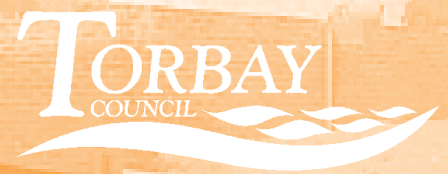


The Provision of Affordable Housing in Torbay

Supplementary
Planning Guidance to the
Torbay Local Plan (1995-2011)
Revised Deposit Version

September 2003



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The Provision of Affordable Housing in Torbay Supplementary Planning Guidance to the Torbay Local Plan 1995-2011.

Foreword

Torbay Council is committed to giving everyone the maximum opportunity of having a decent home, and to providing housing that meets the needs of the whole community. We recognise that many people in Torbay cannot afford open market rents and prices, and that meeting their housing need is critical to their well being.

The planning system has a key role to play in providing a good mix of housing in Torbay, including an adequate supply of affordable homes. This Supplementary Planning Guidance has been approved by the Council, following consultation in the summer of 2003. It provides detailed guidance on the implementation of the affordable housing policies in the Local Plan

The Government will shortly be publishing new guidance on influencing the size, type and affordability of housing. Therefore we expect that the Council's supplementary planning guidance will be revised in the spring of 2004. We are also committed to retaining the affordable housing that we already have in Torbay for the benefit of future generations and to this end we are talking to the Government about ways of achieving this.

The Council is committed to a partnership approach to housing, involving housing associations, house builders and the local community. The Future of Housing in Torbay Partnership Strategy seeks to achieve this inclusive approach.

Councillor Colin Charlwood
Executive Member for Environment.

THE PROVISION OF AFFORDABLE HOUSING IN TORBAY

Supplementary Planning Guidance to the Torbay Local Plan 1995 - 2011

**Torbay Council
Strategic Services Directorate, Strategy and Research Division
September 2003**

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The Provision of Affordable Housing in Torbay

Supplementary Planning Guidance to the Torbay Local Plan (1995 – 2011)

Executive Summary

- E.1 The Planning System aims to achieve mixed and balanced communities, which provides everyone with the chance of a decent home and which offers a choice of housing and lifestyle. This required that a range and mix of housing is built within Torbay. The provision of open-market housing is not usually a problem since people who are able to afford to buy a property create the effective demand (i.e. desire for and finance for) for such homes. However, there is also a need to provide affordable housing for people who are unable to meet their housing needs through the open market. Intervention through planning policy is needed because such people lack the means to create ‘effective demand’ for such housing. The Provision of affordable housing is a key Corporate Priority of Torbay Council.
- E.2 There is an exceptionally high level of need for affordable housing and a shortage of land in Torbay. Therefore it is important that best use is made of opportunities for affordable housing that arise. However these must be provided as part of mixed communities and with regard to the economics of providing housing. This requires partnership with affordable housing providers, housebuilders, the Council and other key stakeholders.
- E.3 PPG3 and Circular 6/98 entitle Local Planning Authorities to seek an element of affordable housing provision subject to site size and suitability. Policy H5 of the Torbay Local Plan (1995-2011), Revised Deposit, as recommended for amendment by the Inspector’s report of the Local Plan Inquiry, proposes the provision of **affordable housing on identified sites**.
- E.4 Policy H7 deals with **affordable housing on unidentified sites**. An element of affordable housing can be sought on windfall sites of more than 15 units or 0.5 ha. (1.2 acres). The Council will seek affordable housing on sites below this threshold if Government Guidance is amended to allow it to do so. In general a target of 30% affordable housing on sites over the threshold, is considered to be appropriate.
- E.5 In the context of Torbay, affordable housing should be defined as housing that is delivered at a subsidy below market rates. This includes **social rented housing** and **shared ownership schemes**. The most pressing need is for social rented housing. The Council’s preferred method of delivery is through a Registered Social Landlord (RSL).
- E.6 Provision should usually be on site. However, there are exceptions where commuted payments for off-site provision will be more appropriate. The nature of housing development in Torbay with a large number of flat conversions means that there will be instances where the *site* is suitable for affordable housing, but the

proposed development would not be. In addition, there may be instances where providing the affordable homes elsewhere in the Authority's area is likely to widen housing choice and encourage better social mix.

- E.7 Commuted sums are calculated on the basis of the cost of providing on-site affordable housing and must be used for the delivery of affordable housing within the Local Authority area.
- E.8 Where developers decline to negotiate the provision of affordable housing on sites capable of yielding more than 15 units or over 0.5ha in size, and that meet the criteria in Paragraph 10 of Circular 6/98, this could justify the refusal of applications.
- E.9 **Low Cost Market Housing** includes conversions and starter homes that sell at the bottom quarter of the open market. Such housing is not subsidised below market rate and cannot be used to offset the requirement in Policy H5 or H7 (unless some other form of subsidy is identified). Lower end of the market properties are currently being adequately provided through conversions and small sites below the 15 unit /0.5 ha threshold.
- E.9 Subsidised affordable housing will usually require a S106 Agreement setting out level and type of provision. There is more scope for flexibility in schemes that are being developed by Registered Social Landlords. It is important that affordable housing decisions are transparent and easy to monitor. Noting that permissions are for affordable housing (etc) as an informative on the Decision Notice greatly aids monitoring.

1.0 **Introduction**

- 1.1 The provision of affordable housing is a Key Corporate Priority for Torbay Council. This guide seeks to aid the delivery of affordable housing in Torbay through the Planning System and was approved as Supplementary Planning Guidance by Council on 4th September 2003, following consultation and discussion by a number of working parties. It is intended to provide clarification to the policies within the Torbay Local Plan 1995-2011 (Revised Deposit Version) and incorporates the Modifications proposed by the Council (September 2003) in response to the Inspector's Report of the Local Plan Inquiry. (See 2.1 and 2.2 below – “Note on main changes to RDV”).
- 1.2 Affordable housing is an evolving subject. Therefore this document provides interim guidance, which will need to be reviewed on a regular basis. In particular the following factors will affect the Council's approach to delivering affordable housing in the near future:
- Any further changes to the Torbay Local Plan, prior to Adoption (Spring 2004).
 - The Housing Solutions Cost Effectiveness Report, which is a partner document to the 2003 Housing Needs Survey.
 - Any new guidance from Central and Regional Government, particularly any replacement of Circular 6/98. The ODPM published a consultation paper “Influencing the size, type and affordability of housing” in July 2003 which suggests a number of changes to affordable housing policy.
 - The emerging objectives of the Torbay Housing Strategy (forthcoming mid-2003).
 - The evolving picture of best practice.
- 1.3 PPG3 and Circular 6/98 entitle Local Planning Authorities to seek an element of affordable housing provision, subject to site, size and suitability. All new housing schemes should seek to provide mixed and inclusive communities, which offer a choice of housing and lifestyle. Appendix 1 to this guide summarises key policy documents on affordable housing:
- PPG3 Housing (DETR 2000)
 - Circular 6/98 (DETR 1998)
 - Delivering Affordable Housing Through Planning Policy (ODPM 2002)
 - ODPM Consultation paper “Influencing the size type and affordability of housing” (July 2003)
 - Regional Planning Guidance for the South West (RPG10) (2001).
 - Regional Housing Strategy 2002-2005.
 - Devon Structure Plan First Review 1995-2011 (1999), Devon Structure Plan 2001 – 2016 Deposit Draft and Pre EIP Modifications.
 - Torbay Housing Strategies 2000-2003, 2003-2008.

2.0 The need for affordable housing in Torbay

- 2.1 Despite its success as a premier resort, Torbay has a number of severe social and economic problems, which lead to a high level of housing need. Factors include:
- High levels of general deprivation and poverty. Unemployment is consistently about 25% above the national rate.
 - Very low stock of social rented housing in Torbay: 7% in Torbay compared with 24% nationally and 16% for the South West.
 - High house price inflation since 1997 (House prices in Torbay rose by around 25% between late 2001 and late 2002. Flat prices rose by 30% in the second half of 2002. The price of a newly converted one bed flat in Torbay in April 2003 was £70-75,000).
 - A study by the Rowntree Foundation (2003) found that the ratio of incomes to house prices in Torbay was 5.2, which was the highest (least affordable) in Devon and third highest in the South West.
 - Low wages in Torbay. In 2003 the average Torbay wage was estimated to be around £18,060 compared to a national average of £23,000 and a regional average of 21,000. In 2000 34.2% of the workforce in Torbay earned less than £250 a week, compared with under 20% in England.
 - The ageing population and need for supported housing.

Housing needs survey

- 2.2 Housing Needs Surveys (HNS) are the principal way of assessing the level of housing need within a local authority area, and are carried out in accordance with Guidelines set out in ODPM best practice guidance. The Council's 2003 Housing Needs Survey, carried out by Fordhams Research identifies a need for around 1816 additional affordable dwellings per year over the next 5 years (i.e. 9080 in total). Three quarters of these need to be social rented units in order to meet the magnitude of local need.
- 2.3 This level of housing need is exceptionally high and comparable with Inner London. It is estimated that 3.1% of households in Torbay are in housing need, compared to 3.2% in Inner London. The National and South West figure is around 1.5% of households in housing need.

Special needs

- 2.4 "Special needs" refers to a range of categories including frail elderly, physical disability or learning disability, mental health problem, vulnerable young people and children leaving care, and severe sensory disability. The 2003 HNS identifies 8,335 households containing members who have special needs (14.1% of all households). Over a half of these involve a physically disabled member and nearly a quarter a frail elderly household member. The majority of respondents to the HNS identified a need for in-home improvements such as hand rails and shower units. However 247 households identified the need for supported housing (See 4.4.11 below).
- 2.5 33.1% of households contained older persons only, whilst a further 8.8% contained older and younger persons.

Homelessness and temporary accommodation

2.6 Homelessness is a severe type of housing need. It includes being in temporary accommodation (such as bed and breakfast) as well as rough sleepers and other “roofless” people.

2.7 In July 2003 there were more than 200 homeless households in Torbay awaiting permanent accommodation. Of these 100 were in bed and breakfast or holiday flats. This includes 33 families in B&B and 20 families in holiday flats. In addition to the social consequences of this, the financial cost would be around £910,000 per year. The average length of stay in temporary accommodation in 02/03 was 11 weeks. Table 1 below indicates a rising homelessness trend.

Table 1. Homelessness in Torbay (Source Torbay HIP returns).

| Torbay | 1999/00 | 2000/01 | 2001/02 | 2002/03 |
|--|----------------|----------------|----------------|----------------|
| 1. Households accepted as homeless and in priority need during the year. | | | | |
| Total. | 185 | 139 | 265 | 339 |
| <i>of which:</i> | | | | |
| 1. With dependant children or pregnant woman. | 117 | 104 | 200 | 227 |
| Persons in temporary accommodation. | 89 | 167 | 224 | 288 |
| Including with dependent children. | 75 | - | 170 | 210 |
| In Bed and Breakfast. | 4 | 13 | 19 | 59 |

3.0 Policies in the Torbay Local Plan (1995-2011)

3.1 The Torbay Local Plan (1995-2011) sets out proposals for affordable housing on allocated and windfall sites. The Inspector’s Report into the Local Plan Inquiry (April 2003) recommends a number of changes to the Revised Deposit Policies. The Council’s response to these recommendations is encompassed in its Proposed Modifications to the Local Plan. These are set out below.

3.2. Policy H5 Affordable Housing on Identified Sites

The provision of around 1350 new units of subsidised affordable housing – equal to 135 units per year – over the remainder of the plan period (2001-2011) are proposed to meet the identified need.

These units are to be delivered through a subsidy at below the market rate. Where appropriate they will be secured by a S106 Agreement and involve a Registered Social Landlord. An element of supported housing will be sought. The following locations have been identified as sites to meet part of this need. Negotiations about the amount of affordable housing will be governed by the indicative targets set out in the table:

N.B. This policy (and table 5) provides for about 31% of the target. Policy H7 ‘Affordable housing on windfall sites’ seeks to provide the balance (68%). Some of the sites in Table 5 are the subject of existing S106 Agreements.

Table 5 Updated Local Plan Policy H5 Subsidised Affordable Housing Provision

| Location | Proposals Map Reference | Target Provision | Estimated Provision 2001-2011 |
|--|--------------------------------|---|--|
| TORQUAY | | | |
| 1. Scotts Bridge/ Barton Phase 1 | Phase 1 designated area | In accordance with the approved Planning Brief and Torbay Agreement, at least 66 units are sought as part of an overall target of 30% of the dwellings in Phase 1 – target 170 dwellings. | 170 dwellings remain to be built in Phase 1, all have Permission. |
| 2. Scotts Bridge/Barton Phase 2 | H1.2 and H1.3 | A minimum of 30% of the Phase 2 dwellings are sought – target 110 dwellings. | 110 dwellings to be built. Estimated remaining potential for 36 affordable units (Phase R7). |
| 3. Beechfield Avenue Extension | H1.4 | 100% of dwellings – 40 units (land in Council ownership). | 40 units to be built. |
| 4. Fore Street, Watcombe | H1.5 | 100% of 60 dwellings. | Built |

| PAIGNTON | | | |
|--------------------------|-------------------------|---|---|
| 5. Station Lane | H1.15 | 50% of development is sought. Target 20 dwellings. | 20 dwellings. |
| 6. Great Parks, Phase 1 | Phase 1 designated area | In accordance with the Approved Planning Brief, Great Parks Agreement and Further Agreement, 20-25% of the Phase 1 dwellings are sought – target 110 dwellings. | 216 dwellings completed (@50 affordable units). 247 dwellings to be built (2001 Monitor). Target 60 affordable dwellings. |
| 7. Great Parks Phase 2 | H1.12 H1.13 H1.14 | A minimum of 30% of the Phase 2 dwellings are sought – target 110 dwellings. | 110 dwellings. |
| 8. Zoo Car Park | H1.16 | A minimum of 30% of development. Target 14 dwellings. | 14 dwellings. |
| 9. Primley Dairy | H1.16A | New site (PCI 3/6). A minimum of 30% is sought- Target 12 dwellings. | 12 dwellings. |
| BRIXHAM | | | |
| 10. Brixham Town Centre. | H1.20 | 100% is sought – target 20 dwellings. | 20 dwellings. |
| 11. Paint Station site | H1.21 | A minimum of 50% is sought – target 10 dwellings. | 10 dwellings. |
| 12. Mudstone Lane | H1.22 | A minimum of 30% is sought – target 10 dwellings. | 10 dwellings. |
| 13. Dolphin Holiday Camp | H1.23 | A minimum of 30% is sought – target 68 dwellings (PCI 3/7B and 3/8A). | 68 dwellings. |
| 14. St Mary's | H1.25 | A minimum of 30% is sought – target 10 dwellings. | 10 dwellings. |
| | | | |
| | | Total | 422 dwellings |

- **Target from locations 1 – 14: 422 dwellings (i.e. 31% of total)**
- **Balance from windfalls 928 dwellings (i.e. 69% of total)**
- **Total 1350 dwellings (Average of 135 per annum 2001 – 2011)**

Note that substantial increases in housing numbers on particular allocated housing (H1) sites not subject to an affordable housing requirement, may justify an element of affordable housing to be sought.

3.3 **Policy H6 Affordable Housing on Windfall Sites**

The Council will seek to secure an element of affordable housing on all sites for residential development that meet the minimum site size threshold permitted by Government.

The appropriate level and type of provision will be for negotiation between the Council and the developer. In assessment of proposals, consideration will be given to:

- a) **the accessibility of the site to local services and facilities and public transport.**
- b) **the particular costs associated with the development of the site;**
- c) **whether the provision of affordable housing would prejudice other planning objectives; and**
- d) **the need to create a successful housing development.**

The current minimum site size threshold permitted under Circular 6/98 is developments of over 15 units or 0.5 hectares or more in area. These thresholds may change during the Plan period.

- 3.4 In addition, contributions for off-site provision may be justified in exceptional circumstances (see Section 3.6 below). These are covered under the aegis of **Policy CF6 “Community Infrastructure Contributions”** and the accompanying Code of Practice in the written explanation (PP 134-135 of the Revised Deposit Version).

4.0 **Interpretation of Policy**

4.1 **Need for Corporate and Collaborative Working**

4.1.1 Policies on affordable housing involve various departments and external organisations. Housing Associations and other registered social landlords (RSLs) have a social remit and are eligible for Housing Corporation funding. They are therefore the Council's preferred partner in the delivery of affordable housing. The Council has a Partnership Agreement with the key RSLs which are set out in Appendix 2.

4.1.2 Negotiations between developers, RSLs and the Planning Authority are encouraged at an early stage. Appendix 4 gives contact details of Council departments with involvement in affordable housing issues. Developers should be informed of the Council's requirement for affordable housing and the form that this will take as early as possible. Because an obligation to provide affordable housing may affect the land value and the layout of development, it is desirable (although not always possible) for such discussions to take place before land purchase.

4.2 **Determination of suitability of sites for affordable housing**

4.2.1 **Identified sites:** Proposal H5 indicates target provision of affordable (subsidised) housing on allocated sites. These sites have been considered on the basis of paragraph 10 of Circular 6/98 as being suitable for an element of affordable housing provision.

4.2.2 **Unidentified sites below the site size threshold:** In addition, some unidentified sites can have potential for affordable housing. The Inspector's Report into the Local Plan Inquiry endorses the lower site size threshold in Circular 6/98, of 15 dwellings or 0.5 ha site area. Should the thresholds in Circular 6/96 be revised, the Council will seek the lowest permitted threshold. In settlements with populations of 3000 or fewer people, the Council is able to seek affordable housing on sites of 2 or more dwellings. However such sites must be suitable for affordable housing as set out in the criteria in Policy H6.

4.2.3 Circular 6/98 indicates that developers or RSLs may propose affordable housing on sites below the threshold size (Paragraph 11). In particular many RSL developments are on sites below this threshold. However, the Council is not (currently) able to require affordable housing on sites below the 15 unit/0.5 ha threshold.

4.2.4 Nevertheless, windfall sites of less than 15 units / 0.5 ha will often provide smaller accommodation (particularly one bed flat conversions) that will sell at the lower end of the unsubsidised open market. Whilst this type of accommodation can help to meet the demand for low cost market housing, it does not fall within the definition of subsidised affordable housing, which is Torbay's prime requirement. Nor is there any suitable control to ensure that occupancy meets locally generated housing needs.

- 4.2.5 PPG 3 promotes higher densities (para 57 et seq) and notes the growth of one person households (paragraph 9). Therefore seeking a proportion of one-bed or small two-bedroom units as part of developments below the 15 unit/ 0.5 ha, or suggesting RSL involvement, are in accordance with Government policy. This is particularly appropriate in sustainable locations such as mixed use town centre sites. However, the Council could not insist on this on developments below the threshold size. Nor would it be appropriate to seek to control occupancy through a legal agreement.
- 4.2.6 **Unidentified sites of more than 15 dwellings/0.5ha:** The Council can seek an element of subsidised affordable housing on sites of more than 0.5 ha or capable of yielding 15 or more dwellings. This includes conversions and sites that could reasonably be expected to yield 15 or more units, even if the application is for fewer dwellings. In addition, sites should not be artificially subdivided in order to fall below the threshold. In assessing the reasonable yield, regard will be had to the density targets of 30-50 dwellings per hectare set out in PPG3 (Para 58) and Policy H11. However, regard must also be had to the need to avoid town cramming and safeguard residential amenities. Therefore the Council will not artificially increase densities to push developments over thresholds, if these could not be reasonably achieved having regard to other development control considerations.
- 4.2.7 Where a site is considered to be suitable for affordable housing and meets the threshold, provision should usually be on site. Should on site provision not be possible, the Council's second preference would be for a suitable nearby site (bearing in mind that the second site may itself generate an affordable housing Obligation). Commuted payments will only be accepted in exceptional circumstances where on-site provision, or provision of land is not possible (see Section 4.6 below). Failure to provide affordable housing could justify refusal of planning permission (PPG3, paragraph 17).
- 4.2.8 Other criteria set out in Paragraph 10 of Circular 6/98 and Policy H7 should be borne in mind when considering the appropriateness of sites for affordable housing. Considerations include the proximity of local services and facilities, access to public transport, costs of development (e.g. removing contamination) and other planning objectives. However, the level of need and shortage of sites means that there is an urgency to maximise opportunities. Therefore an element of subsidised affordable housing provision should be sought on sites above the 15 unit /0.5ha threshold, unless there are compelling reasons not to do so.

4.3 **Level of Provision and integration of development**

- 4.3.1 **Target Provision.** On sites where an element of subsidised affordable housing is appropriate, the level and type of provision needs to be established. The proportion of development that is sought as affordable housing is often referred to as the "target". The 1997 Housing Needs Survey suggests that around 30% of new dwellings need to be subsidised affordable units. The 2003 Housing Needs Survey indicates that this is now at the lower end of the target range and suggests a target of around 50% in Torbay (pp79-81). Regional Planning Guidance (RPG 10) implies that 30-50% of new housing should be affordable on a regional level.

However the 30% target has been debated at the Local plan Inquiry and is supported by the Inspector (3.33.3 issue d.). Setting a higher target may not be achievable having regard to the economics of provision. Because the target is relatively low, the Council will primarily seek social rented housing (or equivalent TCI bases on-site subsidy), in order to meet the most pressing area of housing need.

4.3.2 **Integration of development.** Although dispersing affordable housing throughout a development (pepper-potting) is acceptable in planning guidance (PPG3, Para 10), such a practice can create management difficulties. Conversely large numbers of housing of the same characteristics do not foster mixed and inclusive communities. Research by the Rowntree Foundation has suggested that developments of more than 40 social rented units may generate management and environmental problems. Therefore affordable housing clusters of 5-20 dwellings are likely to be desirable. Mixing different types of affordable housing (social rented, shared ownership etc) can help achieve a successful development.

4.3.4 There is evidence that it is often not practicable to include mixed tenures within a single building (unless they have separate accesses). RSLs are unlikely to favour mixed tenure blocks for management reasons. Therefore, where a site is suitable for affordable housing, but the proposed building is not, it *may* be appropriate to seek off-site provision (see section 3.6 below). However, there is nothing in planning legislation to prevent developers proposing mixed tenure buildings. Moreover a number of recent schemes have successfully integrated shared ownership and open market housing.

4.3.5 It is important that affordable housing is not of an inferior quality to market housing, or relegated to the least desirable parts of a site. Design and energy efficiency matters are important (Build Environment policies and Policy EP1 “Energy Efficient Design” apply).

4.4 **Types of Subsidised Affordable Housing**

4.4.1 The Local Plan policy on affordable housing is unable to specify tenure and therefore Policy H5 refers to “subsidised housing” rather than social housing. The key is that this should involve some form of subsidy to ensure its delivery below market rate, (and not being low cost simply by virtue of small size, etc). Notwithstanding this S106 Agreements can specify social rented housing where there is agreement between the parties involved.

4.4.2 The 2003 Housing Needs Survey found that around three quarters of Torbay’s housing need is for social rented housing (roughly 1360 units per year).

4.4.3 **Social Rented Housing:** Such housing is owned by a registered social landlord and rented to tenants from the Council’s or Housing Associations Waiting List/Register. The Council’s waiting list and evidence of local income levels indicate that this is the most pressing area of housing need. RSLs have an explicit social remit and an ongoing relationship with the Council as Housing Authority. Where an RSL is involved in the provision of affordable housing, there is normally

no need to impose additional conditions on occupancy. Although RSLs are the Council's preferred partners, developers are entitled to suggest other providers.

- 4.4.4 **Shared Ownership Schemes/Low Cost Home Ownership:** Government advice is that Councils should not regard affordable housing solely as social rented. There are a range of “intermediate” types of subsidised housing of which “Shared ownership” schemes are the most common. These also fall under the definition of subsidised affordable housing in Policy H5. Occupiers purchase a proportion of a property (at market price) and a Registered Social Landlord (or other organisation) retains the remainder and rents it at a subsidised rent not exceeding the Housing Corporation rent cap.
- 4.4.3 Owners usually have the right to acquire the remaining portion of their homes, which is referred to as “stair casing”. Although shared ownership schemes do not provide affordable housing “in perpetuity” the receipts from their sale can be reinvested in affordable housing. In addition RSLs may sometimes impose their own covenants requiring the property to be sold to people living in Devon, to avoid it becoming a second home.
- 4.4.4 Shared ownership schemes can serve a role in larger developments in creating more mixed and inclusive communities. In addition the involvement of RSLs in the intermediate housing market can alleviate the stigma sometimes attached to renting from social landlords.
- 4.4.5 **Directly Subsidised Schemes:** Properties are sold or let at an agreed figure below the prevailing market rate for such properties, in order to make them affordable to lower income people. The price / rent will need to be agreed by an independent valuer and a covenant imposed to ensure that the price reduction lasts in perpetuity. Since affordable housing is aimed at meeting local needs, occupancy of such properties should be limited to people on the Housing Register, key workers (see below) or persons previously living and working in the area.
- 4.4.6 In practice, such restrictions are very difficult to enforce and raise a number of legal problems. The provision of affordable housing without an RSL makes agreement of the terms of Section 106 Agreements more complicated. It may be impossible to ensure that such accommodation remains affordable in perpetuity. Moreover, it is often harder to get competitively priced mortgages on this type of property due to the existence of restrictive covenants. Therefore this type of subsidised affordable housing is usually less satisfactory than schemes involving a registered social landlord.
- 4.4.7 However, a number of private developers promote similar schemes. Unless there are clear reasons to insist on RSL provision (for example to meet a particular section of need) it is open to developers to propose such types of subsidised schemes. In such instances developers will need to demonstrate that their proposed arrangements for delivering affordable housing addresses the above concerns, and will genuinely meet local housing need. Such schemes will usually require a S106 Agreement to secure occupancy, subsidy and retention of affordable housing in perpetuity.

- 4.4.8 **Key Worker Housing:** The provision of housing for key workers is an important Government objective. Hitherto, ‘low-cost market housing’ has been identified as a principal source of key worker housing. However, there is evidence that recent house price inflation has made unsubsidised housing unaffordable to many key workers.
- 4.4.9 Therefore, it is now considered that some junior key workers will require some form of subsidy to meet their housing needs. Rented or shared-equity schemes, administered by an RSL in partnership with employers are considered to be the most satisfactory method of addressing this need.
- 4.4.10 The definition of ‘key workers’ is problematic. The Government’s narrow definition of “Nurses, Teachers and Police Officers” is not appropriate for Torbay where more senior members of these professions earn more than the local average wage and are unlikely to be in housing need. Thus the definition needs to be tailored to identify specific groups of workers who are unable to access the local housing market without a subsidy. It is considered that it is most appropriate to achieve this on a case by case basis.
- 4.4.11 **Supported/ special needs housing:** Supported housing refers to a wide range of accommodation provided for people who require some level of supervision, but are capable of living independently without a significant level of care (see paragraph 2.4 above). This includes sheltered housing for the elderly. Policy CF 15 “Accommodation for people in need of care” is relevant.
- 4.4.12 Supported housing is often rented at a subsidy below the market rate, usually by a registered social landlord. In this instance it is subsidised affordable housing (within the definition of Policy H5). However some supported housing is sold or let at the full market rate and is thus **not** subsidised affordable housing. An example of non-subsidised supported housing is private sheltered housing for sale to the elderly.
- 4.4.13 Non-subsidised sheltered housing developments attract an obligation to provide an element of subsidised affordable housing on sites that meet the criteria in Policy H7. It is accepted that non-sheltered affordable housing cannot usually be accommodated within buildings used for sheltered housing. Therefore unless alternative means of on-site provision can be achieved, this may be an exception to justify off-site provision.

4.5 **Low Cost Market Housing**

- 4.5.1 Unless a clearly identified subsidy is involved in its delivery, low cost market housing is not subsidised affordable housing. Therefore a developer cannot normally discharge an obligation to provide subsidised affordable housing simply by building small units or starter homes.
- 4.5.2 Low Cost Market Housing is usually defined as the type of property likely to sell at the lower end of the open market.(i.e. one bedroom properties and some 2 bedroom flat conversions). The Council’s housing monitor indicates that ample small units are being provided through conversions (129 units in 2001/2, 85 in 2002/3). In

addition, “second hand” properties are cheaper than new ones and will help those who are able to purchase a modest property without a subsidy.

4.5.3 The achievement of smaller, higher density units meets other housing objectives set out in PPG3 and Policy H11 of the Local Plan. The Torbay Housing Land Monitor indicates a stock of permissions for small units. Therefore it is estimated, that small windfall sites and “second hand” properties will continue to supply adequate numbers of unsubsidised low-cost market housing. Unsubsidised low cost market housing is therefore not a housing need priority (and, strictly speaking, people who can afford to buy such properties are not in housing need as defined by the ODPM). The more pressing need is for people who are not able to meet their requirement for a decent home without a subsidy.

4.6 Commuted Sums

4.6.1 Government guidance is clear that commuted payments in lieu of on-site provision are the exception and not the rule. Section 4.2.7 above sets out a clear preference for on-site provision, followed by the provision of land. Commuted payments will only be acceptable when these options are not feasible. Notwithstanding this, a number of factors suggest that commuted sums may occasionally be justified given Torbay’s circumstances. Instances where they may be appropriate include:

- Where the *sites* are suitable for affordable housing but the *proposed development* would not be suitable or practicable. In particular flats may not be suitable for family housing or may pose management problems.
- Provision of affordable housing elsewhere in the plan area is more likely to widen housing choice and encourage better social mix.
- However, contributions cannot be used simply to avoid the on site provision of affordable housing.

4.6.2 Moneys received will be ring-fenced by the Council and used for the provision of affordable housing **in addition** to that which would be provided through Housing Corporation funding.

4.6.3 Regular liaison between the Council’s local planning and housing services is essential to ensure that there are sites available for utilising commuted payments. Such sites must be within the Local Authority’s area and where possible should be within the same town. The Council will need to identify a “bank” of sites that it intends to develop using commuted payments.

4.6.4 Where commuted payments are accepted, or there is a need to calculate the value of on-site provision, they should be calculated on the basis of the cost of providing affordable housing provision on site. A starting point is:

$$\begin{array}{l} \text{Target for} \\ \text{affordable} \\ \text{housing.} \end{array} \times \begin{array}{l} \text{Total number of} \\ \text{dwellings proposed} \\ \text{for site.} \end{array} = \begin{array}{l} \text{Number of} \\ \text{affordable} \\ \text{homes.} \end{array}$$

Number of affordable homes. x Level of grant based upon average band to provide affordable housing. = Contribution towards off site provision.

4.6.5 TCI refers to the Total Cost Indicator. This indicates the Housing Corporation’s estimate of total cost of delivering social rented housing on various dwelling types and provides a basis for the level of Social Housing Grant on each property (typically 64% for Torbay). The cost of providing shared ownership schemes is around 50% of social rented housing. An approximate guideline for average TCIs in Torbay for 2003/4, and grant levels is as follows:

Approximate Total Cost Indicators (TCIs) and cost of providing affordable housing per unit in Torbay 2003/4.

| Property type (Per unit). | TCI (£) | Cost of provision of Social Rented Housing, (64% grant) (£s). | Cost of provision of Shared Ownership (50% of Social Rented) (£) |
|---|---------|---|--|
| 1 bedroom flat | 66,400 | 42,500 | 21,250 |
| 2 bedroom flat | 80,800 | 51,710 | 25,855 |
| 2 bedroom house (60-65 M ²) | 85,500 | 54,720 | 27,360 |
| 2 bedroom house (75-80Sq M ²) | 99,900 | 63,936 | 31,968 |
| 3 bedroom house | 104,600 | 66,940 | 33,470 |
| 4 bedroom house | 119,000 | 76,160 | 38,080 |

Source: Housing Corporation/ Westcountry Housing Association

4.6.6 The above figures are a starting point, and site specific factors must be taken into account. It may be appropriate to reduce the contribution to reflect the developer’s likely contribution in terms of land value (rather than the entire TCI). The formula should be treated flexibly to take account of particular costs associated with the development (such as contaminated land), or if the development achieves other planning objectives such as developing derelict land or achieves regeneration.

4.6.7 Where developers contest the above figures on the basis of profitability, they will be asked to demonstrate that affordable housing requirements would undermine the viability of development. Care must be taken to safeguard financial confidentiality.

4.7 Other Considerations

4.7.1 Paragraphs 7.50 (3) and 7.58 of the Revised Deposit suggests that obligations such as education contributions will be treated flexibly so as not to prejudice the achievement of a socially beneficial development, such as RSL housing. However, affordable housing will generate a need for community infrastructure – particularly for education in the case of family housing. (Moreover, it is not the case that all of this need is indigenous to Torbay. The 2003 HNS assumes that 300 households in housing need per year will arise from in-migration). Therefore a balance needs to

be struck between the need to provide infrastructure and ability to pay. It is suggested as a guideline that social rented housing provides 50% and shared ownership housing 75% of the contributions that would have been levied on market housing.

- 4.7.2 Paragraph 13.42 of the Torbay Local Plan 1995-2011, Revised Deposit Version notes that energy efficient design is particularly relevant to affordable housing (Policy EP1 and Section 7 of the Environmental Guide apply). Although they cannot be imposed on non-RSL developments, attention is drawn to the Housing Corporation's Scheme Design Standards.
- 4.7.3 Car ownership rates are generally lower for occupants of affordable housing than those of general market housing and therefore parking standards should be applied more flexibly (Circular 6/98, Paragraph 14).

5.0 **Legal Agreements**

- 5.1 It will usually be appropriate to secure provision of subsidised affordable housing through a Section 106 Agreement. These should set out the number and location of units and phasing of affordable housing in relation to market provision. Where appropriate the Agreement should specify the involvement of a registered social landlord. It is important that phasing and occupancy triggers for affordable housing do not unfairly favour any party.
- 5.2 Where an RSL is involved it will not usually be necessary to specify occupancy further and therefore where an RSL is the applicant this may negate the need for a S106 Agreement relating to occupancy, (6/98 paragraph 16). Where an RSL is not involved, it will usually be appropriate to specify occupancy to groups identified as being in housing need, such people on the Council waiting list or key workers. In such cases it will be appropriate to operate a cascade approach (see paragraph 1 of Circular 6/98) to avoid properties being left vacant.
- 5.3 S106 Agreements may seek to retain housing as affordable in perpetuity. There will however be instances where Right to Buy or Acquire and stair-casing arrangements will prevent this. Again the involvement of an RSL simplifies matters as they will be able to reuse receipts for affordable housing.
- 5.4 Where commuted sums are paid in lieu of on site provision, there should be a S106 Agreement setting out phasing of payments. Contributions should be linked to the Retail Price Index and limited to 5 years after which time the Council would be required to repay any unspent contribution.
- 5.5 The Council is preparing Model Heads of Terms to speed up negotiation of agreements. However it was not possible to finalise them in time for publication of this SPG.
- 5.6 Negotiations about the content of S106 Agreements at the same time as other aspects of an application can speed up the process. Planning Obligations should be transparent and noted in the Statutory Planning Register (PPG3, Paragraph 20).

5.7 It will not be necessary to require RSL schemes to enter Section 106 Agreements where such developments would not have attracted an obligation if they had been proposed for general housing (e.g. RSL developments of less than 15 units). For monitoring purposes it should be clear that such schemes are for subsidised affordable housing. An informative on the Decision Notice is the easiest way to achieve this.

6.0 **Monitoring**

6.1 The Council produces an annual Housing Monitor which records the provision of all housing and measures this against local plan objectives. This monitors the provision of subsidised affordable housing as well as low cost market housing. Because low cost market housing is defined by size and number of bedrooms, these are identified through the normal monitoring process.

6.2 However, it can be difficult to pick out subsidised housing unless it is clearly identified as such, particularly where the applicant is not a Registered Social Landlord. Placing an informative on a Planning Decision Notice that the development is for subsidised affordable housing makes monitoring much easier and allows cross-referencing to the relevant S106 Agreements.

6.3 It may be necessary to ensure that outline applications specify the number, of affordable units. It greatly assists monitoring if the existence of a S106 Agreement to provide affordable housing is noted as an informative on the Decision Notice.

6.4 In addition, Informatives serve to identify affordable housing where a S106 Agreement has not been necessary, for example if agreed at outline stage. Instances where this would apply include the development of larger areas such as Scotts Bridge and Great Parks where overall outline permission and Legal Agreements exist, but individual areas are developed under separate applications.

Appendix 1 Relevant Policy Guidance on Affordable Housing

The following is intended only as a brief summary and not as a comprehensive explanation of policy documents relevant to affordable housing. _

National Guidance

A1.1 PPG3 Housing (March 2000)_

A1.1.1 This defines Government policy on housing. “All new housing schemes should be planned to provide mixed and inclusive communities, which offer a choice of housing and lifestyles” (Para 10). Local Authorities should assess local housing need and should include policies seeking affordable housing in Local Plans, where a need is established. Local Plan policies should set out detailed policies on the definition of affordable housing and its provision. Where a Local Planning Authority has decided having regard to Paragraph 10 of Circular 6/98, that an element of affordable housing should be provided as part of a proposed development, there is a presumption that such housing should be provided as part of the proposed development of the site. Failure to apply this policy could justify the refusal of planning permission (Paragraph 17).

A1.2 Circular 6/98 Planning and Affordable Housing (April 1998)

A1.2.1 This Circular sets out detailed guidance on the provision of affordable housing. It indicates that “a community’s need for affordable housing is a material planning consideration that may properly be taken into account in formulating development plan policies” (Para 1). The Circular defines affordable housing as “low cost market and subsidised housing (irrespective of tenure, ownership – whether exclusive or shared – or financial arrangements) that will be available to people who cannot afford to rent or buy houses generally available on the open market.” (Paragraph 4).

A1.2.2 In preparing plan policies for affordable housing and in assessing the suitability of sites, paragraph 10 sets out a number of criteria. These include:

- Site size of 25+ dwellings/1 ha site size; 15+ dwellings/0.5 ha where there are exceptional local constraints.
- The proximity of local services, facilities and access to public transport.
- Whether there will be particular costs associated with development of the site.
- Whether the provision of affordable housing would prejudice other planning objectives.
- The need to achieve a successful housing development.

A1.2.3 Circular 6/98 also provides guidance on the use of S106 Agreements and contributions for off site provision.

A1.3.1 Delivering Affordable Housing Through Planning Policy (ODPM 2002)_

A1.3.2 This is a review of affordable housing policy and good practice. It sets out perceived best practice in the delivery of affordable housing. The document sets out advice on the content of Supplementary Planning Guidance. This should not

try to replace statutory development plans but can include guidance on the following matters:

- Financial implications of affordable housing provisions.
- Usage of commuted sums (if appropriate).
- Mechanisms for securing long-term affordability.
- Design considerations.
- Selection of Registered Social Landlord (RSL) partners.
- The administration of affordable housing policy.

A1.3.2 Other key issues include:

- Local Authorities should define affordable housing with reference to Circular 6/98 and in line with their housing needs assessments. Affordable housing should not be equated solely with social rented housing.
- Housing Needs Surveys (HNS) need to be up-to-date and follow the 2000 Best Practice Guidance.
- Development plans should contain clear policies for meeting housing need. Regard should be paid to the economics of provision.
- There should be a clear and corporate approach to negotiating S106 Agreements.

A1.4 Influencing the size, type and affordability of housing- Consultation Paper ODPM July 2003

A1.4.1 This consultation paper proposes the replacement of Circular 6/98 and paragraphs 9-20 and 71 of PPG3. The proposals retain the promotion of mixed and balanced communities and the requirement for up to date assessments of housing need. Regional Planning Bodies are envisaged as having a greater role in affordable housing provision, providing Regional Housing Strategies and coordinating sub-regional assessments of housing need.

A1.4.2 Affordable housing should be defined in terms of its relationship between local income levels and house prices/rents. The consultation sets out a number of types of affordable housing all of which are subsidised at below market rate (i.e. no reference is made to low cost market housing). Affordability should not normally be tenure specific, although there is some scope for specifying tenure where justified by particular housing need. The Government proposes a normal lower threshold of 0.5 ha/15 dwellings. However, local planning authorities are able to seek lower thresholds where these are justified having regard to the size and type of sites likely to come forward for development and the contribution to be made from smaller sites to meeting the target for affordable housing. Clearer guidance is given on the use of commuted payments, although the presumption is for on-site provision.

A1.4.3 The consultation is considered to be an important step forward by Government in improving better guidance on affordable housing. There will be a need (in 2004) to review SPG to comply with any new Guidance.

A1.5 **Local Housing Needs Assessment: A Guide to Good Practice (DETR 2000)**

A1.5.1 Sets out detailed advice on the methodology for conducting Housing Needs Surveys. Broadly this is a measure of backlog of existing need, plus newly arising need minus supply of affordable homes (through relets etc) which equals the net shortfall (or surplus) of affordable homes per year. Housing need is defined as households who are unlikely to be able to meet their needs in the housing market without some assistance (A2.2).

A2.0 **Regional Guidance**

A2.1 **RPG10 Regional Planning Guidance for the South West (September 2001)**

Section 7 covers affordable housing. In particular it notes that there is a low proportion of social rented housing in the region (Para 7.9) and recommends a site size threshold of 15 dwellings or 0.5 ha where justified by Local Housing Needs Surveys (Para 7.16 and Policy HO3 3rd bullet point). Development plans should contain targets for the levels and types of affordable housing required.

A2.2 **West Regional Housing Strategy 2002-2005 (2002).**

This is produced by the South West Regional Housing Forum and sets out a regional strategy for the achievement of affordable housing. It stresses the links between housing and regeneration and the close links with Community Planning. The document suggests that 30-50% of new housing in the South West should be affordable.

A2.3 **Sustainable Communities in the South West; Building for the Future (ODPM Feb 2003)**

Sets out broad targets for creating sustainable communities in the South West. It reiterates the target of providing 6000-10,000 affordable homes in the Region and also prioritises the reduction of housing people in bed and breakfast. This is part of Government's wider "**Communities Plan**" announced in "Sustainable Communities; Building for the Future" (ODPM 2003).

A3.0 **Adopted Devon Structure Plan First Review (1995-2011).**

A3.1 Policy H6 states that in meeting housing provision, local plans should ensure that adequate provision is made for affordable housing, based on an assessment of need.

A3.2 **Devon Structure Plan 2001-2016 (Deposit Draft July 2002- Pre EIP Modifications).** Policy ST18 sets out that Local Plans should ensure that adequate provision is made for a range and mix of housing , including affordable housing,

based on an assessment of need. The issue of Affordable Housing was debated at the EiP in June 2003.

A4.0 **Torbay Council Documents**

A4.1 **Torbay Housing Strategy 2000-2003 (Torbay Council 2000)**

A4.1.1 This sets out Torbay Council's strategy for provision and management of affordable housing. It highlights social and economic problems and analyses waiting list figures and affordability.

A4.1.2 The Housing Strategy refers to a number of management issues, such as Stock Transfer to Riviera Housing Trust, Management of HMOs and Supporting People. It sets out housing objectives and targets, which include "*To enable best use of available resources to meet the housing needs of Torbay*". The strategy seeks the provision of new development and adjustments to existing stock to maximise the creation and sustaining of balanced, mixed communities. This includes providing a greater choice and a better mix of the size, type, tenure and location of housing, having regard for educational continuity and proximity of sustainable transport networks. The strategy also stresses the role of partnership between planning, housing and RSLs.

A4.1.3 An important element of the Housing Strategy is the Torbay Homelessness Strategy 2003-8, which identifies a number of ways of reducing homelessness, in partnership with other organisations.

A4.2 **Housing Needs Survey (HNS)**

A4.2.1 The 2003 Torbay Housing Needs Survey carried out by Fordham Research identifies a need for 1816 additional units of affordable housing per annum over the next 5 years. Around three quarters of this need is for social rented housing. (See section 2 above).

A2.4.2 The previous Housing Needs Survey was carried out by David Couttie Associates in 1997 and estimated the need for 100 new social homes annually to 2001 in Torbay, which represented about 30% of the (then) Structure Plan requirement. It considered that these should be primarily for rent. In addition, the Housing Needs Survey identified an annual need for 35 units of low cost market housing, to satisfy the aspirations of newly forming households able to buy at the lower end of the market.

A2.4.3 The 2003 HNS is likely to be so much higher than its predecessor due to high house price inflation between 1997-2003 and the differences in methodology resulting from the DETR document Local Housing Needs Assessment: a Guide to Good Practice (2000).

Appendix 2 Addresses of Registered Social Landlords which belong to the Torbay Housing Partnership Group..

| | | |
|---|--|--|
| <p>Devon & Cornwall Housing Association The Mount Paris Street EXETER EX1 2JZ E-Mail - DCHA.CO.UK</p> | <p>Tel No. 01392 252566 Fax No. 01392 251225</p> | <ul style="list-style-type: none"> • General Needs Housing • Supported Housing • Shared Ownership |
| <p>Devon Community Housing Society 7 Colleton Crescent EXETER EX2 4DG E-Mail - DCHS.ORG.UK</p> | <p>Tel No. 01392 686686 Fax No. 01392 686379</p> | <ul style="list-style-type: none"> • Sheltered Housing • Housing for Disabled Persons • Young Persons Supported Housing |
| <p>Riviera Housing Trust Pearl Assurance House 101 – 107 Union Street TORQUAY TQ1 3DL E-Mail – Enquiries@RivieraHousing.org.uk</p> | <p>Tel No. 01803 409409 Fax No. 01803 215308</p> | <ul style="list-style-type: none"> • General Needs Housing |
| <p>Sanctuary Housing Association Vale House Pynes Hill Rydon lane EXETER EX2 5SJ E Mail -DianeP@Sanctuary-Housing.co.uk</p> | <p>Tel No. 01392 257081 Fax No. 01392 413610</p> | <ul style="list-style-type: none"> • General Needs Housing • Limited Disabled Persons Housing |
| <p>Signpost Housing Association 4 Maidstone Avenue Prince Rock Plymouth PL4 9NB</p> | <p>Tel No. 01752 306525</p> | |
| <p>Sovereign Housing Association Abbey House North Road West Plymouth PL1 5PH No E-mail address</p> | <p>Tel No. 01752 234460 Fax No 01752 234485</p> | <ul style="list-style-type: none"> • General Needs Housing • Shared Ownership |
| <p>Tor Homes Tor House St. Peters Quay TOTNES TQ9 5SH</p> | <p>Tel No: 01803 869600 Fax: 01803 869636</p> | |
| <p>Westcountry Housing Association Hatfield House Hatfield Road TORQUAY TQ1 3HF E-Mail -wc.ha@wcha.org.co.uk</p> | <p>Tel No. 01803 200300 Fax No. 01803 292227</p> | <ul style="list-style-type: none"> • General Needs Housing • Sheltered Housing • Housing for Disabled Persons • Shared Ownership |

Appendix 3

Summary guidance for developers and agents on the provision of affordable housing in residential schemes

Will the Council be seeking an affordable housing contribution on my housing site?

1. The starting point – Local Plan policies

The Torbay Local Plan (1995-2011) Revised Deposit Version (published October 2000) contains policies that give guidance on the provision of affordable housing within residential development schemes in Torbay. These policies will indicate whether or not the Council will be seeking an affordable housing contribution on the site. There are two relevant policies:

□ Policy H5 - Affordable housing on identified sites

This Policy clearly identifies sites that are considered suitable for the provision of affordable housing. The associated policy table provides a target figure for subsidised affordable housing on each identified site.

□ Policy H7 - Affordable housing on unidentified (windfall) sites

This Policy provides guidance for the provision of affordable housing on sites that are not identified in the Local Plan for residential purposes. The policy seeks an element of affordable housing for residential development where the following criteria apply:

- the residential development totals 15 or more dwellings, or covers a site which is 0.5ha or more in area
- the site is suitable in terms of accessibility, economics of development, relationship with other planning objectives and potential to create a successful housing development.

2. Type of affordable housing – the options available

□ Subsidised affordable housing

All sites identified in Policy H5 above seek provision of an element of subsidised affordable housing, ie., to be delivered at a subsidy below open market rate. Where sites are suitable in terms of Policy H7 above, around 30% of “windfall” development will be sought as subsidised affordable housing.

This type of housing is likely to include the following categories:

- ***Social rented housing –this is the most pressing housing need in Torbay.***
- ***Shared ownership/ low cost home ownership.***

These are the Council’s preferred types of affordable housing and the involvement of a Registered Social Landlord is encouraged by the Council.

Other types of subsidised affordable housing include:

- **Direct subsidy housing** (eg., property let or sold at a discounted rate to people in housing need). These are complicated and difficult to enforce. Low income groups may not be able to obtain mortgages for them.
- **Key worker housing** (property let or sold at discounted rate to a key worker). This can be difficult to implement due to difficulties in definition of ‘key worker’. The involvement of a housing association (or similar organisation) is likely to be a more effective way of ensuring that key workers’ needs are met.

□ **Unsubsidised affordable housing**

The following meet a particular housing demand but cannot be considered as affordable housing without some means of subsidy to deliver below the prevailing market rate (see paragraph 3.5.1 of main text).

- **Supported / special needs housing** (see Local Plan Policy CF15)

It should be noted that private market sheltered housing attracts an obligation for affordable housing.

- **Low cost open market housing-** Small units will not be treated as affordable housing simply because of their small size. Market housing will be treated as affordable housing where it is provided at “low cost” below market rate to those in housing need.

3. Contributions for off-site affordable housing provision

Provision of affordable housing should usually be ‘on site’. However, Torbay’s circumstances and reliance on smaller brownfield sites suggests that there *may* be exceptions where off site provision is appropriate. The provision of alternative land is preferable to commuted payments. Financial contributions is the last preference. The level of contribution should equal the cost of providing affordable housing on site, based upon Housing Corporation Total Cost Indicators (see Section 3.6).

4. Section 106 Agreements

These will usually be required for example to specify the type of affordable housing and to secure it in perpetuity etc. Involvement of an RSL will usually simplify negotiations over the terms and may obviate the need for a S106 Agreement.

5. How to obtain further advice

If you require further advice on the implementation of the Council’s **Local Plan affordable housing policies**, please contact David Pickhaver, Senior Strategic Planner (01803 208814) or Steve Turner, Group Manager Strategic Planning (01803 208812) in the Strategy and Research Division of the Strategic Services Directorate.

It is also essential that you make contact with the **Development Control Planning Division** (01803 207790) who will be responsible for dealing with your scheme when it is submitted as a planning application. Advice on Housing matters can be obtained from **Housing Services** (01803 208710) and on matters relating to S106 Agreements from **Legal Services** (01803 207146).