

TONBRIDGE AND MALLING BOROUGH COUNCIL

AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT

As adopted by the Council

8 July 2008

Contents	Page Number
Section 1 - Introduction:	1
1.1 Purpose of this Supplementary Planning Document	1
1.2 Format of this Supplementary Planning Document	2
1.3 The process for delivering Affordable Housing	2
1.4 Policy Context	3
<i>National</i>	3
<i>Regional</i>	3
<i>Local</i>	4
Section 2 - Definitions	7
2.1 What is Affordable Housing?	7
Section 3 - Housing Needs	9
3.1 Meeting Affordable Housing Needs in Tonbridge and Malling	9
<i>Housing Needs and Market Assessment Study (2005)</i>	9
<i>Strategic Housing Market Assessment (2008)</i>	9
3.2 Size and type of affordable housing	9
3.3 The need for supported housing	10
<i>Mental health</i>	10
<i>Young people</i>	11
<i>Suitable sites for young people and mental health supported housing schemes</i>	11
3.4 Affordable sheltered housing for older people	11
3.5 Affordable extra care housing for the frail elderly	12
3.6 Lifetime Homes	12
3.7 Wheelchair-user Housing	13
3.8 Key and Essential Workers	13
Section 4 - Qualifying Sites	15
4.1 Site suitability and thresholds	15
<i>Affordable housing as part of older persons and student accommodation</i>	15
<i>Subdivision of sites</i>	15
4.3 Rural Affordable Housing Needs	16
<i>Rural Exception Site policy</i>	16
<i>Determining need for Rural Housing Schemes</i>	17
<i>Site selection for Rural Housing Schemes</i>	18
<i>Selection of RSL</i>	18
Section 5 - Design of affordable housing	19
5.1 Ensuring high standards of design	19
<i>New build schemes</i>	19
5.2 Purpose designed supported housing	20

Section 6 - Funding	21
6.1 The cost of providing Affordable Housing	21
<i>Availability of grant in the South East</i>	21
6.2 Providing affordable housing without grant	21
<i>Stage 1: Assessing the economic viability of development</i>	22
<i>Stage 2: Optimising the prospects for securing grant</i>	23
Section 7 - Allocations and lettings	25
7.1 The Housing Register	25
<i>Nomination rights</i>	25
<i>Local lettings plans</i>	25
Section 8 – Delivery	27
8.1 Working with the Council's preferred RSL partners	27
<i>Long-term availability of affordable housing</i>	27
<i>Nature of disposal</i>	27
<i>Sale of completed units by developers to a nominated RSL</i>	27
<i>Timing of the delivery of affordable housing</i>	28
<i>Maintenance and Service Charges</i>	28
<i>Car Parking</i>	28
8.2 Method of Delivery: Planning Conditions and Section 106 Legal Obligations	28
Section 9 - Off-site site provision	31
9.1 Alternatives to on-site provision	31
<i>Commuted Sums</i>	31
<i>Purchase of existing properties</i>	31
<i>Alternative sites</i>	32
Annexes	33
A: Definitions & Glossary of terms	33
B: Indexation	40
C: Indicative affordable housing mix by area	41
D: GOSE letter – Sheltered Housing	42
E: Programme of Rural Housing Needs Surveys	44
F: Preferred RSL Partners	45
G: Design – Reference Sources	46
H: Housing Quality Indicators (HQI)	47
I: Space Standards	48
J: Borough Council Officer Contacts	49
K: Typical Planning Condition	50
L: Model Section 106 Agreement	51

1. Introduction

1.1 Purpose of this Supplementary Planning Document

1.1.1 Tonbridge & Malling has a pressing need for affordable housing. The provision of affordable homes is a key priority for the Council and its Housing Strategy focuses on the provision of good quality affordable housing as a key component of a sustainable community. The Community Strategy identifies the need to increase the amount of affordable housing made available to those with a priority need and to essential workers.

1.1.2 The Local Development Framework (LDF) Core Strategy sets out the Council's requirements for affordable housing in new residential developments in Core Policy CP17. The purpose of this Supplementary Planning Document (SPD) is to inform applicants in more detail of what the Council will expect to secure in terms of affordable housing provision in new residential development. It amplifies Core Policy CP17 and provides more detailed information on such matters as:

- What constitutes Affordable Housing
- The size and type of Affordable Housing required
- The need for supported housing
- Site suitability and thresholds
- The design of Affordable Housing
- The availability of social housing grant funding
- The cost of Affordable Housing
- Allocations and lettings policy
- The nature of land disposal for affordable housing
- How applications for sheltered housing will be treated
- Securing affordable housing through legal instruments
- Alternatives to on-site provision

It also provides more detailed guidance on the operation of the Rural Exception Site Policy CP 19.

1.1.3 The aims of this SPD are therefore:

- to secure provision of an appropriate amount and mix of tenures to meet housing need;
- to secure high quality design and promote energy efficiency and, where practicable, renewable energy, in the provision of affordable housing;
- to ensure the tenure-blind and seamless integration of affordable housing within market housing developments
- to ensure the timely delivery of affordable housing;
- to seek the provision of housing for special needs;

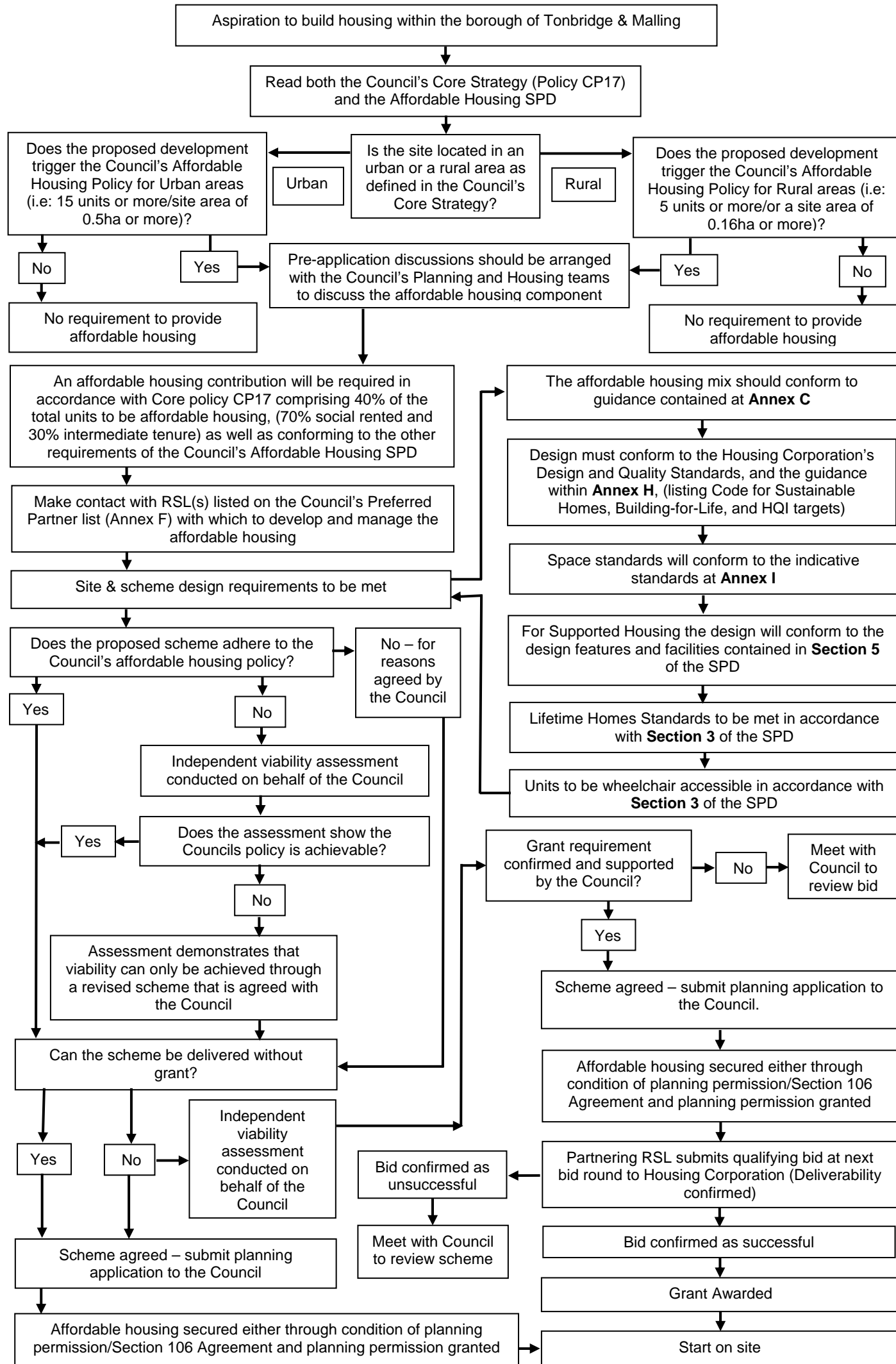
- to create sustainable mixed communities in both urban and rural areas.

1.2 Format of this Supplementary Planning Document

- 1.2.1 This SPD comprises two parts. The main body of the document (the white pages) provides the amplification to policy and sets out the Borough Council's planning and housing policy requirements in respect of the provision of affordable housing. The second part (the yellow pages) is a series of Annexes which include definitions, contact points, sources of information and, in particular, various statistical requirements, all of which are likely to change over time. The Annexes therefore amplify the SPD. They are there to help interpret the document and inform the application of policy. The Annexes will be updated as necessary.
- 1.2.2 **Annex A** is a Glossary of terms and definitions. A number of measures in the Document are financial in nature and will be applied at the time of decision making in accordance with indexation arrangements set out in the **Annex B**.

1.3 The Process for Delivering Affordable Housing

- 1.3.1 Within the context of Core Policy CP17, each application for residential development will be viewed on a case by case basis taking into account site and locational characteristics and other considerations including Government policy and guidance, best practice, and the most recent research carried out by the Council and its partners.
- 1.3.2 Pre-application discussions are encouraged between the developer and the Council planners and housing officers. Core Policy CP17 will apply to all sites above the prescribed thresholds, and the Council will seek 40% of all units to be affordable. Based on the most up to date information, the tenure, type and size of unit needed in that area and on the site in question will be identified by Council officers.
- 1.3.3 If the proposal does not incorporate the affordable housing amount and type required, a full justification for such an approach must be provided. The Council will then commission a confidential, independent development appraisal of the proposals including a financial analysis taking into account the particular characteristics of the site. This will be undertaken in collaboration with the developer.
- 1.3.4 This information will provide a mechanism for negotiations between the developer and the Borough Council with conditions or other legal instruments being used to address the issues specific to the case.
- 1.3.5 The process is summarised in the diagram opposite.



PROCESS FOR THE PROVISION OF AFFORDABLE HOUSING

1.4 Policy Context

National

1.4.1 Planning Policy Statement 3: Housing (PPS3) sets out the Government's policy for securing the provision of affordable housing. Its key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking to:

- achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community;
- widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need;
- improve affordability across the housing market, including by increasing the supply of housing; and
- create sustainable, inclusive, mixed communities in urban and rural areas.

1.4.2 PPS3 sets out the specific outcomes that the planning system should deliver. These are:

- High quality housing that is well-designed and built to a high standard
- A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural
- A sufficient quantity of housing taking into account need and demand and seeking to improve choice
- Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure
- A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously developed land, where appropriate

More specific guidance in relation to the delivery of affordable housing through the planning system is included in the companion document 'Delivering Affordable Housing', (November 2006).

Regional

1.4.3 Policy H4 of the South East Plan requires Local Development Documents to deliver a substantial increase in the amount of affordable housing in the region, with an overall target for the region as a whole of 25% of all new housing to be social rented and 10% other forms of affordable housing. The South East Plan

states that up-to-date and robust assessments of housing need and demand have a fundamental role in helping to ensure that everyone has the opportunity of a decent home. This information enables local planning authorities to ensure that the right level of affordable housing is sought from new residential development in their specific areas.

Local

- 1.4.4 The Housing and Market Needs Assessment that was carried out in 2005 concluded that the need for affordable housing in Tonbridge & Malling was such that a tailored approach could be justified. Policy CP17 of the adopted LDF Core Strategy (September 2007) reflects these findings:

Policy CP17

- 1. In the Urban Areas, as defined in Core Policy CP12, affordable housing provision will be sought on all sites of 15 dwellings or above or 0.5ha or above at a level of 40% of the number of dwellings in any scheme.**
- 2. In the Rural areas, affordable housing provision will be sought on all sites of 5 dwellings or above or above or 0.16ha or above at a level of 40% of the number of dwellings in any scheme.**
- 3. Unless circumstances dictate otherwise, 70% of the affordable dwellings provided on each site should be social rented housing with the remainder being intermediate housing (as defined in para 6.3.27 of the Core Strategy).**
- 4. In exceptional circumstances, it may be agreed that affordable housing may be provided on another site or by means of a commuted sum.**
- 5. If a site allocated or identified in the LDF for housing is sub-divided so as to create two or more separate development schemes one or more of which falls below the relevant threshold, the Council will seek an appropriate level of affordable housing to reflect the provision that would have been achieved on the site as a whole had it come forward as a single scheme for the allocated or identified site.**

- 1.4.5 PPS3 requires local planning authorities in their Local Development Frameworks to set an overall plan-wide target for the amount of affordable housing to be provided. The Housing and Market Needs Assessment concluded that because of the backlog of need the annual requirement for affordable housing was 554 units which is well above the total annual housing requirement in the Regional Spatial Strategy. Any requirement for affordable housing at or above 100% of all provision is clearly unrealistic, particularly bearing in mind that only a proportion of new housing comes from sites above the prescribed thresholds. The Council has therefore set no specific target for affordable housing provision, since its objective is to achieve the highest reasonable level of provision on every eligible site having regard to the criteria set out in para

6.3.26 of the Core Strategy. The start point for negotiations is therefore that 40% of all housing on each site above the specified thresholds should be affordable housing. By this means the Council will seek to achieve the highest possible supply of affordable housing towards meeting the identified requirement and will normally give priority to the provision of affordable housing over other development contributions apart from those essential to the delivery of the development.

2. Definitions

2.1 What is Affordable Housing?

- 2.1.1 The Borough Council defines affordable housing in the adopted LDF Core Strategy (September 2007) as that which is provided at a subsidised cost to enable those whose income does not allow them to secure adequate housing through the open market (because of the relationship between local housing costs and incomes) to be suitably housed.
- 2.1.2 **Annex A** sets out a definition of the specific types of affordable housing. The Borough Council will accept the following tenures as affordable housing:
- Social rented housing
 - Intermediate affordable housing including intermediate rented accommodation, shared ownership, shared equity and discounted sale.
- 2.1.3 Housing for key or essential workers can fall into any one of the above categories, depending on the disposable income of the household. Affordable housing should remain at an affordable price for future eligible households, or, if this restriction is lifted, the subsidy should be recycled for alternative affordable housing provision.
- 2.1.4 In keeping with Government guidance (PPS3) the Council is seeking to target intermediate housing at households from a particular income group at a price they can afford. Shared ownership accommodation should therefore be developed at a cost that enables such households with an index linked average earning of up to £27,500 per annum at 2007 to purchase a 25%-50% initial equity share. Rents on unsold equity should also be affordable and not exceed 2.0% of the unsold equity and only rise by a maximum of Retail Price Index (RPI) per annum.
- 2.1.5 The following tenures are considered not to be affordable housing :
- Low Cost Market Housing (LCMH)
 - Open market sheltered housing
 - Accommodation for students
- 2.1.6 The provision of student accommodation deserves special comment though specific housing for students was not identified as a shortfall in existing provision within the Housing and Market Needs Assessment Survey 2005 (HMNAS). It is temporary in nature (e.g. purpose-built student housing) for the individual occupants and will not be considered as contributing to the stock of affordable housing within the Borough. Where accommodation for students is provided, use may, where appropriate, be subject to occupancy controls through the grant of planning permission. Where such controls exist, should a developer seek at a later date to use the dwellings for market housing the requirement to provide affordable housing would then become a material consideration.

3. Housing Needs

3.1 Meeting Affordable Housing need in Tonbridge & Malling

- 3.1.1 National planning guidance reflects the Government's key housing policy goal which is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking to achieve a wide choice of high quality homes, both affordable and market housing to address the needs of the community. In order to deliver housing to meet the needs of the community, local planning authorities must identify what these needs are and seek to create sustainable, inclusive, mixed communities in both urban and rural areas. To achieve this, local authorities must carry out an assessment of the housing and market needs in their area to identify the amount, type and size of units needed.

Housing and Market Needs Assessment Survey (2005)

- 3.1.2 In 2005, independent specialists prepared the HMNAS on behalf of the Borough Council. The survey identified an annual shortfall after re-lets of 554 affordable homes required in the borough. The total affordable housing need is 123% of the current annual structure plan allocation of 450 homes from 2006-2011. David Couttie Associates (DCA), who conducted the study, recognised that this is "clearly unachievable." In light of the findings of the HMNAS the Council concluded that 40% affordable housing would be sought on qualifying sites, comprising 70% social housing for rent and 30% intermediate housing, and this is now included in the adopted Core Policy CP17.

Strategic Housing Market Assessment (2008)

- 3.1.3 The requirement in PPS3 to prepare a Strategic Housing market Assessment (SHMA) did not exist at the time that the Core Strategy was submitted. The Core Strategy has therefore progressed and been found to be sound on the basis of the HMNAS. A SHMA is in the course of preparation for South West Kent. It is being prepared jointly with Sevenoaks District Council and Tunbridge Wells Borough Council. The results should be available by the end of 2008. It seems unlikely that the conclusions on affordability will be so materially different as to require a change to the terms of Policy CP17, but as is made clear in para 6.3.30 of the Core Strategy, any reduction in requirements will be brought forward through the preparation a separate SPD. Any changes to the dwelling mix that might be identified through the SHMA could be reflected in an amendment to Annex C to this SPD.

3.2 Size and type of Affordable Housing

- 3.2.1 The HMNAS highlighted the substantial need for smaller homes. While 75% of existing households required two or three bedroom accommodation, the requirement for one bedroom accommodation was found to be "higher (21.5%) than that found in other surveys carried out by DCA - in which around 8% has

been the average” (page 62 of report). Similarly, all concealed households (eg. adult children living with parents) moving to social or supported housing needed either 1 bed (43.9%) or 2 bed (56.1%) accommodation. 67.5% of concealed households moving required flats/maisonettes, “above the level of 40-50% commonly found in (DCA) surveys” (page 67 of report).

- 3.2.2 It should be noted however that in line with PPS3 opportunities for securing family sized accommodation (typically 3+ bedrooms) will be maximised where site and scheme particulars allow. The Borough Council will also take into account the need for specific affordable housing dwelling types, as expressed on its Housing Register at the time of scheme planning.
- 3.2.3 The Housing Register provides up-to-date information on immediate housing need across the Borough. This information will also be taken into consideration on a site-by-site basis to inform negotiations.
- 3.2.4 The HMNAS indicated an apparent need for substantial levels of small units of accommodation for “concealed households”. In the experience of the Council as a Housing Authority, these “concealed households” do not always lead, for a variety of reasons, to actual and priority need. In practice, there are greater difficulties in meeting the needs of larger households. Consequently, in considering new development opportunities developers will be expected to provide a range of accommodation types to ensure a wide spectrum of housing need can be met and particularly statutorily defined ‘reasonable preference’ groups (see **Annex A**) to whom the Council has a legal duty. Taking these factors into consideration, the most up-to-date indicative affordable housing mix across the three sub areas comprising the HMNAS area is set out at **Annex C**.

3.3 The need for supported housing

- 3.3.1 The Government is committed to providing high quality housing for people who are unable to access or afford market housing and this includes vulnerable people such as young people, older people (including the frail elderly), those with a learning disability and people with specific physical or mental health needs. The Borough Council will seek to secure through negotiation with developers and Registered Social Landlords (RSLs) the provision of suitable homes for vulnerable people as part of its responsibility to secure affordable housing in new residential developments. Any specialist provision is within and not in addition to the affordable housing proportion of a scheme. The range of supported housing provision is generally limited in the borough and three key groups in particular (mental health, young people, and older people) have been identified as a priority for new provision as discussed below.

Mental health

- 3.3.2 Care in the community has resulted in an increasing number of service users with mental health issues approaching the Borough Council for assistance. While floating support can be secured to help those affected, there is currently, an urgent need for social rented self - contained accommodation to meet the existing shortfall in provision.

- 3.3.3 Purpose designed supported housing is required to enable residents to adjust to independent living or to enable them to live independently. The delivery of self-contained accommodation (typically one bedroom flats) to meet the needs of those with a mental health problem is a current priority and the suitability of forthcoming sites to provide this type of accommodation within the affordable element of the development scheme will be discussed in early negotiations.
- 3.3.4 Currently, there is only one supported housing project in the borough for people with mental health problems, comprising a total of three bed spaces. A further priority for the Borough Council will therefore be the provision by a RSL of a purpose designed supported housing scheme for people with mental health problems, comprising 6 or 7 self-contained units with on-site support

Young people

- 3.3.5 The Borough Council experiences high numbers of homeless applications from young people (16-24 yrs). At present there is no dedicated provision for this client group. Demand for appropriate supported accommodation is further exacerbated by legislative changes which mean the Borough Council is legally required to assist 16 and 17 year olds who are vulnerable and homeless. There are particular difficulties with meeting the accommodation needs of 16 and 17 year olds because they are below the age at which a person can hold a legal interest in property (i.e. 18 years old).
- 3.3.6 There is a current need to develop foyer style accommodation that will provide housing, employment training and support for young people. Whilst this type of accommodation remains an identified need and a priority for the Borough Council, developers will be encouraged to consider the provision of one bedroom self-contained flats where support can be provided for those young people able to hold a tenancy.

Suitable sites for young people and mental health supported housing schemes

- 3.3.7 Proposed developments for supported housing for young people or those experiencing a mental health problem should be located to enable the best possible social inclusion and integration and should be easily accessible to public transport and a range of shops and services.

3.4 Affordable sheltered housing for older people

- 3.4.1 There is a large supply of existing social rented sheltered accommodation for older people in the Borough. The HMNAS noted that demand for this type of accommodation appears to be falling. The study found that demand for supported accommodation for older people was predominantly for independent accommodation with external support. The development of new-build sheltered accommodation is not therefore a current priority for the Borough Council, but this situation will be kept under review.

3.5 Affordable extra care housing for the frail elderly

- 3.5.1 The HMNAS identified a high level of need for extra care housing, which does not currently exist in the Borough. The provision of extra care affordable housing will therefore be considered on a scheme by scheme basis in consultation with partner agencies. This is to ensure proposals meet an identified housing and support need and can be properly funded in the long term.
- 3.5.2 The Borough Council defines “extra care” as schemes providing three essential features:
- high levels of care available
 - 24 hour staffing
 - extensive facilities (eg catering facilities with one or more meals available each day, specialist equipment to help meet the needs of frail or disabled residents, laundry, assisted bathing, sluice, hoist, charging and storage facilities for electric wheelchairs/scooters, etc)

Extra Care Schemes are typically 30 to 50 units in size in order to make best use of on-site staff and other related resources. Sites considered suitable for this type of provision should be large enough to accommodate developments of this nature

3.6 Lifetime Homes

- 3.6.1 The Government through its agent the Housing Corporation encourage the development of “Lifetime Homes” standards (defined in **Annex A**). Because of their flexibility, Lifetime Homes can meet a wider range of needs than other types of housing. Lifetime Homes are not ‘special needs’ housing but they do offer greater convenience because they can enable people to stay in their own homes if they become less mobile. They provide people with disabilities with housing options and are a way of enhancing the quality, safety and accessibility of housing at little or no extra cost. Viewed over time, they are highly-cost effective.
- 3.6.2 The HMNAS highlighted the need for a range of internal adaptations to enable people to continue living in their home as they get older. The study recommended that new homes should be built to Lifetime homes standards. To cater for people’s changing needs over time the Borough Council is therefore seeking 100% of social rented housing (including ground floor flats where appropriate) to be constructed to full Lifetime Homes standards. Where marketing constraints allow, the Borough Council also encourages intermediate housing to meet Lifetime homes standards. It is acknowledged that the actual number may in practice be influenced by relevant needs data, site-specific issues, property type, design circumstances and viability.

3.7 Wheelchair-user Housing

- 3.7.1 Homes designed to be easily adaptable for occupation by a wheelchair user are likely to exceed the minimum spatial requirements of Part M of the Building Regulations and place greater emphasis on internal layout and quality of life for occupants. The Borough Council will seek at least 10% of new social rented housing (including ground floor flats where appropriate) on schemes of 10 units or more to be fully wheelchair-user accessible. Specific proposals for wheelchair user housing should be discussed and agreed with the Borough Council's Housing Service on a scheme by scheme basis to ensure they meet an identified need and can be suitably accommodated within the confines of the site. Where a need is identified by the Borough Council Officers, such schemes should be developed to sufficiently high space standards to ensure the home is capable of sensibly accommodating the necessary furniture and equipment associated with the particular needs of users. Developers are encouraged to explore design solutions with the Borough Council at an early stage of the scheme.

3.8 Key and Essential Workers

- 3.8.1 The Borough Council expects the needs of key and essential workers to be met through the Government's national Key Worker Living Programme and through the provision of intermediate housing in the Borough. Eligible essential and key worker applicants will apply to the Homebuy Agent for Kent (operated by Moat Housing Group) and be prioritised by the Borough Council for available intermediate housing schemes.

4. Qualifying Sites

4.1 Site suitability and thresholds

4.1.1 The Council considers that all housing sites above the thresholds set out in Core Policy CP17 are suitable to provide affordable housing. The details of the affordable housing element to be provided will depend on the specifics of the site and will be dealt with on a case-by-case basis. The following should also be considered in assessing the nature of the affordable housing element:

- The viability of development (see para 6.2.7 et seq)
- The availability of housing grant or other subsidy;
- The location and character of the site and its general suitability for affordable housing;
- The type of housing needed and most appropriate to the locality;
- The availability and type of affordable housing existing in the locality.

4.1.2 All new residential developments will therefore be expected to provide affordable housing in accordance with the adopted Core Strategy unless the developer can show that the site can only come forward if essential infrastructure needs to be provided first or there are other significant costs such as site remediation or flood alleviation works, for example, and that in these circumstances the provision of the required amount and type of affordable housing would make the development unviable. In these exceptional cases, it will be for the developer to demonstrate that less affordable housing and/or a different mix of affordable housing should be provided and this will be subject to a confidential “open book” assessment and subject to independent audit.

Affordable housing as part of older persons and student accommodation

4.1.3 In line with Government policy, (see **Annex D**), the Borough Council sees no distinction between proposals for open market sheltered accommodation, student accommodation, and any other open market housing in terms of applying its affordable housing policies. The presumption is that affordable housing should be provided on the application site in all cases. Development proposals for open market retirement and sheltered housing must also therefore address affordable housing needs.

Subdivision of sites

4.1.4 As set out in Policy CP17, the sub-division of sites so as to create two or more separate development schemes one or more of which falls below the relevant threshold will not be acceptable and the Borough Council will seek an appropriate level of affordable housing to reflect the provision that would have been achieved on the site as a whole had it come forward as a single scheme for the allocated or identified site.

4.2 Rural Affordable Housing Needs

- 4.2.1 There is currently a general need for affordable housing in the rural areas as identified through the HMNAS. Some of this need can be met in the nearby urban areas or on the strategic development sites (see Policy CP15 of the LDF Core Strategy). However, the opportunities for affordable housing within the rural settlements are likely to be few. As a result, in the more remote parts of the borough, away from the main urban areas (ie. the Malling Rural sub-area of the HMNAS) there is predicted to be a need which cannot easily be met because of the lack of sites.
- 4.2.2 The Borough Council has adopted a sustainable approach to meeting housing need in the rural parts of the borough based on 'rural service centres' such as Borough Green which has a good range of shops, services and community facilities, reasonable public transport and schooling facilities.

Rural Exception Site Policy

- 4.2.3 In accordance with PPS3 (Housing) the Exception Site policy (Policy CP19) will apply alongside the other affordable housing policies in the rural areas to allow for any specific local needs that have not been met by the general affordable housing provision. One way that such needs may be identified is through a Village Plan prepared by the local community and supported by a detailed local housing needs survey. Sites released as an exception to policy should be made available exclusively for affordable housing to meet strictly defined local needs in perpetuity. A need for affordable housing may be considered a very special circumstance sufficient to override the normal presumption against development in the Green Belt.
- 4.2.4 Policy CP19 states:

Development to meet a specific identified local need for rural affordable housing may exceptionally be proposed in the LDF or otherwise permitted in situations where there would normally be a presumption against development. Such development will only be proposed or permitted where all of the following requirements are met:

(a) the Council is satisfied that there is a genuine local need for affordable housing within the Parish or, where appropriate, in adjacent Parishes as defined by the categories of need set out below and verified by means of a comprehensive local appraisal;

(b) the identified local need arises within an area remote from any major urban area and cannot be met by any other means;

(c) the proposal is of a size and type suitable to meet the identified local need and will be available at an appropriate affordable cost commensurate with the results of the appraisal;

(d) the proposed site is considered suitable for such purposes by virtue of its relationship in scale and siting to an existing village and its services, its proximity to public transport, and the absence of overriding countryside, conservation, environmental, or highway impact; and

(e) the initial and subsequent occupancy is controlled through planning conditions and agreements as appropriate to ensure that the accommodation remains available in perpetuity to meet the purposes for which it was permitted.

4.2.5 In assessing local needs, regard will be paid to households otherwise unable to gain access to existing local accommodation suited to their needs at an affordable cost (the onus being on the household to prove they cannot afford to buy locally at current house prices within the limits of the disposable income available to them) and that fall within one or more of the following categories:

- those in the Parish currently in accommodation unsuited to their circumstances for physical, medical, or social reasons and which is incapable of being improved. “Improvement” in this context means any improvement achievable with grant assistance;
- those who are dependants of households who have been resident in the Parish either for a continuous period of three years or alternatively any five years out of the last ten;
- those who have been members of households currently living in the Parish and who have recognised local connections, i.e. having family resident in the area for a minimum of ten years;
- those employed full-time in the Parish on other than a short-term basis or those who will be taking up such employment there, or those who provide an important service requiring them to live locally.

Determining need for Rural Housing Schemes

4.2.6 The Borough Council is conducting a rolling programme of rural housing needs surveys in partnership with Action for Communities in Rural Kent and parish councils. The current programme is contained in **Annex E**. The parish housing needs surveys are currently carried out by the charitable organisation Action with Communities in Rural Kent (ACRK). ACRK’s Rural Enablers have a wealth of experience in carrying out needs assessments and can offer support and independent advice to parish councils to facilitate agreement between all relevant parties.

4.2.7 The parish councils have a crucial role to play in alerting the Borough Council to specific needs in their areas and have self-selected for the current survey programme. They have a further role to play throughout the whole process of survey, including liaison with the local community, site identification and contribution to working up a suitable scheme. The survey questionnaire is devised with input from the parish council. The format and content will ensure

that it provides the necessary information required to justify an exception housing needs scheme in accordance with Core Policy CP19.

- 4.2.8 Completed surveys will be sent to ACRK for analysis and the results presented to both the Borough Council and the Parish Council. The findings will provide an indication of housing need, if any, and the size and type of accommodation that is required to meet the specific needs of a defined area. It will then be used to support any subsequent planning application. Where there is an identified need for housing, a second stage questionnaire will gauge the level of interest from prospective applicants seeking to occupy the proposed new units.

Site selection for Rural Housing Schemes

- 4.2.9 Where the results of a parish needs survey demonstrate a need for affordable housing, work will start on developing a proposal for a housing scheme to meet the need. This involves the identification and selection of a suitable site. A shortlist of suitable sites may be drawn up from Borough Council resources and local knowledge. The Parish Council will also be invited to contribute to the site selection process drawing on their local knowledge of potential sites in the village. In some instances it might be more appropriate to promote a number of smaller sites rather than a single site. This could make site acquisition easier and could be more acceptable in environmental terms than a single, relatively large development.

Selection of RSL

- 4.2.10 In consultation with the Parish Council, an RSL will be selected to develop and manage the scheme (see **Annex F** – for list of preferred partners). The RSL will then draw up a draft proposal with plans for the site, which will initially be discussed with the Borough Council and the Parish Council. The draft proposal will then be subject to a consultation event led by the RSL. Residents will have the opportunity to view and comment on the plans and to obtain more information about the application process for the proposed development. The proposals will then be reviewed and amended in readiness for the planning application process which will also provide opportunities for the local community to express their views on the proposals.
- 4.2.11 To ensure that the housing remains available in perpetuity for future occupiers, planning permission will be subject to a Section 106 agreement between the Borough Council, developer and the RSL. Once planning permission has been granted and any necessary funding is in place, the RSL can then plan and implement the development schedule and start building the new homes. At this stage a further public event will be held to promote the scheme, provide information regarding qualifying criteria and encourage registration on the Housing Register.

5. Design of Affordable Housing

5.1 Ensuring high standards of design

- 5.1.1 The Borough Council considers affordable housing owned and managed by a RSL to be the preferred method of delivery. Developers should note that RSLs have strict design standards that must be met in order to attract social housing grant funding from the Housing Corporation. The Borough Council endorses the principles of good quality design in the development of all housing including new affordable housing to help achieve longer term social and environmental sustainability. Affordable housing providers should produce well-designed, good quality housing to meet identified needs in places where people want to live.
- 5.1.2 To help create mixed and inclusive communities, in line with Government objectives, new housing developments should include an appropriate mix of dwelling sizes and types taking into account location and site characteristics and the nature of housing need in the locality. In this respect, the type and size of affordable housing should have regard to the advice in this SPD. The affordable housing units should integrate well with the general market housing on a site in terms of overall architectural form and quality and be in keeping with the character of the area. This will generally require consistency of materials, style and detailing. The Borough Council will not normally accept affordable housing which, either by its design or site layout, is separated or distinctive from the general market housing, although it will have regard to the requirements of the RSL in terms of housing management. Any variation from this requirement will need to be justified.
- 5.1.3 The Borough Council has adopted Kent Design as a Supplementary Planning Document and, as with all residential schemes, developers will be required to take note of its content and to ensure that the principles of good design are adhered to in their proposals for affordable housing.
- 5.1.4 In addition to Kent Design, there are a number of other sources of information about best practice in terms of sustainable housing design and layout and these are listed in **Annex G**. Developers should demonstrate how this advice has been considered in their proposals along with their Design Statement and proposals to achieve the Code for Sustainable Homes (level 3 minimum). All schemes should achieve the 'Secured by Design' standards. Proposals should also demonstrate how the scheme will enhance bio-diversity through the use and design of appropriate landscaping.

New build schemes

- 5.1.5 For schemes funded from the 2008-11 National Affordable Housing Programme, these must be built to meet or exceed the Housing Corporation's new Design and Quality Standards, April 2007 (subject to any revision). These include Housing Quality Indicator targets, Building-for-Life criteria, and the Code for Sustainable Homes (see **Annex A** for definitions). The Housing Quality Indicators (HQI) maximum, minimum and neutral scores are set out in the table

under **Annex H**. These will be updated if the Housing Corporation publishes any revisions and in line with the Government's objective of achieving carbon neutral affordable housing by 2016.

- 5.1.6 In considering the HQI unit layout minimum score, it is expected that the National Housing Federation guidance for furniture requirements and internal and external storage provision at least meets the requirements for storage specified in the HQI guidance for the occupancy and does not fall short in any aspect.
- 5.1.7 Developers should be aware of the relevant Housing Corporation standards that apply to affordable housing schemes in receipt of social housing grant. The Borough Council encourages developers to adopt these standards whether a scheme is constructed with or without grant. The latest standards can be downloaded from the website www.housingcorp.gov.uk and their regional offices can provide further clarification.
- 5.1.8 All affordable housing should be built to a decent size standard. The Borough Council is seeking to exceed the minimum HQI scores in relation to dwelling sizes, subject to viability. Experience has shown that poorly sized accommodation leads to internal circulation difficulties and ultimately increases the pressure from households seeking to transfer to larger accommodation. Units that are designed around minimum standards are also considered less sustainable – for example, lack of storage/bed space for newly forming households.
- 5.1.9 The Council in consultation with its RSL partners has therefore adopted indicative floor areas which exceed the HQI minima scores. These indicative standards will also help tackle Government concerns about overcrowding by helping to ensure a reasonable level of internal living space for households. The indicative internal floor areas and other requirements set out in **Annex I** must therefore be regarded as the Council's minimum requirements. Again, these requirements will be kept under review and updated as appropriate.

5.2 Purpose designed supported housing

- 5.2.1 In order for housing to be purpose designed, as a minimum, a building or scheme must have the following:
- **Facilities:** The scheme or main building must have basic facilities of a laundry for residents or washing machines in living units provided by the landlord. The scheme must also have a communal lounge.
 - **Design features:** The entrance area into the building, communal areas and some living units must be designed to wheelchair-user standards.
- 5.2.2 Buildings with none of the facilities or design features listed above, but that are designated for a specific client group with support services in place to enable them to adjust to independent living or to enable them to live independently, will be classified as general needs provision.

6. Funding

6.1 The cost of providing affordable housing

- 6.1.1 Planning Policy Statement 3 Housing (PPS3) and its accompanying document 'Delivering Affordable Housing' both refer to the assessment of economic viability to facilitate the provision of affordable housing. Unless found otherwise by a confidential, independent assessment of the financial costs of developing a site the presumption will always be that the affordable housing will be able to be provided on site.

Availability of grant in the South East

- 6.1.2 The allocation of social housing grant (hereafter referred to as 'grant') across the south east is determined by the Regional Housing Board in accordance with the South East Regional Housing Strategy. While Tonbridge and Malling has a pressing need for affordable housing (as identified in the HMNAS) the majority of grant investment is ring fenced for the South East Plan sub regions. In a Kent context this means priority for resources will be directed to "Thames Gateway", East Kent and Ashford.
- 6.1.3 The competition for grant combined with the Borough Council's South East Plan funding status means greater emphasis has to be placed on scheme affordability in the borough. This is to ensure investment from the Housing Corporation continues to be directed towards the borough in those cases where grant can be justified.

6.2 Providing affordable housing without grant

- 6.2.1 The Council endorses the Housing Corporation's approach to the payment of grant on affordable housing schemes, namely,

"to provide grant where this is purchasing additional affordable housing outcomes, and where the level of developer contributions represents an appropriate response to the site economics. We [the Housing Corporation] will not fund the simple purchase by a housing association of affordable housing delivered with developer contributions through a planning obligation" (National Affordable Housing Programme 2008-11 Prospectus).

- 6.2.2 It is acknowledged that NIL value and fully serviced land may not alone generate an economically viable grant free scheme. However, it is the starting point for negotiations and if the Council's aspirations cannot be met then an open-book economical appraisal should be submitted to the Borough Council for consideration. Such appraisal should set out clearly how the addition of grant would enable the Council's affordable housing policy objectives to be met. To help ensure schemes can be provided without recourse to grant the Borough Council therefore expects, as a minimum, the affordable housing land to be transferred to the Registered Social Landlord at **NIL** cost (value) with the benefit of the following:

- full and free rights of access, both pedestrian and vehicular, from the public highway to the affordable housing land;
 - full and free rights to the passage of water, foul sewerage, oil electricity gas, TV and other services through pipes, drains, channels, wires, cables and conduits which shall be in the adjoining land up to and abutting the boundary to the Affordable Housing Land all such services to be connected to the mains.
- 6.2.3 Although there is no obligation on either the Borough Council or the Housing Corporation to subsidise affordable housing secured via a planning development contribution, it is recognised that in certain circumstances (for example, economic viability) the addition of grant may allow a scheme to proceed where it might otherwise have been financially unviable.
- 6.2.4 The process for determining the appropriateness and level of grant follows two key stages:
- Stage One: Assessing the economic viability of development
 - Stage Two: Optimising the prospects for securing social housing grant
- 6.2.5 In all circumstances developers should be mindful that in keeping with Government guidance, the Borough Council's objective in negotiations is to ensure that a site delivers **more** affordable homes or a **different mix** than would have been possible without grant. This could also include achieving enhanced design and quality through securing grant funding. Where it is not possible to provide a grant free scheme, developers should clearly demonstrate through a cascading process how the addition of grant would allow the Council's objectives to be met in full.
- 6.2.6 Only in circumstances where it can be proven that the absence of funding or future commitment of grant funding (or any alternative funding arrangement suggested by an RSL, such as forward funding) at a point in time will make a scheme undeliverable, will the Borough Council give consideration to any alternative arrangement. Such arrangement will be decided upon on a scheme by scheme basis in line with Government guidance. In all cases the Council will only agree to re-consider proposals affected by financial uncertainty where a confidential open book approach is adopted and the developer is prepared to produce detailed costings for consideration by the Borough Council's valuation consultants.

Stage 1: Assessing the economic viability of development

- 6.2.7 In assessing the economic viability of development, the presumption is in favour of meeting the requirements of Core Policy CP17 and the design standards in this SPD, without the need for grant. If the developer is unable to meet this requirement because of concerns over economic viability, then a confidential 'open book' approach should be adopted in order to allow the Borough Council's independent valuer to consider the financial assumptions made. This is will be done in collaboration with the developer who will be expected to demonstrate clearly how these costs could not reasonably have been identified

early on in the scheme planning process and how they impact on economic viability.

- 6.2.8 Developers should note that costs associated with the redevelopment of previously developed land will not be considered abnormal. It is expected that these costs will normally have been deducted from the land value through negotiation with the vendor, provided this does not impact on the ability of the site to come forward for development.
- 6.2.9 In order to demonstrate that a scheme is only financially viable with grant, developers should provide a range of costed scheme appraisal options making clear the impact of providing the Council's preferred on site requirements (ie. 40%: split 70% social rent and 30% shared ownership) with and without grant.
- 6.2.10 Site appraisals should make clear assumptions across a range of factors all of which should be taken into account as appropriate. Such factors may include amongst other things:
- Residential housing build costs
 - Car parking build costs
 - Cost multipliers (eg. Eco-Homes/Code for Sustainable Homes)
 - Building contingencies
 - Fees
 - Other acquisition costs
 - Development contributions eg. road infrastructure, public transport, education and community facilities, public realm enhancements, open space provision, environmental mitigation and improvements, etc.
 - Site abnormalities such as the need for decontamination, flood alleviation and unstable ground conditions
 - Sales/marketing assumptions (open market housing/shared ownership)
 - Existing use value, alternative use value or the site purchase price as appropriate
 - Developer profit – open market 'profit' and affordable housing 'profit'
- 6.2.11 Developers are strongly encouraged to speak with the Borough Council's Housing and Planning teams at an early stage to help ascertain both the requirement for and impact of any affordable housing contribution (see **Annex J** for current points of contact).
- 6.2.12 The Housing Corporation has produced an Economic Appraisal Toolkit (EAT) to assist developers. The toolkit can be found at www.housingcorp.gov.uk/eat

Stage 2: Optimising the prospects for securing grant

- 6.2.13 Due to the way grant is allocated, it is not always possible to determine the likelihood of it being made available by the Housing Corporation before planning permission is granted and the mechanism and arrangements for delivering affordable housing are agreed.

- 6.2.14 Formal bid rounds for grant funding are held periodically (usually every two years) however from 2008/09 the introduction of 'regular market engagement' means that 'in year' bidding opportunities will also take place.
- 6.2.15 If the Borough Council is satisfied that there is a case for grant assistance, developers should liaise with the Housing Service and a preferred RSL partner (see **Annex F**) to determine a realistic level of grant that could be bid for, in the light of national housing policy and the drive towards decreasing levels of public subsidy for affordable housing schemes.
- 6.2.16 Where a scheme is submitted for funding, developers should be aware that the Housing Corporation will weight their assessment across three criteria:
- Cost (50%)
 - Quality (30%)
 - Timeliness (20%)
- 6.2.17 It is therefore possible in some circumstances to attract a higher level of grant where design quality exceeds the minimum requirements imposed by the Housing Corporation in its 'Design and Quality Standards' (April 2007) document for schemes to be implemented post 2008.

7. Allocations and Lettings

7.1 The Housing Register

- 7.1.1 It is essential that all affordable housing is occupied by households recognised by the Council as being in housing need. The measure used to access affordable housing is whether a household meets the Council's published criteria for joining the Housing Register and has an identified housing need. Current details of the qualifying criteria for gaining access to the Housing Register can be obtained from the Borough Council's Housing Service and are available on the Council's website. The Council will be seeking to administer a choice based lettings scheme by 2010.

Nomination Rights

- 7.1.2 Where a RSL or a developer is involved in the provision of affordable housing that is part/wholly funded by public subsidy, the Council expects to receive 100% nomination rights of initial lettings and 75% of subsequent lets per annum in accordance with its standard nominations agreement. These will be monitored annually to ensure vacancies are being used effectively to address local needs. The Council would encourage similar arrangements where public subsidy is not forthcoming.

Local Lettings Plans

- 7.1.3 On larger developments (i.e 20 affordable homes or more) the Borough Council will negotiate local lettings plans with the RSL to ensure the objective of creating a lasting sustainable community is achieved. The plan will consider a range of factors such as the mix between different income groups and child densities, to achieve a balance across a development while ensuring local housing needs continue to be addressed.

8. Delivery

8.1 Working with the Borough Council's preferred RSL partners

- 8.1.1 The Borough Council considers the most appropriate means of providing affordable housing is through a RSL. This is because RSLs are regulated by the Housing Corporation and subject to inspection by the Government's Audit Commission. The combined role of both organisations ensures affordable housing is produced and managed to a high standard and that where public financial investment is involved it achieves excellent value for money.
- 8.1.2 The Borough Council's adopted preferred partner RSLs are reviewed from time to time, and the current list is contained in **Annex F**. All partners have either 'partner' status with the Housing Corporation or have access to partnership funding from the Housing Corporation through consortia arrangements. Selection was based on having existing stock holdings in the Borough and a local management base. Developers are encouraged to make early contact with an RSL from the list in working up an affordable housing scheme.

Long-term availability of affordable housing

- 8.1.3 The Borough Council will ensure through legal instruments that affordable housing remains affordable to specified eligible households whose needs are not met by the market. Affordable housing should:
- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices;
 - Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

Nature of disposal – freehold land disposal/leasehold issues

- 8.1.4 All affordable housing should normally be transferred by way of freehold disposal to a RSL. This will obviate the need for ground rents to be charged which cause uncertainty and affect the future affordability of schemes to tenants. In exceptional circumstances where a leasehold disposal is proposed a minimum of 99 years will be required. In such circumstances it is for the developer to demonstrate why a freehold disposal cannot be achieved, and no ground rent should be chargeable for the affordable housing.

Sale of completed units by developers to a nominated RSL

- 8.1.5 If this option is to be pursued then the design and specification of the units should be agreed with the Borough Council and the RSL to ensure that they will be suitable for the intended occupants and constructed to acceptable standards

(for example, Housing Corporation design and quality standards). The sale price of the completed affordable housing units to the nominated RSL will be at a level consistent with advice set out in this SPD and should not seek to be dependent on any form of public subsidy.

Timing of the delivery of affordable housing

- 8.1.6 In order to meet existing and newly arising need in a timely manner the Borough Council expects the affordable housing to be delivered as quickly as possible. At least 50% of the affordable housing should therefore normally be constructed and transferred to an RSL prior to the occupation of no more than 50% of the completed market dwellings, unless otherwise agreed by the Borough Council. Any variation to this requirement would need to be justified by a confidential open book viability assessment.

Maintenance and Service Charges

- 8.1.7 Where developers are seeking to secure a service charge, the nature of the charge should be transparent including services to be covered and an indication of cost. Charges should not be so great as to make a tenancy unaffordable to a household that is benefit dependent or on a low income. Charges should be fair and reasonable in relation to reasonable estate management costs. In order to ensure affordability the Council would not normally expect service charges to exceed 10% of the base housing cost (ie. the rent) per month.

Car Parking

- 8.1.8 Parking ratios will be provided in the same proportion for the affordable housing as for open market housing and should be assessed on a site-by-site basis.

8.2 Method of Delivery: Planning Conditions and Section 106 Legal Obligations

- 8.2.1 In accordance with Government guidance, the Borough Council uses both planning conditions and legal agreements under S106 (and also considers the terms of unilateral undertakings where offered), in order to secure affordable housing by the most effective means for the case in hand. To ensure deliverability and high quality schemes within national grant funding guidelines, the Borough Council will require any public subsidy contribution towards the cost of providing the affordable housing to be clearly set out early on in discussions.
- 8.2.2 The Borough Council strongly recommends early contact with its Planning and Housing teams (see **Annex J**) and preferred RSL partners (see **Annex F**) to inform the detail of their offer and mechanism to secure affordable housing. The applicant should set out clearly, with the initial planning application, the terms that they are offering for the provision of affordable housing. By so doing it should be possible to avoid protracted last minute negotiations.
- 8.2.3 The choice of the use of a planning condition or S106 legal obligation will be determined by a number of factors, most commonly the particular nature of the

site and the scheme, and also the need or otherwise for any Legal Obligations in respect of other development contributions.

8.2.4 Where affordable housing is secured by way of condition this is likely to require that the developer provides a “scheme” which sets out all the mechanisms to ensure that not only is the provision made but at a cost which is “affordable” with the terms of this SPD. A sample draft planning condition for affordable housing can be found at **Annex K**. This will be the start point for negotiations.

8.2.5 To avoid uncertainty the TOTAL cost of providing the affordable housing should be set out. As Housing Corporation social housing grant is not index linked developers are encouraged to agree terms and start on site as soon as practicably possible. Any case made for index linking would need to be considered carefully by the Council in consultation with the Housing Corporation. **Annex B** provides an indication of the key measures that would be used to inform discussion. Fundamentally however the amount of grant should be consistent with the advice on grant averages as issued by the Housing Corporation from time to time. To assist negotiations alternative model Section 106 obligation clauses (which are equally applicable to Unilateral Undertakings under S106) are set out under **Annex L**. This will be a start point for negotiations.

9. Off-site Provision

9.1 Alternatives to on site provision

9.1.1 Affordable housing should be provided on site. This is in line with Government guidance as such an approach seeks to create mixed and balanced communities. Alternatives to on-site provision will be considered in circumstances where developers can provide sound and detailed evidence as to why the affordable housing cannot be incorporated onto the original site. This would be determined on a site-by-site basis, but could include situations where:

- affordable housing is more effectively secured by bringing existing housing back into use as affordable housing;
- management of affordable housing on the development site cannot be secured effectively (e.g. sheltered accommodation);
- providing affordable housing elsewhere in the borough is more likely to widen housing choice and availability.

Commuted Sums

9.1.2 Commuted sums will be calculated on the basis of land values and construction costs of the required affordable housing in the local area. They will only be accepted where the developer can demonstrate exceptional reasons for not providing the affordable housing on site, and where there is local availability of purchasable land for the off-site provision. The Borough Council must be satisfied that such arrangements would actually result in the provision of affordable housing that would not otherwise be provided in the area.

9.1.3 In exceptional circumstances, the Borough Council will consider a commuted sum payment in lieu of on-site or off-site provision. Where the Borough Council agrees that a commuted sum payment can be made in-lieu of units not provided on site or if no alternative off site provision can be agreed it will expect a payment-in-lieu broadly equivalent to the value of the total units forfeited.

Purchasing existing properties

9.1.4 The Borough Council may agree to the provision of off-site affordable housing comprising the acquisition of existing properties in a designated area (ie. within a town or village within the borough). In such circumstances the developer will be expected to demonstrate the added value being achieved via this route (eg. more affordable homes being provided than would have been the case on site).

9.1.5 Where the Borough Council is satisfied that this is the most appropriate approach the precise location, number, tenure, unit type and mix will need to be agreed by the Borough Council. All units acquired must achieve as a minimum Eco-Homes rating of 'Very Good' or equivalent without the need for grant aid from either the Borough Council or the Housing Corporation. All homes purchased via this route will be considered ineligible for any public subsidy funding. The provision of units off site must be delivered in accordance with a

timescale agreed by the Borough Council mindful of what could have been achieved on site as evidenced by the independent financial appraisal.

9.1.6 The acquiring body will provide the following information at quarterly intervals or as otherwise requested by the Borough Council:

- statement of completed properties to date;
- statement of spend to date;
- confirmation of property details to include size, layout, location and cost.

Any other information that could reasonably be required in monitoring the obligation to provide affordable homes.

Alternative sites

9.1.7 Where the Borough Council is satisfied that off site provision is appropriate, it will be the responsibility of the applicant to identify a suitable alternative site capable of accommodating residential development. To ensure no overall loss of affordable units the alternative site will be expected to deliver those units foregone on the original site plus any affordable units that would be required under the Council's Core Strategy document should the alternative site in itself also trigger the requirement to provide affordable housing,

9.1.8 In such circumstances the Borough Council will require an amount of affordable housing commensurate with that which could have been secured had the alternative site come forward in its own right in addition to the quantum of affordable housing to be provided to secure compliance with obligations for the original site.

Annex A - Definitions and Glossary of Terms

Reference should be made to the DCLG document entitled “Delivering Affordable Housing” for further detail of specific definitions.

Affordable Housing

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

- meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices; and
- include provisions for:
 - (i) the home to be retained for future eligible households; *or*
 - (ii) if these restrictions are lifted, for any subsidy to be recycled for alternative affordable housing provision.

Building-for-Life

This is a set of criteria that measures core themes in a development, such as the degree to which a scheme is functional, attractive, and sustainable.

Cash in lieu (or Commuted Sum payment)

A financial contribution made by the developer to the Borough Council and secured by a legal instrument, and used for providing affordable housing on another site.

Core Strategy

Key planning document that sets out the Borough Council’s vision, aims and objectives which will determine the future pattern of development in the Borough up to 2021.

Code for Sustainable Homes

There is a national standard for the sustainable design and construction of new homes. The Code measures the sustainability of a new home against categories of sustainable design, rating the “whole home” as a complete package. The Code replaces the Eco-Homes scheme and uses a 1 to 6 star rating system to communicate the overall sustainability performance of a new home, as well as detailing minimum standards for energy and water use at each level.

Discounted Sale	Discounted sale homes have a simple discount for the purchaser on its market price, so the purchaser buys the whole home at a reduced rate. The relationship between house prices and earnings means that in Tonbridge and Malling a discount of 40% from Open Market Value (OMV) (index linked) is required to ensure households on an income of less than £27,500 (index linked) can afford to purchase.
Eco-Homes Standards	A rating used to measure the environmental impact of building and occupying new and renovated homes.
Essential Worker	Any person who directly provides services that are essential for the balanced and sustainable development of the local community and local economy, where recruitment or retention difficulties apply. This includes people who are teachers, nurses, other public sector and public service workers and employees of businesses considered vital to sustaining the economy of an area.
Housing Quality Indicator (HQI)	This is a measurement and assessment tool that allows evaluation of potential or existing schemes on the basis of quality rather than simply cost. HQIs cover three main areas; location, design, and performance.
Homebuy	Homebuy is a Government funded programme of low cost affordable home ownership, covering three types of product. “Open Market” is a scheme which provides equity loans to supplement a mortgage loan (with a particular lender). “New Build” offers new homes on a part buy/part rent basis and social Homebuy offers some housing association tenants the opportunity to buy a share in their home.
Housing Corporation	The national Government agency that funds new affordable housing and regulates RSLs in England. Oversees the National Affordable Housing Programme (NAHP) that provides grant funding for affordable housing.
Housing Market and Needs Assessment Survey (HMNAS)	A Study undertaken by David Couttie Associates in 2005 to assess the housing market and needs of the Borough with the specific aim of identifying affordable housing needs.

Housing Register	The register held by Tonbridge & Malling Borough Council listing households accepted as being in need of affordable housing.
Intermediate Affordable Housing	Housing at prices and rents above those of social rent but below market price or rents, and which meet the criteria to be affordable. This can include shared equity (eg Homebuy), discounted homes for sale and intermediate rented accommodation, but does not include low cost market housing.
Intermediate Rented Accommodation	Homes which are provided at rent levels above those of social rented but below private rented. The Government offers these to some key workers who do not wish to buy. These homes are provided where the rent does not exceed 80% of the open market private sector rents (ie. the market rents applicable to the area in which the project is located and not general or average market rents).
Key Worker	<p>The Government currently considers the following to be 'Key Workers' and eligible for assistance under its Key Worker Living programme:</p> <ul style="list-style-type: none">• NHS staff• Police• Prison Service• Probation Service• Local Authority staff – specifically, social workers/OTs/educational psychologists/speech and language therapists/rehab officers/qualified nursery nurses/planners/connexions personal advisors• Fire Fighters• Environmental Health Officers
Lifetime Homes	A standard of housing design developed by the Joseph Rowntree Foundation that outlines certain criteria to achieve that permits a dwelling to be adapted to a household's changing circumstances over their lifetime. Please see www.jrf.org.uk/housingandcare/lifetimehomes/
Local Development Framework	A group of documents that provide the spatial framework for development across the Borough and the statutory development plan that will replace the Tonbridge & Malling Borough Local Plan (1998).

Low Cost Market Housing (LCMH)	In line with PPS3 the Borough Council does not consider LCMH to be affordable housing. This form of housing will therefore not be considered appropriate in meeting the demand for affordable housing for sale. However, it is acknowledged that LCMH can contribute to mixed communities where properly integrated with affordable housing.
Mobility and Wheelchair Housing	Housing which provides access for user groups with limited mobility; and housing which has full accessibility and ease of manoeuvrability for use by wheelchair users.
National Affordable Housing Programme	The Housing Corporation's three-year funding system that enables RSLs and unregistered bodies to bid for grant to finance affordable housing.
Open Market Housing	Housing for sale on the open market without restriction or assistance with funding.
Open Market Sheltered Housing	As above, but specifically tailored towards meeting the needs of older people.
Off-site Provision	Provision in kind of affordable housing on sites other than that of the principal enabling development.
Payments in lieu	Provision of monies to the Borough Council instead of providing the affordable housing either on-site or off-site.
Purpose designed Supported Housing	Buildings that are purpose-designed or remodelled to enable residents to adjust to independent living or to enable them to live independently and which require specific design features. There must be support services provided by the landlord or another organisation.
Reasonable Preference Groups	<p>In accordance with s167(2) of the Housing Act 1996 (as amended by the Homelessness Act 2002), the Council's housing allocation scheme gives reasonable preference to:</p> <ul style="list-style-type: none">• All categories of homeless people (whether or not the applicant is owed a housing duty) and including those who are considered to have become homeless intentionally and

those not considered to be in priority need for accommodation

- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing.
- People who need to move on medical or welfare grounds, including grounds relating to disability.
- People who need to move to a particular locality within the borough of Tonbridge & Malling to avoid hardship to themselves or others

Registered Social Landlord (RSLs)

The technical name for social landlords that are registered with the Housing Corporation to provide social housing. RSLs run as businesses but do not trade for profit.

Right to Acquire (RTA)

An option for tenants of RSLs to purchase the property in which they live at a discount, depending on the local authority area in which the property is located. RTA only applies to properties built, or acquired, by housing associations with public funds from 1 April 1997 onwards. Some properties are exempt from RTA (including those in small rural settlements and sheltered housing).

Right to Buy (RTB)

An option for secure council and RSL tenants to purchase the property in which they live. The property is sold at a discounted price, proportional to the length of tenancy, but subject to the maximum discount allowed. The Right to Buy is not an automatic right.

Rural Area

The “Rural Area” comprises the entire Borough outside of the confines of the defined “Urban Areas” as defined under Policy CP11. It includes the rural settlements defined under Policies CP12 and CP13 and the countryside that lies outside of these settlements to which Policy 14 applies.

Shared Equity

Shared equity is where more than one party has an interest in the value of the home e.g. an equity loan arrangement or a shared

ownership lease. There may be a charge on the loan, and restrictions on price, access and resale.. For example, on rural affordable housing projects which are exempt from the provisions of the Right to Acquire. In such circumstances shared equity would ensure that the affordable housing remained for the benefit of local communities in perpetuity. Typically owners are entitled to purchase up to a maximum of 80% of the property at which point rent would not be payable on the remaining 20% share.

Shared Ownership

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. Shared ownership accommodation should be developed at a cost that enables households with an index linked average earning of up to £27,500 per annum at 2007 to purchase a 25%-50% initial equity share. Rents on unsold equity should also be affordable and not exceed 2.0% of the unsold equity and only rise by a maximum of Retail Price Index (RPI) per annum.

Social Rented

Social rented housing is rented housing owned and managed by local authorities and RSLs, for which guideline target rents are determined through the national rent regime where rents do not exceed rent caps published by the Housing Corporation and are in line with the Government's national rent restructuring programme. The Housing Corporation currently limits rent increases to RPI + ½ % per annum. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above.

Social Housing Grant (SHG)

Capital grant that may be provided by the Housing Corporation and/or the Borough Council as a subsidy towards the provision of affordable housing.

Urban Areas

The “Urban Areas” are defined under Core Policy CP11 as comprising:

- Tonbridge (including Hilden Park)
- The Medway Gap (ie the major developed parts of Kings Hill, Leybourne, East Malling, Larkfield, Lunsford Park, Ditton and Aylesford south of the River Medway, Aylesford Forstal and Snodland.
- The part of the Medway Towns urban area that lies within Tonbridge and Malling Borough (Wladerslade)

Annex B - Indexation

A number of measures in the Document are financial in nature and will be applied at the time of decision making in accordance with the following indexation arrangements.

House Prices:

<http://www.landreg.gov.uk/houseprices/housepriceindex>

HPI (House Price Index)

Provided by: Land Registry

Using Land Registry's data set of completed sales the index includes figures at national, regional, county and London borough level, shows trends, and annual percentage change, (performed monthly).

Earnings:

<http://www.statistics.gov.uk/StatBase/Product.asp?vlnk=13101>

Annual Survey of Hours and Earnings (ASHE)

Provided by: Office for National Statistics

The ASHE volumes contain UK data on earnings for employees by sex and full-time/part-time workers. Further breakdowns include by region; occupation; industry; region by occupation; and age-groups, and it is performed annually

Build Costs:

<http://www.bcis.co.uk/ConstructionCosts/>

BCIS (Building Cost Information Service) online

Provided by: BCIS (Building Cost Information Service)

All aspects of residential house build costs

Annex C - Indicative affordable housing mix by area

The indicative housing mix is based upon the Housing and Market Needs Assessment Study with adjustments as set out below.

Medway Gap

- additional weighting given to the need for larger homes for families with children to meet existing need for social rented and shared equity purchase accommodation in the north of the borough.

Tonbridge

- additional weighting given to the need for 1 and 2 bedroomed accommodation for emerging households in the south of the borough seeking social rented and shared equity purchase housing;
- additional weighting given to the need for larger homes for families with children to meet existing need for social rented accommodation in the south of the borough.

Malling Rural

- additional weighting is given to the need for 2 and 3 bedroomed accommodation (60%) for social rent to meet the existing need for accommodation for families with children as well as emerging need for 1 and 2 bedroomed accommodation from single persons and young couples for both social rented and shared equity purchase housing;

Monitoring

Performance against this mix will be monitored but over time. The actual mix of affordable housing in any specific scheme will be governed by the nature of the proposed scheme in any particular location. Further HMNAS will reflect any need to update the affordable housing mix.

Sub Area/tenure	1 bed (%)	2 beds (%)	3+ beds (%)
Medway Gap			
Social rented	15	50	35
Shared Ownership	10	30	60
Tonbridge			
Social rented	40	30	30
Shared Ownership	40	50	10
Malling Rural			
Social rented	40	40	20
Shared Ownership	30	40	30

(Please refer to Annex I for further details on specific occupancy levels and paragraph 3.2.2 on the need for larger family sized homes)

Annex D - GOSE Letter – Sheltered Housing



GOVERNMENT OFFICE
FOR THE SOUTH EAST

13 March 2006

Rolande Anderson
Regional Director

Mr David Hughes
Joint Chair
Tonbridge & Malling Borough
Council
Gibson Building
Gibson Drive Kings Farnham
West Malling
Kent ME19 4LZ
ME19 4LZ

Bridge House
1 Walnut Tree Close
Guildford
GU1 4GA

Switchboard: 01483 882255
Tel: 01483 882260
FAX: 01483 882269
GTN: 3011 2260

e-mail: rolande.anderson@gose.gsi.gov.uk

CHIEF EXECUTIVE	
PASS TO <i>CE</i>	FOR INFO FOR ACTION
24 MAR 2006	
COPY SENT TO <i>SP + SMH</i>	
COPY TO BE SENT TO	
ACKNOWLEDGED	YES/NO

Dear colleague

SHELTERED HOUSING AND AFFORDABLE HOUSING

I am writing to you in connection with an enabling measure which the Government has agreed to undertake as part of the Surrey County Council Local Area Agreement process. This concerns the issue of whether proposals for private sheltered and extra care housing should make a contribution towards an area's affordable housing needs.

A community's need for a mix of housing types, including affordable housing, is a material planning consideration which should be taken into account in formulating development plan policies and in deciding planning applications involving housing. Where there is a demonstrable lack of affordable housing to meet local needs – as assessed by up-to-date surveys and other information – development plans should include a policy for seeking affordable housing in suitable housing developments (see paragraph 14 of Planning Policy Guidance Note 3 [PPG3]: *Housing*).

The Government sees no distinction between proposals for open market sheltered accommodation and any other open market housing in terms of assessing such schemes against affordable housing policies in development plans. In areas where there is an acknowledged need for affordable housing, as a matter of principle, the Government therefore does not regard that development proposals for sheltered or extra care housing to be sold or let on the open market should be exempt from the need to provide an

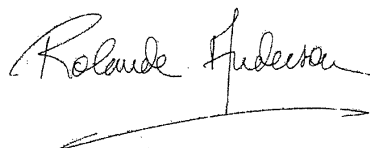


INVESTOR IN PEOPLE

element of affordable housing. Planning applications for such proposals should be considered on a case by case basis and local planning authorities should balance the need for affordable housing against the viability of sites in their area.

The presumption is that affordable housing should be provided on the application site so that it contributes towards achieving the objective of creating more mixed communities. However, local development documents may set out the circumstances in which provision would not be required on an application site or in which a financial contribution would be acceptable in lieu (see paragraph 28 of draft Planning Policy Statement 3 [PPS3]: *Housing*).

Yours sincerely



cc: All South East local authority Chief Planners/Directors of Planning
Home Builders' Federation
National Housing Federation
Local Government Association
McCarthy & Stone
Katrine Sporle, Chief Executive & Ben Linscott, South East Inspector Manager,
Planning Inspectorate
Joan Bailey, Planning Policies Division, ODPM
Government Regional Office Planning Directors



INVESTOR IN PEOPLE

Annex E - Programme of Housing Needs Surveys

Local Housing Needs Studies in rural area are being carried out in accordance with a programme with priority being afforded to those Parishes where the Parish Council has expressed a wish to proceed.

Year 1 (2008/2009)

Addington
West Malling
West Peckham

Year 2 (2009/2010)

Hildenborough

This is intended to be a rolling programme. Additional Parishes may be added in due course on a self-selection basis. The list will be kept up to date.

Annex F - Preferred RSL Partners

The following RSLs are preferred partners of the Borough Council. All have either 'partner' status with the Housing Corporation or have access to partner funding through consortia arrangements.

Hyde Housing Association
Chaucer House
Maidstone
Kent
ME15 6LD

London & Quadrant Housing Trust
Renway House
36-38 Artillery Place
London
SE18 4AB

Moat
Galleon Boulevard
Crossways
Dartford
DA2 6QE

Orbit Housing Association
360 -378 High Street
Chatham
Kent
ME4 4NP

Town and Country Housing Group
High Weald House
Monson Way
Tunbridge Wells
Kent
TN 1 1LQ

Russet Homes
Basted House
Harrison Road
Borough Green
Kent
TN15 8PB

West Kent Housing Association
101 London Road
Sevenoaks
Kent TN13 1AX

Sanctuary Housing Association
Castle Street
Worcester
Worcestershire WR1 3ZQ

Southern Housing Group
Spire Court,
Albion Way
Horsham
West Sussex RH12 1JW

The Guinness Trust
17 Mendy Street
High Wycombe
Bucks
HP11 2NZ

Annex G - Design: Reference Sources

- **Commission for Architecture and the Built Environment** – design advice
<http://www.cabe.org.uk/Publications.aspx>
- **English Partnerships** – design advice (and some specifically housing advice)
<http://www.englishpartnerships.co.uk/publications.htm>
- **The Housing Corporation** – standards and general and design advice
<http://www.housingcorp.gov.uk/server/show/nav.440>
- **Department for the Environment and Rural Affairs** – rural housing
<http://www.defra.gov.uk/defrasearch/index.jsp?query=rural+housing&search.x=8&search.y=4>
- **Department of Communities and Local Government** – planning
<http://www.communities.gov.uk/planningandbuilding/>
- **Department of Communities and Local Government** – housing
<http://www.communities.gov.uk/housing/>
- **Natural England** – Rural Housing
<http://www.naturalengland.org.uk/search.asp?cx=010476233810196394646%3Aj3joeevl72k&q=+rural+housing&sa=Search&cof=FORID%3A11#935>
- **Action for Communities in Rural Kent**
<http://www.ruralkent.org.uk>
- **Kent Design**
<http://www.kent.gov.uk/publications/council-and-democracy/kent-design-guide.htm>

Annex H – Housing Quality Indicators

The following standards apply to all homes in receipt of social housing grant. The Council will encourage developers seeking to provide affordable housing without grant to construct to the same standards to ensure high quality of design.

Current HQI Rent (new Build) examples

	Size	Layout	Noise	Sustainability	External environment
Minimum	41.0	32.0	33.0	45.0	50.0
Neutral point	56.0	57.0	61.0	60.0	60.0
Maximum	71.0	82.0	89.0	75.0	70.0
Weights	25.0%	12.5%	12.5%	25.0%	25.0%

Intermediate Rent (new build)

Minimum	41.0	32.0	33.0	45.0	50.0
Neutral point	56.0	57.0	61.0	60.0	60.0
Maximum	71.0	82.0	89.0	75.0	70.0
Weights	25%	12.5%	12.5%	25.0%	25.0%

New Build Homebuy

Minimum	26.0	32.0	33.0	45.0	50.0
Neutral point	41.0	57.0	61.0	60.0	60.0
Maximum	56.0	82.0	89.0	75.0	70.0
Weights	25.0%	12.5%	12.5%	25.0%	25.0%

In addition the following minimum requirements must be met.

- The achievement of the Code for Sustainable Homes level 3 (three star) as a minimum. This standard will be increased in line with the Government's objectives to provide carbon neutral housing by 2016.
- Full points will need to be achieved in the security section.
- An assessment against the 20 "Building-for-Life" criteria which demonstrates a minimum achievement of:
 - (i) 10 out of 20 positive responses (rural and street-fronted infill development)
 - (ii) 12 out of 20 positive responses (all other developments)

Annex I – Space Standards

Indicative floor areas

Unit Size		Floor Area
Flat	1 bed 2p	45-50m ²
	*2 bed 3p	62-70m ²
	*2 bed 4p	67-70-m ²
House	2 bed 4p	75-80m ²
	3 bed 5p	85-90m ²
	4 bed 6p	110-115m ²

** Based on the lettings and sales experience of our RSL partners the Borough Council will expect 2 bedroom social rented accommodation to cater for 4 persons but will consider a lower occupancy level (eg. 2 bedroom/3 person) for intermediate housing for sale.*

Annex J - Borough Council Contacts

Development Control (Planning)

Telephone 01732 876230

email planning.applications@tmbc.gov.uk

or write to:

Development Control,
Planning Services,
Tonbridge and Malling Borough Council,
Gibson Building,
Gibson Drive,
Kings Hill,
West Malling,
Kent, ME19 4LZ

The enquiry will then be directed to the correct officer who will contact you.

Housing (Strategy and Enabling)

Telephone 01732 876214

email to housing.services@tmbc.gov.uk

or write to:

Housing Strategy and Enabling,
Housing Services,
Tonbridge and Malling Borough Council,
Gibson Building,
Gibson Drive,
Kings Hill,
West Malling,
Kent, ME19 4LZ

Annex K - Typical Planning Condition

The following model condition will be the start point for negotiations.

Within one month of the implementation of this planning permission a scheme shall be submitted to the Local Planning Authority for the provision of affordable housing which meets the requirements of the TMBC Local Development Framework Core Policy CP17 and the Supplementary Planning Document on Affordable Housing. Such scheme shall, if approved, be implemented before XX% *(to be set in light of the circumstances of the particular case)* of the total number market housing units permitted by this consent are constructed and the scheme completed before YY% *(to be set in light of the circumstances of the particular case)* of the said market housing units are occupied.

Annex L - Model Section 106 Agreement

The following model section 106 agreement, is modelled on that prepared by the Law Society's Planning and Environmental Law Committee, is for use by all parties involved in the planning obligations process. Guidance on the use of this agreement is given in [Circular 05/05: Planning Obligations](#), Annex B, paragraph B36, as follows:

"Local planning authorities are encouraged to use and publish standard heads of terms, agreements/undertakings or model clauses wherever possible in the interest of speed..... There will be specific circumstances which will require particular changes in the drafting of the agreement. It is intended that any difficult clauses or terms in the standard document should be raised by developers in the course of pre-application discussion or negotiation with the local planning authority."

The model agreement is intended to be a 'living' document that reflects latest good practice. The Law Society and Communities and Local Government will therefore publish revised versions of the document to reflect any such changes that are agreed from time to time. The content of this Annex will be updated accordingly to reflect contemporary practice and case law. This model Agreement will be the start point for negotiations. The specific terms of any S106 Obligation will relate to the precise nature of the site and the scheme proposed and will have regard to the content of this SPD.

Affordable Housing

No more than [.....] of Market Housing Units shall be Occupied until all of the Affordable Housing Units have been constructed in accordance with the Planning Permission and made ready for residential occupation and written notification of such has been received by the Council.

From the date of Practical Completion of the Affordable Housing Units they shall not be used other than for Affordable Housing save that this obligation shall not be binding on:

- any Protected Tenant or any mortgagee or chargee of the Protected Tenant or any person deriving title from the Protected Tenant or any successor in title thereto and their respective mortgagees and chargees; or
- any Chargee provided that the Chargee shall have first complied with the Chargee's Duty
- any purchaser from a mortgagee of an individual Affordable Housing Unit pursuant to any default by the individual mortgagor.

No more than [...insert %...] of the Market Housing shall be Occupied until the Affordable Housing Units have been transferred to the Registered Social Landlord on terms that accord

with relevant Housing Corporation funding requirements current at the date of construction of the Affordable Housing Units.¹

The Chargee shall prior to seeking to dispose of the Affordable Housing Units pursuant to any default under the terms of its mortgage or charge shall give not less than [] months' prior notice to the Council of its intention to dispose and:

- (a) in the event that the Council responds within [] months from receipt of the notice indicating that arrangements for the transfer of the Affordable Housing Units can be made in such a way as to safeguard them as Affordable Housing then the Chargee shall co-operate with such arrangements and use its best endeavours² to secure such transfer
- (b) if the Council does not serve its response to the notice served under paragraph 4.4.(a) within the [] months then the Chargee shall be entitled to dispose free of the restrictions set out in this Part of the Third Schedule
- (c) if the Council or any other person cannot within [] months of the date of service of its response under paragraph 4.4(a) secure such transfer then provided that the Chargee shall have complied with its obligations under paragraph 4.4(a) the Chargee shall be entitled to dispose free of the restrictions set out in this Part of the Third Schedule

PROVIDED THAT at all times the rights and obligations in this paragraph 4.4 shall not require the Chargee to act contrary to its duties under the charge or mortgage and that the Council must give full consideration to protecting the interest of the Chargee in respect of moneys outstanding under the charge or mortgage

OR

4.1 No more than [...insert %...] of the Market Housing Units shall be Occupied until the Affordable Housing Land has been transferred to the Registered Social Landlord for nil value with the benefit of the following:³

- full and free rights of access both pedestrian and vehicular from the public highway to the Affordable Housing Land;
- full and free rights to the passage of water soil electricity gas and other services through the pipes drains channels wires cables and conduits which shall be in the adjoining land up to and abutting the boundary to the Affordable Housing Land all such services to be connected to the mains.

¹ See land transfer provisions if this clause is adopted.

² It is recognised that there can be room for negotiation on this standard. As with any property acquisition it will be necessary to consider whether any other easements and provisions will be necessary, for example obligations to maintain roads pending adoption

³ See land transfer provisions if this clause is adopted.

Definitions

“Affordable Housing”	See Annex A
“Affordable Housing Land”	means the land shown edged [green] on the Plan.
“Affordable Housing Units”	that part of the Development comprising [.....] residential units [... <i>describe mix of units</i> ...] together with [.....] car parking spaces shown on drawing numbers [<i>drawing references</i>]; or any one or more of them
“Chargee”	any mortgagee or chargee of the Registered Social Landlord or the successors in title to such mortgagee or chargee or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 ⁴ ;
“Chargee’s Duty”	the tasks and duties set out in paragraph 4.4 to the [Affordable Housing] Part of the Third Schedule
“Market Housing Units”	that part of the Development which is general market housing for sale on the open market and which is not Affordable Housing;
“Practical Completion”	issue of a certificate of practical completion by the Owner’s architect or in the event that the Development is constructed by a party other than the Owner the issue of a certificate of practical completion by that other party’s architect;
“Protected Tenant”	any tenant who: <ul style="list-style-type: none">(a) has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular Affordable Housing Unit(b) has exercised any statutory right to buy (or any equivalent contractual right) in respect of a particular Affordable Housing Unit(c) has been granted a shared ownership lease by a Registered Social Landlord (or similar arrangement where a share of the Affordable Housing Unit is owned by the tenant and a share is owned by the Registered Social Landlord) by the Registered Social Landlord in respect of a particular Affordable Housing Unit and the tenant has subsequently purchased from the Registered Social Landlord all the remaining shares so that the tenant owns the entire Affordable Housing Unit;

⁴ This is a mortgagee of the RSL’s interest, not a mortgagee of an the interest of a shared owner of an Affordable Housing Unit