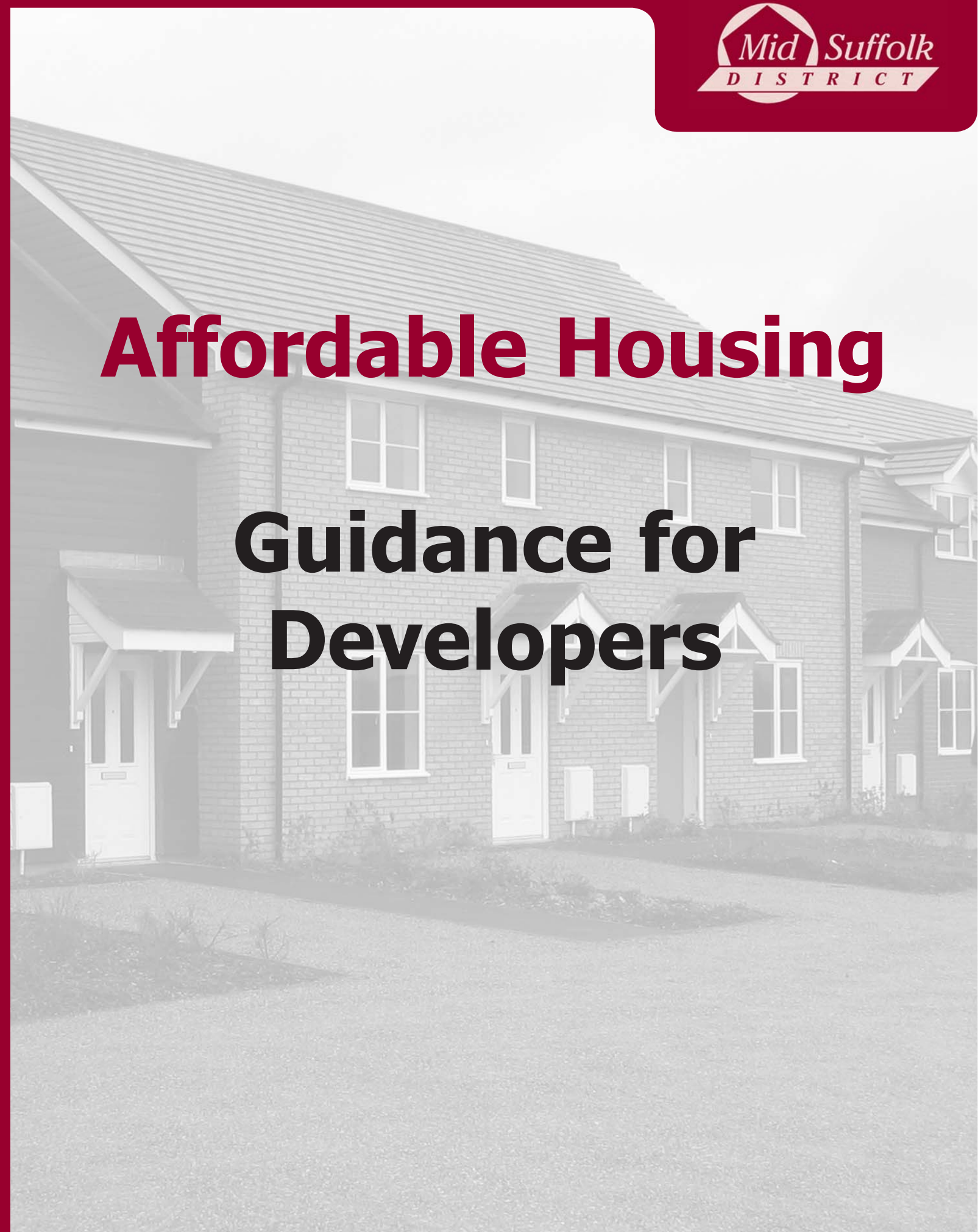


List of Registered Social Landlords who may wish to work with developers on Section 106 Agreement Sites



Circle Anglia*	Jerry Harkness New Business Development Manager	Anglia House, 6 Central Avenue, St Andrew Business Park, Thorp St Andrew, Norwich.	01603 705070 jharkness @anglia.org.uk
Riverside Housing Group	David Smyth Performance Manager Cambridge & Suffolk	English Churches, Housing Group, 222 Mill Rd, Cambridge. CB1 3NF	01223 413062 David.Smyth @echg.org.uk
Flagship Housing Group*	Doug Malins Business Development Manager	1st Floor, The Chapel, Keswick Hall, Keswick, NORWICH. NR4 6TJ	01603 255434 doug.malins @flagship-housing.co.uk
Hastoe Housing Association*	Ann Turner Senior Development Officer	Hastoe Housing Association, The Cart Lodge, Lt Chesterford, Saffron Walden, Essex.	01799 533490 aturner@hastoe.com
Orwell Housing Association*	Greg Dodds Business Development Manager	Crane Hill Lodge, 325 LondonRd, Ipswich. IP2 0BE	01473 228648 gdodds @orwell-housing.co.uk.
Orbit Housing (through their developer partner Broadland Housing Association)	Andrew Savage Development Director	NCFC, Jarrod Stand, Carrow Road, Norwich. NRI 1HU	01603 250211 andrew.savage @broadlandhousing.org
Sanctuary / Hereward	Leigh Scott, Senior Development Manager,	Hereward Housing, St Mary's Lodge, St Mary's Street, Ely, Cams. CB7 4EY	01353-652674 Leigh.scott @herewardhousing.org.uk
Suffolk Housing Society (Iceni)	Mike Goodson Managing Director	Iceni Homes Unit, 13 Forbes Business Centre, Kempson Way, Bury St Edmunds, Suffolk, IP32 7AR	01284 723834 mike@icenihomes.com

* These RSLs are currently Mid Suffolk District Council's preferred partners. This partnership is due to be reviewed in August 2008.



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Welcome Witamy Sveiki مرحباً

If you would like this document in another language or format, or if you require the services of an interpreter, please contact us.

Jeżeli chcieliby Państwo otrzymać ten dokument w innym języku lub w innym Formacie albo jeżeli potrzebna jest pomoc tłumacza, to prosimy o kontakt z nami.

Je pageidaujate gauti ši dokumentą kita kalba ar kitu formatu, arba jei jums Reikia vertejo paslaugu, kreipkites i mus.

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1. Introduction

There is a lack of housing that is affordable in the district of Mid Suffolk. This fact has been identified through the District Wide Housing Needs Survey and the Housing Register also indicates the need for affordable housing in this area. The continued increase in house prices and the below average incomes in Mid Suffolk has exacerbated the difficulties faced by people in finding housing that is affordable to meet their needs. Affordable housing is therefore regarded as one of the Council's priorities and as such will take priority over other material considerations when calculating the total contributions requested from a development.

In order to maximise the potential for increasing the number of affordable homes, the Council will support Registered Social Landlords (RSLs) ¹ and developers to seek funding from the Housing Corporation and also look to maximise affordable housing through Section 106 Agreement developments via developers with no funding. This guidance aims to provide procedural information additional to that contained in the Council's adopted Local Plan Alteration on affordable housing ². It should be referred to when making an application on sites where the Council will look to seek a percentage of affordable housing.

2. What is 'Affordable Housing'?

The definition for affordable housing has recently changed and is contained in the Planning Policy Statement 3.

"Affordable housing is:

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.
- 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."

Affordable housing covers three basic tenures:

- i) Rented from an RSL or similar approved body at rent levels set within government housing benefit limits; this ensure that the properties are affordable for successive occupiers;
- ii) Discounted market rent – this is where the rent is set at above housing benefit limits, but below the average private market rent level in the district;
- iii) New Build HomeBuy (Shared Ownership) properties usually provided through an RSL or similar body, where a purchaser buys a share such as 50% of the property and rents the remaining percentage. A purchaser has the right to buy additional shares in their home and this is called stair casing;
- iv) (ii & iii are referred to as intermediate forms of tenure).

Keyworkers ³ - The Council has no evidence at the present time to suggest that Key workers under the current Government definition are experiencing any more or less difficulties than others in accessing affordable housing in Mid Suffolk. If this situation changes and it is evidenced that Key workers under the Government definition are experiencing difficulties, or Mid Suffolk find evidence to suggest that there are those employed in a certain employment area whereby a local definition* for Key workers should be introduced, then the Council may review its position to provide Key worker housing through Section 106 Agreement negotiations.

* A local definition would not attract grant funding from the Key worker Living programme. The Council would only support grant from the Housing Corporation for Keyworkers in terms of additionality ⁴ if a need were evidenced.

¹ Registered Social Landlords (RSLs) are more commonly known as housing associations

² Mid Suffolk Local Plan First Alteration, Affordable Housing, adopted July 2006

³ Key worker as defined by the Department of Local Government and Communities (CLG) are those who are employed in services that are considered key professions such as teachers, fire and probation for example.

⁴ Additionality generally means seeking grant from the Housing Corporation to change negotiated shared ownership units to rented units, or by providing larger units than was originally agreed.

3. Current Planning Policy

The Council currently has three adopted Policies in its Local Plan that aim to facilitate more affordable housing.

Local Plan Policy H14

A Range of house types to meet different accommodation needs in new housing development, on estate development of 10 or more dwellings, the district planning authority will encourage a variety of house types and designs to cater for different accommodation needs, and to avoid undue uniformity.*

*This policy may be reviewed through the Local Development Framework process in order to align with altered Policy H4.

Altered Local Plan Policy H4

A proportion of affordable housing in new housing developments

The District Planning Authority will seek to negotiate an element of affordable housing of up to 35%* of the total provision of housing on appropriate sites. Negotiations with developers will take account of the identified local needs, the economics and viability of development and the availability of local services.

The site size thresholds for this policy are:

- **In Stowmarket or Needham Market** : 15 dwellings or more or sites of 0.5 hectare of gross site area
- **Elsewhere** : 5 dwellings or more or sites of 0.17 hectare of gross site area.

The policy is focused upon the provision of affordable housing “on site” and provision in this manner will be preferred.

To prevent the loss of affordable housing to the general housing market, the district planning authority will, where appropriate, expect long term safeguards to be in place to ensure the benefit of affordable housing will be enjoyed by successive occupiers. This will normally be secured by an agreement under Section 106 of the Town and Country Planning Act 1990.

Note: Where sites are sub-divided, the District Planning Authority will normally expect each subdivision or smaller development to contribute proportionally towards achieving the amount of affordable housing that would have been appropriate for the whole or larger sites.

*Calculations of the affordable housing element required in any development will, where the calculated provision is not exact:

[a] Round up to the nearest whole number of affordable units **at and above 0.5 of a unit** or

[b] round down to the nearest whole number of units **between 0.1 and 0.4** of a unit.

Examples:

For a site of 5 dwellings in a rural parish - @ 35% provision required = 1.75 units hence, rounded up, an actual requirement of 2 units.

For a site of 9 dwellings in a rural parish: @ 35 % provision required = 3.15 dwellings hence, rounded down, an actual requirement of 3 affordable units.

If an existing planning permission is being submitted for an alteration, either with or without an existing Section 106 Agreement, the applicant should consult with the Planning Department because this may affect the affordable housing contribution.

Altered Local Plan Policy H5

Policy H5 sets out the terms by which an exceptional permission may be granted for affordable housing in the countryside on land abutting a settlement boundary where adequate facilities and services such as a shop, school and public transport are available. The altered policy includes further guidance on the criteria for such development. The Council will publish separate guidance for such Exception Policy affordable housing development.

4. Negotiating the number of homes

Where sites are sub-divided, the District Planning Authority will expect each subdivision or smaller development to contribute proportionally towards achieving the amount of affordable housing that would have been appropriate for the whole or larger sites.

Negotiations should commence at the earliest stage. Prior to a planning application being made, developers should contact the Planning Control Officer (PCO) to discuss the site in question. If the application is likely to generate a percentage of affordable housing, the PCO will liaise with the Housing Strategy Team to discuss the number of properties that will be negotiated. The Housing Strategy Team will agree with the PCO the number of homes and put forward a mix of tenure and types of properties, based on housing need information sources such as the District Wide Housing Needs Survey (any subsequent updates) and the Housing Register.

The number of affordable homes will be based on 35% of the total number of units being developed on the proposed site and outlined in point 3 of this guidance. It is not possible for the Council to provide a schedule of affordable housing until the Housing Strategy Team is aware of the number of properties the developer is looking to build on a site.

5. The Council's preferred tenure and type mix

There is currently a greater need for rented accommodation in Mid Suffolk than other forms of affordable housing. Therefore the Council will seek a 70/30 (e.g. two thirds/one third or 66.6/33.3%) split in favour of rented accommodation. Once the Housing Strategy Team is aware of the number of affordable units being generated they will provide a schedule that will show the number, size and tenure types that they wish the developer to provide. Calculations of the affordable housing tenure will, where the calculated provision is not exact:

[a] Round up to the nearest whole number of affordable units **at and above 0.5 of a unit** or

[b] round down to the nearest whole number of units **between 0.1 and 0.4** of a unit.

An example is given below:

Example only

A developer has a site that will accommodate 100 houses. Under current planning policies 35% will be for affordable housing = 35 units.

The Housing Strategy Team will look at where the scheme is being developed and look at information from the housing register and either local or district need survey information. This will then inform the mix of properties for the scheme.

Based on the above example:

23 will be for rent

12 will be for the intermediate market (shared ownership).

Schedule of Affordable Housing Scheme (example)

Unit Type and Tenure	Total Units
1 bedroom 2 person flats for rent	4
2 bedroom 4 person houses for rent	7
3 bedroom 5 person houses for rent	6
4 bedroom 7 person houses for rent	2
5 or 6 bedroom 9 person/10 person for rent	1
2 or 3 bedroom wheelchair standard bungalow for rent	1
Active older person provision for 2 bedroom bungalow for rent	2
1 bedroom 2 person flats for shared ownership	2
2 bedroom 2 person flats for shared ownership	1
2 bedroom 4 person houses for shared ownership	4
3 bedroom 5 person houses for shared ownership	2
4 bedroom 7 person houses for shared ownership	1
2 or 3 bedroom wheelchair standard bungalow for shared ownership	1
Active older person provision for s/o 2 bedroom bungalow	1

Please note the above table is for demonstration purposes only.

This schedule of information will be given to the developer in order that they can appraise the financial feasibility. If the developer has any queries or concerns about meeting the proposed affordable housing contribution they should contact the PCO who will liaise with the Housing Strategy Team.

6. Off-site provision and / or commuted sums

There will be a presumption that the agreed element of affordable housing will be provided on site. In circumstances where affordable housing is not wished for within a development site by the District Planning Authority, the Planning Authority, in liaison with the Housing Strategy Team, and the developer may reach agreement to accept off-site provision in the form of completed homes on an alternative, suitable site in the District. If this is not practicable, “commuted payments” as a last resort may be agreed whereby an agreed sum is paid by the developer towards the equivalent provision of affordable housing.

The acceptance of anything other than on-site provision is purely at the Council’s discretion and is not available as an ‘option’ to developers, landowners, agents etc. Where sites are sub-divided, the District Planning Authority will normally expect each subdivision or smaller development to contribute proportionally towards achieving the amount of affordable housing that would have been appropriate or the whole or larger sites.

However, it is accepted that there are exceptional circumstances under which an alternative to on-site provision may be acceptable such as:

- As stated in the policy, sites with an area above the threshold, but low density e.g. single large house in grounds.
- Where the proposal involves conversion or redevelopment of existing buildings, the most common being barn conversions. These are often expensive to create, result in dwellings that will not comply with the Housing Corporation’s standards and are expensive to repair and maintain.
- Where the site is providing a large number of affordable houses that is considered over and above what is required in that area. This would be based on the difference between the number of houses being generated through Planning Policy and the number required by those in housing need.
- It is possible that if off-site provision is agreed to, it can be secured on another site in the applicant(s) ownership. The affordable housing units will, however, be in addition to any affordable housing required on the second site. The Council will also expect the site to be capable of accommodating such off-site provision – to the required density and be in a condition ready and available for immediate development.

- In the event that a developer and/or RSL were claiming that the off-site provision was meaning that they were unable to commit to a scheme, they could not claim that this was due to the absence of grant funding. This is because the affordable provision whether on site or, as a commuted sum, should be provided with no grant subsidy. If the developer was claiming that the provision of affordable housing or, where agreed a commuted sum, were meaning that the development was no longer financially viable, the Council would expect the developer to provide a viability appraisal of the development and this appraisal must have been undertaken by an appropriately qualified third party consultant or the Council will expect an applicant to provide a formal binding undertaking to cover the Council’s costs in obtaining an appraisal of viability of the development and this would be carried out by an appropriately qualified third party.

It should be noted the above is not an exhaustive list.

6.1 Calculating a commuted sum

If a commuted sum payment is decided upon by the Council, the method of calculating the amount of payment will be as set out below and applied on the same basis for all cases.

In order to ensure that there is parity between what would have been provided on site and a commuted sum, the commuted sum will be calculated to include both land and build costs based on the site on which the affordable housing would have been developed on had it not been agreed that a commuted sum was acceptable.

In considering the commuted sum payment, the amount of units will be based on a site density of 30 dwellings per hectare - this is considered to be efficient and achievable through the District in both its urban and rural areas. PCOs will normally attach limited weight in their calculations to a clearly inefficient development density that is out of character with the proposed site’s surroundings e.g. a cul-de-sac of executive style dwellings in a traditional village). In such cases where on-site provision is not considered appropriate, PCOs will calculate the potential commuted sum having regard to an efficient density of development of not less than 30 dwellings per hectare.

In order to calculate the commuted payment it is necessary to establish the details of the notional scheme that has been “lost”. This must be based on what would have been provided in terms of affordable housing on the site, having regard to housing need and the unit size(s) required by the Council. This notional scheme should be agreed between the PCO, in consultation with the Housing Strategy Team and the applicant.

The Council recognises that there is a range of demands placed on the financial viability of a development and these could include clearance costs for contaminated land for example. Where a developer believes these to be excessive please refer to point 6e, above.

7. Delivery of the affordable housing units or commuted sums

As part of the negotiations with developers the PCO and the Housing Policy and Strategy Team will agree “trigger” points that will start the affordable housing contribution. This means that once the developer has built and sold a certain number of private market houses they will be expected to complete a number of affordable housing units. This will ensure that the contribution of affordable housing is not left to the end of the development or indeed, never completed.

From the time the planning permission has been granted the developer will have a period of 3 years within which to start the development. Because the Council has to provide statistical information regarding affordable housing to government, the Council expects the developer to keep in contact with the Housing Strategy Team with regard to progress such as expected start on site and, in particular, the progress of the affordable housing contribution.

8. Involvement of Registered Social Landlord (RSL) or similar body

The District Council's preferred approach to securing affordable housing from developers is through transfer to an RSL. The District Council does not get involved in the negotiations between developers and RSLs (or similar bodies) with regard to the transfer of affordable homes or land for example. Any such transfer should be at a value that recognises that there is no public subsidy available from the Council or the Housing Corporation. The value must be affordable to the RSL taking into account the costs for loans etc. and the need for its rent levels to be within Housing Corporation guidelines.

In order to avoid unnecessary abortive works and costs, developers should ensure that affordable housing provision meets the requirements of the RSL, who should be involved in the specification, design and layout of the units.

A list of RSLs developing and/or managing properties in the Mid Suffolk is included at the end of this document.

9. Who will live in the properties?

Policy H4 is based on the information provided by the district wide Housing Needs Survey. Therefore affordable housing secured through Policy H4 will be for district wide need, and this will be detailed in a Section 106 Agreement that will be required for any application that triggers the policy.

There may be some instances, however, where the units provided through Policy H4 are secured for a local parish need, but only in agreement with the Housing Strategy. This would only take place where a Local Housing Needs Survey had been undertaken, preferably with the support of the parish council, and that the units being proposed will meet the need evidenced in such a survey. A Section 106 Agreement will include a clause that shows how the properties will be offered to local residents first, often cascading out to nearby parishes.

Where a developer has decided to provide a site only for affordable housing e.g. not as a contribution or on an exception site, then they should discuss the proposed type, tenure and mix with the Housing Strategy Team in order that such proposals can be discussed as to their suitability for local or district need.

In all situations the Council will endeavour to secure nomination rights to the affordable housing units, so that it can assist people on the Housing Register.

10. Design

The affordable housing that is to be transferred to an RSL or agreed body will be to the Housing Corporation's Scheme Development Standards/Code for Sustainable Homes or any subsequent standards. The Housing Strategy Team advises developers to seek early discussions with RSLs to ensure they are clear of the design and quality standards required by the Housing Corporation such as EcoHomes and Secure by Design Standards or any other standards that are subsequently set. A list of RSLs operating in Mid Suffolk is provided at the end of this document.

The affordable housing on a site must be integrated within the open market housing, in groups to be agreed with the Council. Where a development will secure a significant amount of affordable housing that may be phased, the Council prefers to work on the basis of limiting the amount of affordable units to no more than 10 in one area/block throughout a phase; the developer should also ensure that within each block there is a mix of rented and shared ownership units in order to ensure balanced, mixed communities. The design of the affordable houses should be in keeping with the design of the market houses being developed on the site so they are not easily distinguished as being 'different'. This will also help to create a balanced community.

In terms of the overall design of a residential development, developers should take account of the guidance provided in the Council's Local Plan and Suffolk Design Guide and would be advised to speak to the relevant PCO with regard to design prior to formally submitting a planning application.

A developer should also seek guidance with regard to any contribution required for Open Public Space.

11. The Role of the Council

Equality and Diversity

We are committed to giving an equal service to all. This means we will not treat individuals any differently because of your: sex, colour, race, nationality, ethnic group, regional or national origin, age, marital status, disability, political or religious belief, sexuality or class. It also means our work will focus on individual groups within our community who may be disadvantaged and therefore require help the most. We also look to ensure that developers, agents and RSLs have robust policies in place that reflect our wish to promote good race relations and our commitment to the Commission for Race Equality Code of Practice in Housing.

Service Standards

Answering the telephone

We receive a large number of telephone calls each day, and you can expect your telephone call to be answered promptly, politely and efficiently.

We aim to answer all telephone calls by the sixth ring. We will greet you courteously and give our name and, where appropriate, the service name.

We will take detailed information relating to the call, including the name of the caller, telephone number and purpose of call.

Where it is possible to do so, we will answer your enquiry immediately. If this is not possible we will agree a timescale with you.

If we need to transfer your call we will tell you who you are being transferred to, and their extension number. We will pass on your name and the details of the call when we transfer it.

If the person you are calling is unavailable, you may find that your call is diverted to a colleague or you may reach an answer-phone on some telephone lines.

An answer-phone may also be used in some services during periods of exceptional demand. We will always aim to return your call promptly.

Written correspondence

We receive written correspondence in the form of letters, faxes and e-mails.

When you write to us we will aim to provide a full response to your correspondence within ten working days of receipt.

If it is clear that we will not be able to provide a full response in this time, we will send an acknowledgement explaining what is happening, and a timescale for the full reply.

When dealing with all written correspondence, we will write in a professional manner, using clear language without unnecessary jargon.

We will also provide information in alternative formats e.g. large print, audiotape, or in other languages, if requested.

Complaints and compliments

We will provide a prompt and fair response to your enquiries and problems.

If you are dissatisfied in any way, please tell the person or department concerned. We will do our best to resolve the issue at this point. If we cannot resolve the issue in this way, you will be able to make a formal complaint.

To make a formal complaint, you can complete a Council complaints form. These are available from our offices or they can be sent to you on request. If you make a formal complaint, the process for dealing with it will start immediately and this will be explained.

If you are satisfied with the service that you have received, we are always grateful to receive acknowledgement of this. Forms for formally registering compliments are available from the Council. Alternatively you may wish to telephone or write to us. We will pass your compliment on to the appropriate service area or person.

The Planning Department

The Planning Service is split into two service units:

Planning Control is responsible for the processing of planning applications and handles enquiries as to the need for planning permission. The enforcement section of the unit deals with breaches of planning control.

Planning Policy includes the Local Plans Team responsible for the Mid Suffolk Local Plan and the formulation of planning policy and the Conservation, Trees and Landscape officers. The Planning Policy section also contains information and documents relating to the new planning system and emerging documents of the Local Development Framework (LDF).

Please visit the Mid Suffolk website to find out more information on the services we provide on <http://www.midsuffolk.gov.uk>

Please contact us on:

Planning - Reception **0845 606 6067**
customerservice@csduk.com or plancontrol@midsuffolk.gov.uk

The Housing Strategy and Policy Team

Part of the remit that the Housing Strategy Team carries out, is to look to maximise the potential for affordable accommodation in order to meet accommodation needs in the Mid Suffolk area. This is called the Enabling Role.

What is Enabling? – The Council does not build any affordable housing itself. What it does do is make sure that a three- year strategy for affordable accommodation is based on the needs of the district. This need is evidenced in the District Housing Needs Survey that is carried out every 4-5 years.

The Housing Strategy shows the priorities for housing in Mid Suffolk, and who needs the housing most. It also shows where we require funding and who our key partners are, such as developers, landowners, RSLs and parish councils for example. The housing Sub Region that Mid Suffolk works in partnership with is called the Greater Haven Gateway and we have worked with our partners to produce a Regional Housing Strategy.

The main tasks that this Team undertakes includes negotiating with developers on Section 106 Agreement sites. This is where a development of market sale housing is being planned, an element of which will need to be for affordable housing. The Team will negotiate with developers on how many properties will be for affordable housing, whether the properties will be for rent or shared ownership and how many will be flats, 2 bedroomed houses or 3 bedroomed houses for example.

The Team co-ordinates the undertaking of local housing needs surveys. This is usually in rural parishes that have adequate local facilities. The Team will also be involved in research work for groups of people that may require accommodation in the future such as those with a physical and/or sensory impairment or site provision for Gypsies or Travellers.

The role of the Team is to draw together all the potential partners, with the objective of delivering affordable housing and to provide a seamless service to its customers.

We aim to provide an excellent service for our customers. Our customers include members of the public who may own land, parish councils, public bodies, housing associations, support agencies and developers.

If you have a general enquiry about affordable housing, please contact the Team on **01449 724765**. Being a small section, if you wish to meet and talk in person it is always advisable to book an appointment.