchase for delivery of alternative provision, including the risks, uncertainty and delay involved with sourcing sites or properties on the open market;
- The need to prepare and submit schemes for approval within the budget provided by any such contribution, and to ensure that the value of contributions are not eroded by inflation;
- The limitations and risks associated with open-market purchases of existing dwellings;
- The time and resources required to design and secure the necessary planning permissions for new build housing schemes, and attendant risks.

Where it is considered appropriate to accept a financial contribution in lieu of onsite affordable housing delivery, either in accordance with the provisions of policy H0.3 or because of site specific matters, the Local Planning Authority will apply the guidance below.

Calculating Off-Site Contributions

Contributions for off-site affordable housing provision will be calculated on the principle of securing equivalence of provision at parity. This will:

- Ensure equitability and no inadvertent incentive to favour off-site provision; and
- Provide an additional safeguard against the erosion in value of any contribution.

Further details on how off-site contributions will be calculated will be included in future Technical Guidance.

Implementation

All financial contributions will be secured via a Section 106 Agreement. Contributions will be made available to support off-site provision anywhere within the Local Planning Authority's administrative area.

As with other financial contributions, it is good practice for a Section 106 Agreement to include provision for repayment of affordable housing contributions not expended or committed beyond a certain time-limit. Given (a) the risks and uncertainties associated with accepting off-site financial contributions and (b) the importance in ensuring flexibility over decisions on deployment to ensure good value for money, it is important the time limit is realistic. Therefore contributions will be refundable only if not spent or contractually committed within a period of 10 years from the date of last receipt.

Indexation will be applied to any contribution in line with future Technical Guidance to be published separately.

The financial contribution (which may be phased on large developments) will be payable on first occupation, sale or letting (whichever shall occur first) of any dwelling within the relevant development unless otherwise agreed with the Local Planning Authority.

Rural Exception Sites

Local Connection

Housing Need Surveys

Housing need surveys are intended to identify the housing needs of a community at a point in time. It is important that surveys show evidence of housing need rather than housing aspirations.

Local Connection

A key feature of Rural Exception Sites is that they provide homes to local people. To ensure that the homes remain available to people with a local connection to the parish,

a planning obligation/legal agreement will be required to control who is eligible to occupy the homes, amongst other matters. The input of the local community will be sought on appropriate local connection criteria. However, for consistency and ease of administration, the following criteria are recommended and will be applied unless a Neighbourhood Plan expressly requires the use of alternative criteria (note, only one person in the household needs to have a local connection):

- Was born in the parish where the site is located or whose parent(s) were ordinarily residents in that parish at the time of birth;
- Currently lives in the parish and has done so for at least the past twelve months;
- Used to live in the parish and did so for a continuous period of not less than three years;
- Currently works in the parish and has done so for at least the past twelve months and for an average of not less than 16 hours per week;
- Currently has a close family member (i.e. mother, father, brother, sister, son, daughter) living in the parish and has done so for a continuous period of not less than three years.

Cascade clauses may be applied to, for example, give priority to households within a parish before extending eligibility to neighbouring parishes and the whole district.

The tenure and occupancy of all affordable and all local market homes will be controlled in perpetuity via a planning obligation. This will normally be drafted using standard model clauses prepared by the Local Planning Authority. Such controls will apply to all first and subsequent occupants, except in a few tightly defined circumstances. At least one member of every household will be required to satisfy one or more 'local connection' criteria.

In the case of 'local market' properties, the local connection requirement will apply in relation to the host parish only but with a waiver mechanism to appropriately manage development risk. Where local market housing is to be provided, the planning obligation will also specify special procedures for the marketing and sale of the properties concerned on both initial sale and subsequent re-sales.

Scale

It is not possible to define 'small-scale' as it will vary upon individual circumstances. However, in applying the 'requirements' criteria in Policy HO.5, the Local Planning Authority will take into account the in-principle support in the Local Plan for Rural Exception Sites including the fact that the scheme is meeting an identified need and the fact that it has the support of the parish or town council. Given that Rural Exception Sites are supported in locations otherwise considered unsuitable for open-market housing, the scale of the proposed scheme is unlikely to be the dominant

determining factor in granting or refusing planning consent. This is particularly relevant given the likelihood of 'cluster schemes' (see below).

Cluster Schemes

Ordinarily, local needs will be met in the parish or settlement where they arise. However, the reality of bringing Rural Exception Sites to fruition means that it is not always possible to achieve this (for example because of the availability of land, complexities of funding, economics of development etc.). As such, if supported by the parish or town council, needs arising from more than one location may be grouped i.e. clustered on a single site and met through a single Local Needs Scheme.

The principle of cluster schemes is supported by paragraph 83 of the NPPF.

Supporting Information for Planning Applications

In addition to the normal requirements in respect of accompanying documentation, it is especially important that the application is accompanied by:

- A statement explaining the evidence of local need that has been relied upon as providing the basis for the proposed scheme;
- Evidence of the support of the local community, including pre-application community consultation and engagement;
- An undertaking to enter into a planning obligation (Section 106 Agreement) to regulate the development and its future use/occupation.

Specialised Housing

Careful consideration is necessary when planning for specialised housing as such schemes often have specific planning requirements that differ from general housing. Such requirements must be considered in the context of both the day-to-day needs of the occupiers themselves and the service providers who cater and care for those living in specialised accommodation.

Policy HO.6 sets out four criteria that schemes promoting specialised housing must meet; all the criteria must be met. Further guidance on the interpretation and implementation of these criteria is detailed below.

1. Meets identified needs and maintains the balance of the housing stock

Schemes for specialised housing must reflect the development strategy set out in the Plan. Schemes providing for the wider needs of South Warwickshire should be located in the main towns. Schemes for specialised housing should not generally be located in the smaller settlements unless they are meeting a specific and identified local need.

Within settlements, the cumulative impact of schemes for specialised housing will be considered. Schemes should not result in an over-concentration of provision in a

particular local area to the detriment of the overall balance of housing. It is acknowledged that schemes may need to be of a certain size to be viable. However, unless a scheme is meeting a need that is unlikely to be met elsewhere, such a consideration will not usually be sufficient to outweigh any concerns regarding the balance of the housing stock.

In order to assist in demonstrating compliance with this criteria applicants should:

- Seek pre-application advice from the Local Planning Authority, in particular the relevant Housing Team, and consult the NHS, including the Clinical Commissioning Group, about the impact of proposals on local healthcare resources.
- Provide evidence to justify the need for a scheme.
- Explain how the proposed scheme will complement existing accommodation within the District.

2. Relates well to the settlement and provides easy access to services and facilities

Accessibility is a key issue when considering schemes for specialised housing. Residents of specialised housing are:

- More likely to have health problems or disabilities;
- More likely to have mobility difficulties;
- More likely to suffer from social isolation;
- Less likely to have active lifestyles;
- Less likely to have access to a private motor vehicle;
- More likely to place demands on welfare services.

For residents, visitors and staff, a high standard of connectivity to the host community, and availability of and access to associated infrastructure, is essential.

Walking and cycling routes should be generally flat and cater for people with mobility and sensory impairments. Access to public transport should be considered not only in terms of proximity, but also the frequency and accessibility of services. Where appropriate, arrangements should be put in place to upgrade existing off-site infrastructure.

Application of these criteria will help ensure that residents have easy access to services and facilities and can maintain independent lifestyles for as long as possible. Aside from the health benefits of this approach; it also reduces dependency on welfare services.

Whilst the Local Planning Authority seeks to ensure the impacts of additional housing are mitigated by securing Section 106 planning obligations and through the implementation of Community Infrastructure Levy (CIL), it is important to ensure that

critical existing infrastructure and service providers have the capacity to deal with increased demands for their services. This is particularly important in respect of specialised housing for older people. Research has found that older people place greater demands on the health service. In itself this is not a problem if local health services are geared to manage those increased demands. It can become a problem where demands arise on services that do not have existing capacity or do not have capacity to meet increasing demands.

In assessing schemes for specialised accommodation, in accordance with Policy HO.6 the Local Planning Authority will take account of the capacity of existing health facilities as well as the views of the Clinical Commissioning Group (CCG) and local health service providers.

In order to assist in demonstrating compliance with these criteria, applicants should:

- Audit specialised housing schemes against the above criteria to demonstrate that the scheme meets the needs of future residents and visitors.
- Explain in the required Design and Access Statement how the outcome of the above audit has fed back into the design solution proposed.

3. Design is capable of meeting support and care needs

Unlike general housing, specialised housing often has specific design requirements to meet the specific needs of occupiers. The design is integral to ensuring residents' general welfare and assisting them to achieve healthy lifestyles.

In particular, older people and people with disabilities in long-term permanent housing require adequate internal and external space, level/step-free access and appropriate landscape design. The provision of charging points for mobility scooters and appropriately sited and sized parking bays for disability users are also other factors to consider.

In respect of internal space, doorways and corridors should be of sufficient width to accommodate wheelchair users and there should be sufficient space within rooms and corridors for wheelchair users to turn 360 degrees. Rooms should not just be of sufficient size but appropriately configured to maximise the efficient use of space. Floor areas should be benchmarked against recognised national standards and an explanation provided for any derogation.

Given that specialised housing is designed for occupation by vulnerable residents, schemes that offer permanent long-term housing should also be 'future proofed' as far as practical to take account of the fact that residents' support and care needs are likely to change over time.

In order to assist in demonstrating compliance with these criteria, applicants should:

- Describe how the proposed design of the scheme will ensure fitness of purpose in relation to its proposed role, including reference to the relevant accessibility standards.
- Describe how the proposed management of the scheme will ensure fitness of purpose in relation to its proposed role and that of the host settlement.

4. Delivery of appropriate management, support and care

The type of management, support packages and care required will vary in detail from scheme to scheme, depending on the nature and objectives of the scheme. Further, the detailed specification of the management, support packages and care may reasonably be expected to change over time, in response to evolving best practice.

To assist in demonstrating compliance with these criteria, applicants should ensure a planning application is accompanied by:

- Sufficient information to describe the intended role and function of the scheme.
- Heads of terms for an appropriate planning obligation to be secured via a Section 106 legal agreement

In every case, a planning obligation will be sought that includes provisions to secure the delivery of appropriate management and/or support packages and/or care relevant to the type of scheme proposed. Provisions will include:

- Requirements in respect of the range of facilities and services the operator will be required to provide and retain on site.
- Restrictions on the occupancy of all residential units within a scheme to ensure those units are occupied only by residents in receipt of or with access to relevant management and/or support and care packages.
- For all extra care schemes the owner/developer shall ensure that a domiciliary care provider, registered with the Care Quality Commission, is based on site and services are available to residents 24 hours a day every day of the year for as long as a scheme is occupied.
- For all extra care schemes all residents are contracted to receive, as a minimum and for the duration of their occupancy, an entry-level personal care package (expressed as access to an emergency care package).