

# **Affordable Housing Supplementary Planning Document (SPD)**

## **Consultation Statement – February 2021**

## **Introduction**

1. Craven District Council is preparing a Supplementary Planning Document (SPD) in relation to Affordable Housing which provides further guidance on the delivery of affordable housing in the Craven Local Plan area. In accordance with the Town & Country Planning (Local Planning) (England) Regulations 2012 as amended (the Regulations) and NPPF definitions of SPD's, it adds further detail to help explain the objectives relating to the following policies of the Craven Local Plan (Nov 2019) and is a material consideration in the determination of relevant planning applications:

- Policy H1: Specialist housing for older people
- Policy H2: Affordable housing
- Policy SP4: Spatial strategy and housing growth.
- Policy ENV3: Good Design
- Policy SD1: Presumption in favour of sustainable development
- Policy SD2: Meeting the challenge of climate change.

## **Purpose of the Consultation Statement**

2. Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, before adopting a Supplementary Planning Document, Local Planning Authorities (LPA) should prepare a Consultation Statement. This should include the following information:

- (i) The persons the local planning authority consulted when preparing the supplementary planning document;
- (ii) A summary of the main issues raised by those persons; and
- (iii) How those issues have been addressed in the supplementary planning document.

Regulation 12 (b) requires both the consultation statement and the SPD to be made available for the purpose of seeking representations on a SPD.

## **Public Consultation On the First Draft Affordable Housing SPD**

3. In line with Regulation 3(2) of the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings, etc) (England) (Coronavirus) (Amendment) Regulations 2020 (SI 2020/1398) which are in place until the 31 December 2021 and the Council's [Statement of Community Involvement](#) (SCI) 2018, the draft SPD was published on the Council's website for a period of public consultation. It should be noted that The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 temporarily modifies Regulation 35 (availability of documents) up to 31st December 2021 to reflect the Coronavirus situation. These modified Regulations removes the requirement for Local Planning Authorities to place paper consultation documents at Council Offices and other appropriate locations such as libraries, and only requires consultation documents to be published on the authority's website. However, in order to provide opportunities for consultees unable to access the document digitally, paper copies were available to view during limited opening times at the Council Offices and in line with COVID-19 rules.

4. The Regulations require Local Planning Authorities to invite representations to be made on a draft SPD over a period of not less than four weeks. However, given the restrictions relating to the COVID-19 pandemic, public consultation on the first draft Affordable Housing SPD ran for a period of 6 weeks from Tuesday 1 September until Tuesday 13 October 2020 in order to maximise opportunities for interested parties to consider the draft SPD during the COVID-19 pandemic. Comments were invited to be submitted in writing, no later than Tuesday 13 October 2020 either by post or email.
5. The Council has developed a comprehensive local plan consultation database which includes specific and general bodies and individuals for consultation purposes. The [Subscribe to Planning Focus](#) web page on the Council's website allows individuals and organisations to submit their details and be entered onto the local plan consultation database, via Mailchimp at any time. All contacts within the local plan consultee database were notified of the draft Affordable Housing SPD consultation by either postal or electronic mailshot. Consultees include:
  - Specific Consultation Bodies as defined in The Town and Country Planning (Local Planning) (England) Regulations 2012 and amended Regulations, including Town and Parish Councils
  - General Consultation Bodies as defined in The Town and Country Planning (Local Planning) (England) Regulations 2012 and amended Regulations.
  - Individuals registered on the local plan database.
6. A press release was issued by the Council on 24 August 2020. This was subsequently published in the Craven Herald & Pioneer newspaper on Thursday 27<sup>th</sup> August 2020. An article based on this press release also appeared in the September 2020 edition of Core Brief, the Council's staff magazine. The consultation was also promoted on social media (Twitter and Facebook). A copy of the press release and Core Brief article is included at Appendix 1 to this report.

#### **What issues were raised & how have they been addressed?**

7. A total of 14 representations were received to the public consultation. Table 1 below sets out who submitted the response, a summary of the main issues raised, the Council's response and how the issues raised have been addressed in the SPD together with details of any changes to the SPD, where appropriate.

#### **Public Consultation on the Second Draft Affordable Housing SPD**

8. The SPD, as revised to reflect the public consultation on the first draft Affordable Housing SPD, and this Consultation Statement, are now being made available for representations to be made under Regulations 12(b) and 13 of the Local Planning (England) Regulations 2012. The Council has decided to invite representations over a period of 6 weeks, given the continuing restrictions relating to the COVID-19 pandemic. The period for representations will therefore be from 15 February to 29 March 2021. Details of how to make representations are set out in a separate note on the representation procedure.

Table 1: Summary of the issues raised by respondents, the Council's response and recommended changes to the SPD

Summary of Issues Raised (respondent in brackets)	Council's response and recommended changes to the SPD (shown in bold)
<p><b><u>Housing need. (Section 1.4.0)</u></b></p> <p>It is not acceptable to be relying on the evidence provided in the council's Strategic Housing Market Assessment (SHMA) of 2017. In asking developers for contributions it is appropriate for the evidence to be up to date.</p> <p><b>(Rollinson Planning Consultancy Ltd).</b></p> <p>Support for more affordable housing. Priority should be given to working age adults. To thrive, the town of Skipton needs young people to have decent jobs and affordable housing.</p> <p><b>(S. Kendall)</b></p>	<p>Decisions on the size, type and tenure of affordable housing will reflect both the SHMA and other robust and up to date evidence which is available and suitable at the time of determining a planning application e.g. the housing register. Ongoing assessment of the need to up-date the Craven Local Plan core evidence in anticipation of a plan review is being undertaken by the Council.</p> <p><b>No change to SPD required</b></p> <p>Support welcomed. The Local Plan and SPD supports affordable housing for young people across the plan area.</p> <p><b>No change to SPD required.</b></p>
<p><b><u>Use class definition of retirement communities. (Section 2.2.0)</u></b></p> <p>A retirement community, as operated by Inspired Villages, falls under the extra care model and is a Use Class C2, residential institutions. It is requested that the Council's SPD duly acknowledges this fact for the avoidance of doubt and to make it clear that affordable housing contributions are not required for this type of development.</p> <p><b>(Inspired Villages)</b></p>	<p>Section 2.2.0 and Appendix 3 of the SPD sets out how the council will assess whether a proposal for specialist housing for older people is classified as Use Class C2 (residential institutions) or Use Class C3 (residential), in line with criterion b) of policy H2 and the PPG. The information provided by Inspired Villages about retirement communities is noted, but it is considered that sufficient information is already contained in the SPD to deal with these types of proposals.</p> <p><b>No change to SPD required.</b></p>

<p>It is requested that the council review the recommendations in section 5 of the company’s generic report on representations to be made on local plans (attached to its representation to the SPD), and amend the SPD accordingly</p> <p><b>(Inspired Villages)</b></p>	<p>The council has reviewed the recommendations in the report from Inspired Villages. However, they relate to the content of a local plan rather than an SPD. Therefore, they are not relevant here.</p> <p><b>No change to SPD required.</b></p>
<p><b><u>Transfer prices (Section 2.4.0)</u></b></p> <p>Very strong support for a council wide transfer price, but this must be fixed and adhered to by all.</p> <p><b>(Home Group)</b></p> <p>Some concerns over registered providers having to up-spec. accommodation from developers to provide basic components at an additional cost. It should be made clear what additional costs are appropriate to be paid by registered providers.</p> <p><b>(Home Group)</b></p> <p>It is not acceptable to base transfer prices on figures from 2017 (paragraph 2.4.4)</p> <p><b>(Rollinson Planning Consultancy Ltd)</b></p>	<p>Support welcomed. Yes, the price is fixed and adhered to by the council.</p> <p>Registered Providers (RP) developing in Craven have agreed an appropriate specification to accompany transfer prices. This can be inserted as an appendix to the SPD. ‘Extras’ are payable over and above this specification by agreement between the developer and the RP.</p> <p><b>Change to SPD as follows: Add the following text at the end of paragraph 2.4.4</b></p> <p><b>“Registered Providers (RP) developing in Craven have agreed an appropriate specification to accompany transfer prices. This is set out in appendix 10 to this SPD.” Add appendix 10 to the SPD which sets out the agreed specification to accompany transfer prices. (See appendix 2 to this report)</b></p> <p>These transfer prices broadly reflect the gap between local incomes and house prices, were approved following consultation with Registered Providers and formed part of the Local Plan evidence base. They remain a reasonable figure for the time being and the council is committed to reviewing them in due course.</p>

<p><b><u>Financial contributions (Section 2.1.0 and 2.4.0)</u></b></p> <p>In paragraph 2.1.1, the council should be explicit about how the percentages of financial contributions are to be determined. This can determine whether a scheme is viable or not. It should be borne in mind that we are in uncharted territory and Covid-19 will impact in a significant way and cannot be ignored. Paragraph 2.4.2 does not give comfort in this regard when it refers to ‘broadly equivalent property ..... in the locality’.</p> <p><b>(Rollinson Planning Consultancy Ltd)</b></p>	<p><b>No change to SPD required.</b></p> <p>Sections 2.1.0 and 2.4.0 of the SPD are considered to provide sufficient information on the calculation of financial contributions and these contributions have been tested for viability in the plan area. The SPD acknowledges that the Council will need to monitor the effects of Covid-19 on the development sector at paragraph 2.5.20. The term ‘broadly equivalent property’ must be used as it is not always possible to find an exact match of house size and type to use in this situation.</p> <p><b>No change to SPD required.</b></p>
<p><b><u>Site Viability Assessments (Section 2.5.0)</u></b></p> <p>Support the reference to the restoration of historic assets as a potential exceptional circumstance where, subject to appropriate site viability and heritage assessments, the policy requirements for affordable housing could be reduced.</p> <p><b>(Historic England)</b></p> <p>Paragraph 2.5.23 should be deleted as it introduces a new requirement through the use of overage mechanisms and this is not appropriate in an SPD.</p> <p><b>(McCarthy and Stone Retirement Lifestyles Ltd)</b></p>	<p>Support welcomed.</p> <p>Within Policy H2 at criterion d) there is a clear policy statement that when accepting a lower than policy requirement for contributions, the Council will seek to maximise the provision of affordable housing that is viable below the policy requirement. The use of overage mechanisms and/or phase by phase viability reviews referred to in paragraph 2.5.23 are the means to achieve this maximisation. It is acceptable to include these in an SPD as it provides further detail to the policy in accordance with the definition of SPD’s in the NPPF glossary. This mechanism is also referenced for use within the PPG.</p> <p><b>No change to SPD required.</b></p>

Reference to 'open book' viability assessments in paragraph 2.5.24 is misleading and suggests that an applicant quite literally open its books to public scrutiny. The PPG is clear that generic inputs should be used where appropriate to ensure that an affordable housing requirement does not become individual to an applicant. To avoid confusion, the words "and open book" should be deleted from this paragraph. Reference to transparency is sufficient.

**(McCarthy and Stone Retirement Lifestyles Ltd)**

Experience of the 'independent assessor' is not positive. The inability to engage with them needs to be resolved. Who decides on the 'independent assessor'?

**(Rollinson Planning Consultancy Ltd)**

As noted in the SPD the phrase exceptional circumstances is not used in the NPPF and therefore the policy itself exceeds the requirement of national planning policy. In any event the Inspector made it clear that in accepting the term exceptional circumstances he was simply alluding to the fact that exceptions could be made. Exceptions should therefore be made in principle where the benchmark value for land cannot be achieved.

**(Walton & Co)**

Paragraph 2.5.24 is essentially repeating what Policy H2, criterion d) states about developers being expected to conduct negotiations on a transparent and 'open book' basis.' Paragraph 2.5.25 then explains that viability appraisals should not use information specific to that developer or of a commercially sensitive nature. To make it clear that the reference to an 'open book' basis is included in the policy itself, a change to the SPD is recommended:

**Change to SPD as follows:**

**Insert after end of first sentence of paragraph 2.5.24 "(as set out in criterion d) of Policy H2)."**

Whilst the independent assessor is charged with working in collaboration with the Council and the applicant, it is not the role of the assessor to negotiate planning obligations, in the first engagement. The Council will obtain a quotation from a suitably qualified independent firm of chartered surveyors and then seek agreement to this quotation from the applicant via the form in Appendix 5 of the SPD. Paragraph 3.1.10 of the SPD explains the relevance of this form in the pre-application process.

**No change to SPD required.**

The key to this matter is that, as referenced at paragraph 2.5.2 of the SPD, the examination inspector did not recommend a change to the wording 'exceptional circumstances' contained in the submission draft policy to make the plan sound. Indeed, at paragraph 158 of his report he re-enforced his satisfaction with this wording by recommending a modification to the supporting text which set out more detail on what these exceptional circumstances could be. An SPD must follow and support the policies in the development plan.

The inspector accepted the evidence given in the Councils viability evidence which established the benchmark value. This is now a matter of national guidance and should be used as the baseline figure below which land values should not fall. The approach set out in the SPD is therefore wholly inappropriate and flies in the face of both the inspector's conclusions and current policy which has been issued since the Inspectors Report and indeed the adoption of the Local Plan.

**(Walton & Co)**

The approach therefore set out in paragraphs 2.5.5-2.5.9 are therefore contrary to such policy. The starting point must be the benchmark value. If costs unexpected/unforeseen or foreseeable are below the benchmark land values then they should be taken into account when considering whether or not or how much affordable housing should be delivered on a particular site.

**(Walton & Co)**

**No change to SPD required**

Yes, and as paragraph 1.4.7 of the SPD states “The Craven Local Plan Viability Assessment (LPVA), whilst published prior to the 2019 NPPF and accompanying updates of the PPG, is consistent with the approach advocated by these national planning policy and practice documents. However, the LPVA is a high-level plan making assessment and not a site specific viability appraisal. As stated in paragraph 4.57 of the LPVA, the benchmark land value (called the threshold land value in the LPVA) in no way implies that this figure can be used by applicants to negotiate site specific planning applications. A change to the SPD as stated below will hopefully avoid this mistake being made in the future. The LPVA benchmark land value is not a fixed figure which can then be used in all site specific viability assessments. It will vary dependent upon the circumstances of each site. In this respect, Paragraph 014 Ref ID 10-014-20190509 of the PPG indicates that abnormal costs and site specific infrastructure costs etc should be reflected in the land value.

The PPG is saying that these costs will impact on, and change the land value of a particular site. This is exactly the Council’s approach in paragraphs 2.5.5 to 2.5.8 of the SPD. A change to the SPD will clarify that this is the case.

**Change to the SPD as follows**

**Add a footnote to elaborate on the first three sentences of paragraph 2.5.5 as follows:**

**“\*The above approach is supported by paragraph 014 Ref: ID: 10-014-20190509 of the PPG and paragraph 4.57 of the Local Plan Viability Assessment 2017. The former states that “Benchmark land value should:**

- **Be based upon existing land value**

	<ul style="list-style-type: none"> <li>• Allow for a premium to landowners (excluding equity resulting from those building their own homes)</li> <li>• Reflect the implications of abnormal costs; site specific infrastructure costs and professional site fees. ....”</li> </ul> <p>The latter states that</p> <p>“It is important to note that the TLV’s contained herein are for ‘high-level’ plan viability purposes and the appraisals should be read in the context of the TLV sensitivity table (contained within the appraisals). It is important to emphasise that the adoption of a particular TLV £ in the base-case appraisal typologies in no way implies that this figure can be used by applicants to negotiate site specific planning applications. Where sites have obvious abnormal costs (e.g. retaining walls for sloping sites) these costs should be deducted from the value of the land.” TLV is Threshold Land Value which equates to Benchmark land value.”</p>
<p><b><u>Sites for 100% affordable housing within settlements (Section 2.7.0)</u></b>  The SPD should provide further clarification regarding the acceptability of affordable-led housing schemes that can provide up to 100% affordable units within the settlements.</p> <p><b>(Progress Housing Group)</b></p>	<p>The council, through Policy SP5 to SP11 and H2 of the plan, look to developers to provide at least 30% affordable housing on the plan’s housing allocations. Whilst the council would accept a higher figure than 30%, a 100% affordable housing on allocated sites would fail to provide an appropriate balance and mix of market and affordable housing which the above policies seek to achieve. (See also Policy SP3: Housing Mix and Density).</p> <p>Progress Housing Group, in their representation, correctly interpret that, policy H2 e) I) supports 100% affordable housing within Tier 1 to Tier 5 settlements. That is correct, though not in relation to allocated sites, as these are expected by the plan to provide the balance and mix of new homes described above.</p> <p>In conclusion, policy H2 criterion e) I) supports Registered Providers bringing forward developments of 100% affordable homes within the</p>

	<p>main built up area of Tier 1 to Tier 5 settlements in accordance with policy SP4, via windfall sites. Site's allocated for housing in the Craven Local Plan are not suitable for 100% affordable housing for the reasons stated above.</p> <p><b>Change to the SPD as follows: Add the following text to the start of paragraph 2.7.3:</b></p> <p><b>“The plan’s promotion of developments of 100% affordable housing within Tier 1 to 5 settlements at policy H2, criterion e) i) relate to ‘windfall housing’ sites coming forward within the main built up area of the settlement. None of the plan’s site allocations for housing are considered appropriate for 100% affordable homes. To be in accordance with the Local Plan, these allocations should provide for mixed and balanced communities of approximately 70% market housing and 30% affordable housing as expected through the plan’s Policies SP5 to SP11, and H2.”</b></p>
<p><b><u>Size, type and tenure (Section 2.8.0)</u></b></p> <p>Noted that over the years there has been a preponderance of approvals for 4 bedroom dwellings</p> <p><b>(S Kendall)</b></p> <p>Choice of tenure/type of affordable housing should be based on local authority approval that the product will be affordable, mortgage-able and there is a demand for it in the given location. Support the tenure split set out in paragraph 2.8.4.</p>	<p>Absent in the previous local plan, the Craven Local Plan now includes a policy (Policy SP3) which promotes a mix of house sizes on new developments which reflects the needs of the District as identified in the Council’s Strategic Housing Market Assessment (SHMA). Unless there are local circumstances that indicate otherwise, this evidence shows that around 80% of new housing developments should be for 1, 2 and 3 bedroomed dwellings.</p> <p><b>No change to the SPD required</b></p> <p>Agree and this is the aim of policy H2, the SPD and the council’s approach to affordable homes for sale. This is set out in paragraph 2.8.3. Support of paragraph 2.8.4 is welcomed.</p>

<p><b>(Home Group)</b></p> <p>Paragraph 2.8.4 details that the SHMA (2017) indicates an appropriate tenure split of between 15-25% for sale and 75-85% for rent. Given that the SHMA is district-wide, we would trust that a particular planning application would not be hindered by a rigid adherence to this split, where it can be justified through discussion with the LPA.</p> <p><b>(Progress Housing Group)</b></p>	<p><b>No change to SPD required.</b></p> <p>Policy H2 criterion f) states that the council will expect the size, type and tenure of affordable units to reflect the most up-to-date evidence on housing needs, from the council’s latest SHMA and any other robust and up to date evidence of local housing need e.g. the housing register. The council will base its discussions with applicants on appropriate evidence.</p> <p><b>No change to SPD required.</b></p>
<p><b><u>Sub-division of sites (Section 2.9.0)</u></b></p> <p>The need to ensure developers do not split larger sites into smaller phases of development to below the policy site size threshold and avoid making affordable housing contributions.</p> <p><b>(A. Brown)</b></p>	<p>Agree. Criterion g) of Policy H2 ensures that developers will not be able to do this. Section 2.9.0 of the SPD sets out more detail on this issue.</p> <p><b>No change to SPD required.</b></p>
<p><b><u>Section 106 legal agreements (Section 2.10.0)</u></b></p> <p>A draft standard style S106 would be useful as an appendix to show the clauses that relate to the enforcement of the points in the SPD.</p> <p><b>(Home Group)</b></p> <p>Could S106 requirements be flexible so as to allow additional affordable housing by agreement only with the local authority?</p>	<p>Agree that providing an appendix setting out example text on such matters would be useful to include in the adopted SPD.</p> <p><b>Change to SPD as follows: Add new sentence between the second and third sentences of paragraph 2.10.1 to read:</b>  <b>“Appendix 11 provides examples of the clauses the council has used in Section 106 agreements to appropriately control matters contained in this SPD.” Add Appendix 11 which covers these matters to SPD (See appendix 3 of this report).</b></p> <p>It is not considered appropriate to allow this flexibility in a legal agreement. Such affordable housing will rely on grant which may or may not be forthcoming.</p>

<p><b>(Home Group)</b></p>	<p><b>No change to SPD required</b></p>
<p><b><u>Local connection priorities (Paragraphs 2.10.4 to 2.10.10)</u></b></p> <p>Support prioritising homes for local people and not imposing a local connection criteria for affordable housing for sale. Will local connections criteria be set out in a Section 106 agreement? If local people cannot be identified for a home registered providers need the ability to quickly cascade out to the wider area to avoid prolonged void time, ideally just by liaison/approval with the local authority.</p> <p><b>(Home Group)</b></p> <p>The Local Connection Priorities detailed from paragraph 2.10.4 onward should be expanded to account for the following instances.</p> <ul style="list-style-type: none"> <li>• Should also include required connections prior to the age 18 for those moving back to the area when they are older</li> <li>• Need for clearly defined and reasonable timescales for each stage of the cascade i.e. 2/3 weeks before we can progress to the next stage</li> <li>• Requirement to be able to start promoting properties as soon as there is a defined completion date (i.e. 28 day notice is issued) before the houses are ready to let.</li> </ul> <p><b>(Progress Housing Group)</b></p>	<p>Support welcomed. Yes, local connection criteria will be set out in Section 106 legal agreements. (See response above). The local connection priorities and criteria set out at paragraphs 2.10.6 to 2.10.10 supports prioritising homes for local people and shows the process used to cascade out to the wider area if the first 3 priorities (ward, sub area and district) cannot be met. In this situation affordable rented properties are available to eligible occupiers within the North Yorkshire Home Choice area using the bidding system.</p> <p><b>No change to SPD required</b></p> <p>The local connection priorities are not defined independently by the council; they are set at the sub-regional partnership across North Yorkshire. People who have moved out of the area may still retain a local connection if they have immediate family living in the area for the last five years. The inclusion of timescales for each stage of the cascade are not supported and can lead to ‘void’ properties longer than is needed. The council operates an efficient system which provides a generally speedier allocation of properties than the representor’s suggested approach. The council does operate on the basis of requiring properties to be promoted as soon as there is a completion date both for new build and re-lets.</p> <p><b>Change to SPD as follows: Add sentence after first sentence of paragraph 2.10.5 “These priorities are set by the sub-regional partnership North Yorkshire Home Choice”.</b></p>

<p>Can residents of Tatham Parish (in Lancashire but abutting Bentham in Craven) be given some priority when homes are allocated to Bowland View, the new extra care home in Bentham?</p> <p><b>(Tatham Parish Council)</b></p>	<p>In this instance, it is unlikely that priority can extend beyond North Yorkshire. The provision of care is a county council function and proposals for extra care here and elsewhere across North Yorkshire accord with County Council’s strategy for care for the elderly of North Yorkshire. Homes at Bowland View will be allocated by the Registered Provider and NYCC based on care needs, in the first instance, those with a local connection (current/past residence or close family links) to Bentham cascading out to Craven District and then North Yorkshire. This is in line with paragraph 2.10.2 to 2.10.10 of the SPD.</p> <p><b>No change to SPD required.</b></p>
<p><b><u>Uncertainty (Paragraphs 2.3.1, 2.3.3, 2.8.5, and 2.10.11)</u></b></p> <p>Paragraphs 2.3.1, 2.3.3, 2.8.5 and 2.10.11 contain wording which creates uncertainty over the council’s approach. Developers need certainty</p> <p><b>(Rollinson Planning Consultancy Ltd).</b></p>	<p>There are often different ways of dealing with a particular situation on a case by case basis. In these situations, the council cannot commit to saying they will adopt one approach. Hence more general wording such as ‘could’ or ‘might’ is appropriate in these situations.</p> <p><b>No change to SPD required.</b></p>
<p><b><u>Management charges (Paragraphs 2.10.11 to 2.10.13)</u></b></p> <p>The management charges approach set out in paragraph 2.10.11 could be clarified in terms of their monitoring and control. Strongly support the inclusion of wording in a Section 106 agreement that allows a similar formula to be considered if it offers the same end result.</p> <p><b>(Home Group)</b></p>	<p>Paragraph 2.10.13 of the SPD indicates alternative arrangements which achieve the same outcome of not imposing a disproportionate burden on occupiers of the affordable housing will be considered.</p> <p><b>No change to SPD required</b></p> <p>This representation has drawn the council’s attention to the need to make an amendment to an error in the calculation at paragraph 2.10.12.</p> <p><b>Change SPD as follows: Replace paragraph 2.10.12 with the following text:</b></p>

	<p><b>“All estate management charges are to be apportioned between the affordable and market dwellings based on the combined gross internal floor space of each tenure, such that the contribution made by the affordable homes is as follows:</b></p> <p><b>A/B x C = Management Company Contribution applicable to the affordable homes</b></p> <p><b>Where</b></p> <p><b>A = Gross internal floor space of all affordable dwellings in square metres</b></p> <p><b>B = Total gross internal floor space of all dwellings in square metres</b></p> <p><b>C= Total management fee”</b></p>
<p><b><u>Design (Section 2.11.0)</u></b></p> <p>Strongly support the statements in paragraph 2.11.2 on the design and layout of affordable housing. Registered Providers should have early engagement in design and plot placement.</p> <p><b>(Home Group)</b></p> <p>Similar house types of affordable homes to market homes is not the only method of successful integration of the two types of housing. Good design can also achieve this.</p> <p><b>(Progress Housing Group)</b></p>	<p>Support welcomed. Yes, early engagement, via the pre-application process, is encouraged at paragraph 3.1.1 of the SPD.</p> <p><b>No change to SPD required</b></p> <p>Agree. The key aim is that affordable and market homes should be visibly indistinct. Paragraph 2.11.2 of the SPD states this.</p> <p><b>No change to SPD required</b></p>
<p><b><u>Space standards (Section 2.11.0)</u></b></p> <p>Concern over the minimum space standards at paragraph 2.11.3 not reflecting all those of the National Described Space Standards (NDSS). If NDSS is not to be enforced consideration should be given to some design guidance to support good fit for purpose layouts and room sizes.</p> <p><b>(Home Group)</b></p>	<p>Through this SPD, at paragraph 2.11.4, the council strongly encourage developers to meet the NDSS. These standards were not used in the council’s viability assessment on the local plan and are not a policy requirement. Nevertheless, as stated in the SPD at paragraph 2.11.4, in the interests of delivering sustainable development, high quality design and satisfactory amenity, developers should consider incorporating</p>

these standards in their designs. Policies SD1 and ENV3 of the Craven Local Plan will be applied to secure sustainable development, good design, and appropriate levels of amenity for occupants. Matters relating to layouts, room and storage areas are matters that can appropriately be dealt with during early discussions with the council's Strategic Housing Team. In dealing with this representation it has come to the Council's attention that the table at the end of paragraph 2.11.4 requires amending to accurately reflect the NDSS.

**Change to the SPD as follows: Add the following sentences at the end of paragraph 2.11.4 and replace the table below this paragraph with amended table below:**

**"The council will apply policies SD1 and ENV3 of the Craven Local Plan to secure sustainable development, good design and appropriate levels of amenity for occupants (ENV3 e) and f)). Those National Described Space Standards (NDSS) promoted by the council are set out below:**

**Minimum gross internal floor areas and storage (sq m): NDSS**

Nos of bedrooms (b)	Nos of bedspaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built in storage
1b	2p	50	58	n/a	1.5
2b	4p	70	79	n/a	2
3b	5p	86	93	99	2.5
	6p	95	102	108	2.5
4b	5p	90	97	103	3
	6p	99	106	112	3
	7p	108	115	121	3

	8p	117	124	130	3
<p>The suggested imposition of space standards in the SPD could potentially limit the operation of registered providers in the district and would certainly prevent them from competing for sites in the open market. Space standards by registered providers are a requirement of the bidding process for funding for affordable housing projects, but the separate imposition of these standards in affordable homes across the district as proposed in the SPD is therefore unnecessary. All of Progress Housing’s standard house types either meet or exceed Homes England requirements. In order to deliver a financially viable affordable scheme they would utilise the standard house types and would not be able to compete if they had to deliver larger units.</p> <p><b>(Progress Housing Group)</b></p>	<p>The numerous registered partners that the council have worked with for many years have been using the space standards set out in paragraph 2.11.3 of this SPD. This has not resulted in significant problems in the past. Many house builders have standard house types. This does not stop them adapting these dwellings to deliver affordable homes that are of a suitable size for those who will occupy them. Nevertheless, the first sentence of paragraph 2.11.3 and 2.11.4 should be amended and this revised wording deals with the issue of space standards.</p> <p><b>Change to SPD as follows: Replace first sentence of paragraph 2.11.3 with</b>  <b>“As a starting point, it would be sensible for the space standards of affordable housing to be the standards used in the Local Plan Viability Assessment (LPVA), since the LPVA showed that the affordable housing based on those standards could be viably delivered in most cases.”</b></p> <p><b>In the second sentence of paragraph 2.11.4 replace “Council’s” with “LPVA’s”</b></p>				
<p><b><u>Facilities for the disabled (Section 2.11.0)</u></b></p> <p>The emerging SPD made no reference to accessible and adaptable dwellings M4(2) and wheelchair user dwellings M4(3). If this is to be considered will this be to all homes on a scheme and appropriate to the scheme location and levels of demand?</p> <p><b>(Home Group)</b></p>	<p>Part M4(2) and M4(3) of the Building Regulations 2010 (as amended) are optional. The potential use of planning policies to require these optional regulations to be met was a measure introduced in the 2018/2019 National Planning Policy Framework (NPPF) (footnote 46, page 39). The Craven Local Plan was adopted on the basis of conformity with the 2012 NPPF. Hence there is no plan policy which specifically refers to these building regulations. To require these optional regulations within local plan policy, the council will need to provide evidence of a plan area need</p>				

There is no mention of the disabled in the Local Plan who have similar need to older people who need specialist housing.

**(S. Morrell)**

for this size and type of housing and have assessed the impact of applying the design specification of these regulations on the viability of residential development. This work will be considered in the review of the Local Plan.

Nevertheless, policy H2 (f) provides that the size, type and tenure of affordable units will be expected to reflect the most up to date evidence of affordable housing needs. Further, at paragraph 2.11.5 of the SPD cross reference is made to Policy ENV3: Good Design of the Local Plan. Criteria i) of policy ENV3 states that "Reasonable provision should be made to ensure that buildings and spaces are accessible and usable and that individuals, regardless of their age, gender or disability are able to gain access to buildings and to gain access within buildings and use their facilities, both as visitors and as people who live and work in them."

Further guidance on what this 'reasonable provision' for both market and affordable means, will be set out in the forthcoming SPD on Good Design.

However, it is useful to highlight this important matter in this SPD and changes to the SPD are set out below:

**Change to SPD as follows: Insert sentence at end of paragraph 2.11.5 to read:**

**"Making provision for the needs of disabled people in dwellings is highlighted in the plan's policy ENV3 i). Building regulations 2010, (as amended) Part M4(2) and M4(3) provide design specifications for accessible and adaptable dwellings and for wheelchair users. These are optional requirements in the building regulations and were unable to be incorporated as requirements of the Craven Local Plan. (The NPPF upon which the plan was based did not include such a policy option for local plans). Nevertheless, policy H2 (f) provides that the size, type and tenure of affordable units in development proposals will be expected to reflect the most up to date evidence of affordable housing needs. Further, through policy ENV 3 i), the plan requires**

<p>There is a huge shortage of accommodation for the disabled in Craven and North Yorkshire.</p> <p><b>(S. Morrell)</b></p>	<p>reasonable provision to be made to ensure that buildings and spaces are accessible and useable to all individuals, including those with disabilities. All Part M of the Building Regulations relate to this provision. The council's forthcoming SPD on Good Design will set out examples of what 'reasonable provision' for people with disability could be in both market and affordable housing. Suffice to say in this SPD on affordable housing:- where local evidence has identified an affordable housing need for a disabled person/household in the local area from the council's housing register or another robust source at the time of the planning application, the council will apply Policies H2 (f) and ENV3 (i) in combination to seek reasonable provision to meet that need in new development proposals and accommodation that can also be adaptable for future needs. "</p> <p><b>Change to para 2.8.5 SPD as follows: Insert sentence at end of paragraph 2.8.5 to read:</b>  <b>"Para 2.11.5 of this SPD relates to providing for the needs of disabled people in dwellings and addresses how the type of affordable housing to reflect the most up to date evidence of need, as required by policy H2(f) can include design matters embraced by policy ENV3(i), which requires that reasonable provision is made to ensure buildings and spaces are accessible."</b></p> <p>Both North Yorkshire County and Craven District Councils work to provide suitable accommodation for the needs of disabled people within their roles, responsibilities and budgets.</p> <p>The delivery of Disabled Facility Grants (DFG) is currently a statutory function of Craven District Council, with North Yorkshire County Council (NYCC) having the statutory functions to carry out assessment of an individual's need for the adaptation. Referrals from NYCC to Craven for DFG are for people living in both market and affordable housing and the</p>
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works undertaken, via the grant, include installation of stair lifts, specialist toilet accommodation, access arrangements in and around the dwelling, including door widening, bathroom adaptations and extensions.

North Yorkshire County Council has responded to this comment and set out their role under the Care Act as follows: "NYCC's responsibilities are specifically in relation to meeting the needs of people with eligible needs under the Care Act. This applies to young and older people, and is not defined by a person's disability. Our primary aim would always be for people to live as independently as possible within their local community. Wherever possible, we would aim to support someone to reside/remain in general needs accommodation, and commission a package of care & support appropriate to their needs. This may include personal care, alongside Assistive Technology and/or Aids & Adaptations. Where people have an eligible need under the Care Act, we work in partnership with the District/Borough Councils and specialist Housing Providers to deliver accommodation to meet those needs, with the underlying ethos that people live as independently as possible within their local community.

In Craven and North Yorkshire, we have a range of accommodation options to meet the needs of people with a disability. This includes fully accessible Extra Care schemes, generally for people over 55. Age restrictions often apply as a result of local s106 agreements. There are currently two in the Craven locality in Skipton and Settle, with a total of 89 self-contained flats. There are also a further two in development in Skipton and Benthams, due for completion by Spring 2021, adding a further 130 self-contained flats. We also have a number of Supported Living and Supported Accommodation settings, to meet the needs of people who require additional support to live independently. This includes settings specifically for people with mental health, as well as people with a learning/physical disability and/or autism. There are 20

	<p>Care Homes in the Craven locality, which equates to approximately 700 beds. We understand occupancy levels within these Care Homes is consistently around 90%.</p> <p>We have a mechanism in place in Craven to work alongside our Social Care colleagues as well as our District Housing colleagues to allocate available accommodation to meet people’s needs, as well as to respond to market demand and identify short &amp; long term future needs. However, we would reiterate our ethos that people should be supported to remain within their own home and to live as independently as possible within their community.”</p> <p><b>No change to SPD required</b></p>
<p><b><u>Biodiversity (Section 2.11.0)</u></b>  We would like to see reference to in Paragraph 2.11.1 to building space for nature, for example, this could read <i>‘The Council is committed to securing good design, including sustainable design and construction <u>and high quality, connected green infrastructure</u>’.</i></p> <p><b>(Yorkshire Wildlife Trust)</b></p> <p>All sites, whether allocated or unallocated should have an ecological survey and impact assessment undertaken as part of the planning application process, with biodiversity net gain required as standard, in line with the NPPF</p>	<p>It is accepted that there should be reference to biodiversity and green infrastructure within the SPD’s section 2.11.0 on the design, distribution and construction of affordable housing.</p> <p><b>Change to SPD as follows:-</b></p> <p><b>Replace ‘6’ with ‘4’ in the title of section 2.11.0</b>  <b>Add text at the end of paragraph 2.11.1:-</b></p> <p><b>“Policies ENV1, 2, 4 to 9 of the plan set out the council’s approach to assessing new development against other design issues. Respectively these policies ensure that, where relevant, proposals take account of the countryside and landscape; heritage; biodiversity; green infrastructure; flood risk; land and air quality; water resources, water quality and groundwater: and renewable energy.”</b></p> <p>This council, through policy ENV4 of the local plan, supports the principle of achieving a net gain in biodiversity on all development sites. Further detail of how this policy will operate will be set out in the</p>

<p>which states that proposals should demonstrate a measurable gain in biodiversity. The emerging Environment Bill which is expected to put a requirement for all proposals to achieve a 10% net gain in biodiversity; whilst not yet formally released, this level is already being implemented as good practice across the country, and should be applied to affordable housing sites.</p> <p><b>(Yorkshire Wildlife Trust)</b></p>	<p>forthcoming SPD on Green Infrastructure and Biodiversity. The achievement of a 10% net gain target, expected to be introduced by the emerging Environment Bill, does not form part of this policy and therefore cannot be included in this SPD. This is an issue that can be assessed into a future review of the local plan, and this would include a viability testing of such a requirement.</p> <p><b>No change to SPD required.</b></p>
<p><b><u>Distribution of affordable homes (Paragraphs 2.11.7 to 2.11.9)</u></b></p> <p>A good spread of affordable housing across a scheme should take into account the need for most RP's seeking a close arrangement of their properties, to allow for simpler transfer processes and better management of the properties in the medium and long term. This approach should only be sought on larger development schemes, where the overall number of affordable dwellings can be split into larger manageable groups, rather than small clusters of two, three or four units scattered around a site.</p> <p><b>(Progress Housing Group)</b></p>	<p>Disagree. The council's longstanding approach is to seek clusters of between 6 to 10 affordable dwellings, which allows groups of dwellings to be managed efficiently and without problems.</p> <p><b>No change to SPD required.</b></p>
<p><b><u>Sustainable design and construction (Paragraphs 2.11.10 to 2.11.12)</u></b></p> <p>Support the Council's approach to sustainable design and construction. Will the developer be required to meet a designated energy reduction target? If so, how would this be enforced? A developer should liaise with the RP as early as possible to ensure any energy efficiency strategies are suitable for the RP and not cause any long term management and maintenance issues.</p> <p><b>(Home Group)</b></p>	<p>Developers are not required to meet a designated energy reduction target, but will be required to take all reasonable opportunities to reduce energy use and wherever possible to generate power through solar or other means, in accordance with building regulations and Policy ENV3 criterion t).</p> <p><b>Change to the SPD as follows: Add new paragraph after 2.11.12 to state:</b>  <b>"Developers should discuss with the registered provider and the council as early as possible to ensure that any energy efficiency</b></p>

	<p>measures to be employed in the affordable housing (and market housing) meet the requirements of Policy ENV3 t), are suitable for the registered provider and not cause the registered provider any long term management and maintenance issues. Further guidance on energy efficiency and low carbon solutions will be set out in the council’s forthcoming SPD on Good Design.”</p>
<p><b><u>Pre-application discussions (Sections 1.2.0, 3.1.0, 3.2.0, 3.3.0 and 3.4.0)</u></b></p> <p>Concern over the Council’s capacity to engage in pre-application discussions to resolve issues arising from proposed developments. Recent experience of the pre-application process stage has delayed the process by at least three months so far due to resourcing issues in the planning department. Delay is a major issue when, as often RP’s are reliant on time limited grant funding. We would therefore seek clarity on what additional resources have or will be provided to the relevant departments that will ensure the delivery of new housing and specifically affordable housing across the district as set out in the SPD.</p> <p><b>(Progress Housing Group)</b></p> <p>The approach for pre-application service is welcomed but it needs to be timely and explicit.</p> <p><b>(Rollinson Planning Consultancy Ltd)</b></p>	<p>The council has in the recent past had difficulties in staffing in Development Management. New appointments have recently been made to improve staffing levels. The council is committed to supporting a good pre-application enquiry service.</p> <p><b>No change to SPD required.</b></p> <p>See response above.</p>
<p><b><u>Part Three of the SPD</u></b></p> <p>We do not accept that Part Three is appropriate for inclusion in an SPD. It sets out or attempts to impose policies which are not consequential upon Policy H2.</p>	<p>Part Three of the SPD is a valuable part of the SPD as, in accordance with the NPPF definition of an SPD, provides further guidance on relevant plan policies. This SPD’s subject matter is ‘Affordable Housing’ and hence Policy H2 on the same matter is the primary policy which this SPD</p>

**(Walton and Co).**

supports. Nevertheless, there are other relevant policies, including the strategic policy of the plan, Policy SD1: The Presumption in Favour of Sustainable Development, which are also relevant to proposals for affordable housing.

Policy SD1 states that “The council will take a proactive approach and will work cooperatively with people and organisations wishing to carry out development and applying for planning permission, to find solutions to secure sustainable development that meets relevant plan policies and can be approved wherever possible.”

Part three, entitled ‘Preparing and Submitting Planning Applications’ is clearly providing ‘further guidance’ on the above statement in Policy SD1. Paragraph 1.1.2 of the SPD already states the importance of the SPD in providing further guidance on Policy SD1.

Part three of the SPD does not impose new policies. The SPD does, reasonably and helpfully for the applicant, refer to the council’s validation requirements which have been set out under the appropriate and separate procedural requirements outside the local plan process. Nevertheless, for further clarity and to reinforce the point that Part 3 explains how pre-existing requirements, such as the Council’s validation requirements can be met, some change in wording is proposed below:

**Change to the SPD:-**

**Amend second sentence of paragraph 3.1.6 as follows:**

**Delete ‘submissions should be accompanied with’ and replace with ‘planning applications should meet the council’s validation requirements through the submission of’**

**Replace fourth sentence of paragraph 3.1.7 with the following text: ‘At**

<https://www.cravendc.gov.uk/planning/planning-applications-and-notifications/national-and-local-planning-validation-requirements/local-information-requirements/planning-obligations-and-draft-heads-of-terms-pro-forma/>

it is stated that “Where relevant to the development proposal, failure to supply a completed and agreed Draft Heads of Terms with the submitted application will result in the application not being validated”

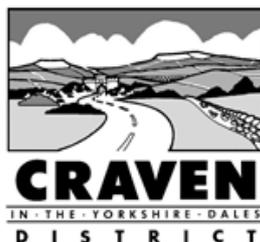
Amend fifth sentence of paragraph 3.1.7 by

Replacing ‘In determining whether the information in the pro-forma is adequate,’ with ‘In determining whether to agree the Draft Heads of Terms,’

Replace paragraph 3.1.9 with the following ‘Policy H2 d) states that ‘Development proposals that seek to provide a lower level of affordable housing contribution, either on or off site, will not be acceptable unless it can be clearly demonstrated that exceptional circumstances exist which justify a reduced affordable housing contribution. In such exceptional circumstances, the local planning authority will look to maximise provision of affordable housing having regard to the circumstances of individual sites and scheme viability. ....’

In order to comply with policy H2 d) and thereby clearly demonstrate that exceptional circumstances exist and that under these circumstances, the maximum provision of affordable housing has been achieved, a clear and comprehensive site viability assessment is required to be submitted by the applicant (ASVA). This SPD, Section 2.5.0 and Appendix 4 provides the guidance on what the content of such ASVA’s should include to comply with policy H2 d). Failure to provide an adequate ASVA with a relevant planning application runs the risk of a refusal of permission on the grounds that it does not comply with policy H2 d).

	<p><b>Delete first sentence of paragraph 3.1.10.</b></p> <p><b>In the first sentence of paragraph 3.1.11 replace the wording ‘ is likely to’ with ‘may’</b></p> <p><b>Delete the first two sentences of paragraph 3.2.8 and replace with ‘Policy H2 J) II) and III) require viability assessments to be submitted with planning applications which propose a proportion of market housing on a rural exception site. A relevant planning application failing to submit an adequate ASVA, along the lines of that shown in Appendix 7 will run the risk of a refusal of permission on the grounds that it does not comply with Policy H2 J) II) and III)’. Applicants are advised to seek agreement with the council on the payment of an independent assessment as set out in Appendix 5.</b></p>
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### Press Release For Immediate Release

**August 24<sup>th</sup>, 2020**

#### **Public Consultation on the Draft Affordable Housing Supplementary Planning Document: Craven Local Plan**

Craven District Council is launching a public consultation on its Draft Affordable Housing Supplementary Planning Document.

The public consultation runs from Tuesday September 1, for a six-week period until Tuesday 13 October 2020.

All relevant information can be found at [www.cravencd.gov.uk/planningpolicyconsultations](http://www.cravencd.gov.uk/planningpolicyconsultations) from [September 1, and also in](#) paper form at the Council offices at Belle Vue Square.

This draft Supplementary Planning Document (SPD) adds further detail to the policies of the Craven Local Plan.

The need to provide this document was agreed at the examination of the Local Plan, and the Local Plan's supporting text confirms the Council's commitment to its publication.

The Craven Local Plan was adopted by Craven District Council last November. It covers the period up until 2032, and sets out how the district will deal with important issues in the future including homes, employment, education provision, affordable housing, green space, sporting facilities, urban regeneration, transport, air quality, renewable energy and flooding.

The delivery of affordable homes for local people is an important Council objective and an SPD will help applicants in preparing and submitting policy-compliant planning applications for affordable housing.

The draft Affordable Housing SPD is available to view on the Council's website at [www.cravencd.gov.uk/planningpolicyconsultations](http://www.cravencd.gov.uk/planningpolicyconsultations) and will also be available for inspection at the Council's offices at Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ, which are open from 9am to 1pm from Monday to Friday.

In making representations, please be as clear as possible about which parts of the SPD you are referring to. You should make specific reference to the relevant paragraph numbers, and sections in your response. There are no representation forms for this consultation.

The Planning Policy Team can be contacted by emailing [localplan@cravencd.gov.uk](mailto:localplan@cravencd.gov.uk)

**Notes:** For further media information contact Craven District Council – Jenny Cornish: 01756 706315

## **Core Brief Article – September 2020**

### **Affordable Housing Consultation**

Craven District Council has launched a public consultation on its Draft Affordable Housing Supplementary Planning Document, which runs from Tuesday September 1, for a six-week period until Tuesday 13 October 2020. This draft Supplementary Planning Document (SPD) adds further detail to the policies of the Craven Local Plan. The need to provide this document was agreed at the

examination of the Local Plan, and the Local Plan's supporting text confirms the Council's commitment to its publication. The Craven Local Plan was adopted by Craven District Council in November 2019 and covers the period up until 2032. The delivery of affordable homes for local people is an important Council objective and an SPD will help applicants in preparing and sub

mitting policy-compliant planning applications for affordable housing. The draft Affordable Housing SPD is available to view on the Council's website at [www.cravencd.gov.uk/planningpolicyconsultations](http://www.cravencd.gov.uk/planningpolicyconsultations) and will also be available for inspection at the Council's offices at Belle Vue Square, Broughton Road, Skipton.

Ruth Parker 46232

## Appendix 2

### Building specifications for affordable homes agreed between Craven District Council and its pool of Registered Providers.

Element	Specification
Building	To meet EPC band B or above. All works must meet the requirements of Building Regulations, NHBC, Gas Safe Regulations, IEE Regulations, Fire Regulations, existing British Standards, Codes of Practice & manufacturers' recommendations. 10-year NHBC or equivalent warranty to be provided.
Gutters and fall pipes	Matching the market homes on the development.
Windows and rear doors	Matching the market homes on the development. Window restrictors to first floor casement windows (except fire escape window).
Front entrance door	Steel faced paint finish secured by design fire door matching market units. Mains operated door bell. Letter box & house numbers to be included.
Internal doors	4 panel painted flush doors.
Heating	Gas-fired Combi boiler (minimum A* rated), radiators throughout, thermostatically controlled bar towel rail in bathroom, which must meet the required heat output for the room. Smart controls featuring automation and optimisation functions (or as agreed).
Ventilation	Background ventilation including trickle vents.
Bathroom/WC/Cloaks	Electric shower over bath. Shower screen to shared ownership homes, fixed shower rail & curtain to rented homes. Full-sized non-slip bath, wide enough to be used as a shower bath, with handles. Mixer taps to bath & basins. Half height tiling to bathrooms and cloakrooms, fully tiled around bath & to window sills. Electric shaver points in bathroom and cloaks. Extractor fan.
Floor coverings	Flooring to kitchens, bathrooms, cloaks and utility room meeting R10 slip resistance standard.
Kitchen	Fitted kitchen with adequate storage for the property size, to include tall broom unit if no other similar storage available. Stainless steel sink & drainer with mixer tap. Space for washing machine (water & waste pipe connections must be fitted), tall standing fridge freezer and cooker (fittings for either electric or gas cooker must be included). Extractor fan/vented cooker hood. Worktops to have mitred joints and upstand or be tiled from worktop to cupboard. Full height splashback protection to be provided to cooker area. <b>Shared ownership homes to include fitted oven &amp; hob with vented cooker hood.</b>
Electrical	White sockets & switch plates. All lighting to be low energy lamp fittings.
TV	TV wiring to be HD compatible with wiring to loft for TV aerial (communal digital compatible aerial with booster to apartments). Telephone and broadband connections wired into living room.

External lights	At both front & rear with dusk to dawn sensors.
Smoke/CO detectors	Mains operated with battery back-up.
Garden	Outside tap with isolator valve (no external pipework) & external weatherproof electric socket to be provided to private rear garden. Turf to front & rear garden. Dividing fence to rear to be 1800mm treated timber panel or feather edge with matching lockable gates. Paths to be provided to gates minimum width 900mm, paved patio area to rear minimum width 2.4m.
Water	Automatic water cut off device installed (surestop type) in easily accessible location.
Decoration	All ceilings & walls to be emulsioned and woodwork glossed.
Bins & drying areas	Provision of all necessary refuse & recycling bins. Apartments to have external communal drying areas & bin stores.
Handover	Full property information pack to be provided at handover to include all certification, guarantees & warranties including Landlords Gas Safety Certificate where applicable.

Where relevant (eg kitchens) a choice of fittings to be offered to association.

### Examples of narrative used by Craven District Council in Section 106 legal agreements as they relate to matters referenced in this SPD.

#### Definitions

**Affordable dwellings for freehold homes** will be those dwellings with warranty to be provided on the site shown on the affordable housing plan attached at annex X, with all the necessary rights of access and services to be provided in perpetuity (to the extent permissible by law and subject to any exclusions or provisos contained in this agreement) as affordable housing.

**Off-site affordable housing contribution** means, if applicable, the sum of money that will be calculated in accordance with the calculation set out at paragraph X.X.X and paid by the owners to the council in accordance with and in the circumstances specified in paragraph X>X to be used by the council for the provision of affordable housing within the Council's administrative area.

**Affordable housing sale unit** means X nos of affordable dwellings which are to be constructed in accordance with the planning permissions and leased to an eligible occupier on a shared ownership lease or such housing as approved in writing by the Director of Services that provides a subsidised route to home ownership and which complies with either definition (c) "discounted market sales housing" or definition (d) "other affordable routes to home ownership" as set out within Annex 2 of the National Planning Policy Framework (February 2019).

**Affordable housing for rent** means XX nos of the affordable dwellings which are to be constructed in accordance with the planning permission or such other housing as approved in writing by the Director of Services and as defined in Annex 2 of the National Planning Policy Framework.

**Conditional contract** is a contract for the future transfer of the affordable housing units (as the context so requires) at the transfer price.

**Eligible occupier:-** a person or household containing a person who is in housing need for a property of the type and size in question and who is unable to afford to rent or purchase dwellings of a similar kind generally available on the open market within the administrative area of the council provided that a person within the household has a local connection within the search area,

- i. in the event that no such person or household can be found using all reasonable endeavours the registered provider may cascade to the wider search area (see paragraphs 2.10.6 to 2.10.10 of this SPD);
- ii. in the event that no such person of household can be found using all reasonable endeavours the registered provider may cascade to the wider search area (see paragraphs 2.10.6.to 2.10.10 of this SPD);
- iii. in the event that no such person or household can be found using all reasonable endeavours the registered provider may with the written approval of the Director of Services widen the cascade to all those eligible to join the housing register via the bidding system that operates within the North Yorkshire Home Choice area from time to time.(see paragraph 2.10.10 of this SPD)

**Local connection:** a person has a local connection with an area if they:

- i. have resided within the search area for three years out of the preceding five years; or

- ii. have previously resided within the search area for a period of 20 years or if less than 20 years half of that persons lifetime but subject to a minimum of ten years; or
- iii. have immediate family (mother, father, sister or brother, son or daughter) that live in the search area and have done so for a continuous period of at least five years; or
- iv. are in employment with a company or organisation based within the search area and established for at least three years and such employment to be at least sixteen hours each week for a minimum of 12 months or an offer of such employment.

**Registered provider:** as defined by the Housing and Regeneration Act 2008 (or as redefined by any amendment, replacement or re-enactment of such Act) and registered under the provisions of the Housing and Regeneration Act 2008 or any company or other body approved by Homes England (or any successor body) or the council or a company wholly owned by the council and nominated or approved in writing by the Director of Services (or successor).

**Search area:** collectively the original search area, wider search area (a) and wider search area (b). (the relevant search area and wide search areas will depend on the location of the proposed development – see paragraphs 2.10.6 to 2.10.10)

**Transfer:** means a transfer of the freehold beneficial interest in the affordable dwellings and reference to transfer shall include the terms “transferred”.

**Transfer price:** means a price that equates to one thousand pounds (£1000) per square metres of the gross internal area of the affordable dwelling.

**Warranty:** NHBC warranty or LABC warranty of Premier warranty or warranty of another provider approved by the party taking transfer of the affordable dwellings.

### **Legal Basis**

The covenants, restrictions and requirements imposed upon the owner and their successors in title under this deed create planning obligations pursuant to Section 106 of the Act which bind the land and are enforceable in respect of the site by the council as local planning authority against the owner and any successor in title thereto.

### **Details on affordable housing**

The owner covenants with the council as follows:

- i. the number of affordable dwellings shall equate to XX of the on-site dwellings and shall comprise of XX affordable housing for rent and X affordable housing sale units as set out in the first schedule unless a change in the mix of tenure is otherwise agreed by the Director of Services.
- ii. Not to allow cause or permit occupation or sale of more than XX % of the market dwellings until the affordable dwellings have been practically completed and transferred to the registered provider or the Council at transfer price.
- iii. The affordable dwellings shall not (save for where consent in writing to do so is given by the Director of Services) be occupied otherwise than by eligible occupiers found in accordance with the process set out and in that respect the registered provider on the transfer of the affordable dwellings will comply with the provisions herein.
- iv. Following recovery of the transfer price by the registered provider or the council where an affordable dwelling or any portion thereof is sold the sums payable to the registered

provider or the council (as the context requires) in relation to that transaction will be used exclusively for the provision of new units of affordable housing within the district of Craven to the extent permissible by law.

- v. That the owner shall provide in relation to the affordable dwellings an NHBC warranty or LABC warranty or warranty of another provider approved by the party taking the transfer of the affordable dwellings (the registered provider or the Council)
- vi. The affordable dwellings shall be provided in perpetuity to the extent permissible by law.

In the event that a registered provider does not enter into a conditional contract for all of the affordable housing units within twelve weeks of an offer by the owner to transfer the freehold beneficial interest in those dwellings to a registered provider then the following shall apply:

- i. In lieu of the on-site provision of the affordable housing units the owner can pay to the council an affordable housing contribution towards the provision of affordable housing in the administrative district of the council calculated in accordance with clause XXX and following the payment of the affordable housing contribution the affordable housing units will no longer be subject to the terms of this Deed and shall be free to be disposed of (in perpetuity) as open market dwellings at any tenure and at any price to a person or persons originating from any location.
- ii. The payment to which clause XXX applies shall be paid no later than occupation of the affordable housing units as open market dwellings
- iii. The restriction contained within paragraph XXX of the schedule shall no longer apply (in perpetuity) upon the affordable housing contribution being paid.
- iv. The affordable housing contribution shall be calculated as follows by reference to the number of affordable housing units to which the term applies for the purposes of clauses XXX.

$A - (B + C)$

Where:

A = Open Market Value

B = the Transfer Price

C = the owner's reasonable marketing costs incurred in selling each affordable housing unit on the open market together with any costs incurred in the event that an expert is appointed to determine the open market value.