



Supplementary Planning Guidance Note

No.09 Local Needs and Affordable Housing

Adopted by Flintshire
County Council on 17th
January 2017



Purpose

It is Flintshire County Council's intention to prepare and keep up to date a series of Supplementary Planning Guidance (SPG) Notes which will provide detailed guidance on a range of development issues and topics. The purposes of these Notes are:

- To assist the public and their agents in preparing planning proposals and to guide them in discussions with officers prior to the submission of planning applications,
- To guide officers in handling, and officers and councillors in deciding, planning applications, and
- To assist Inspectors in the determination of appeals

The overall aim is to improve the quality of new development and facilitate a consistent and transparent approach to decision making.

Planning policies: the Flintshire context

The Development Plan

Under planning legislation, the planning policies for each area should be set out formally in the Development Plan. Flintshire County Council, as the Local Planning Authority (LPA), has a legal duty to prepare and keep up to date a development plan for the County, and the Flintshire Unitary Development Plan was adopted in 2011. The UDP provides broad policies together with allocations of land for all the main uses such as housing, employment and retailing, and will help to shape the future of Flintshire in a physical and environmental sense as well as influencing it in economic and social terms. The Plan therefore seeks:

- To help the Council make rational and consistent decisions on planning applications by providing a policy framework consistent with national policy and
- To guide development to appropriate locations over the period up to 2015.

The need for Supplementary Planning Guidance

Despite the Plan containing policies with which the Council can make consistent and transparent decisions on development proposals, it cannot in itself give all the detailed advice needed by officers and prospective applicants to guide proposals at the local level, such as house extensions or conversions of agricultural buildings. The Council's intention is to prepare a range of Supplementary Planning Guidance notes (SPG) to support the UDP by providing more detailed guidance on a range of topics and issues to help the interpretation and implementation of the policies and proposals in the UDP. The review of the Local Planning Guidance Notes will be undertaken on a phased basis and details of the available SPG's can be found on the Council's website. Where there is a need to refer to another SPG this will be clearly referenced. These SPG Notes are freely available from Planning Services, Directorate of Environment, County Hall, Mold, Flintshire CH7 6NF (telephone 01352 703228), at the Planning Services reception at County Hall and can be downloaded from the Planning Web pages www.flintshire.gov.uk/planning

The status of Supplementary Planning Guidance

Supplementary planning guidance can be taken into account as a material consideration in the decision making process. The National Assembly will give substantial weight to SPG which derives out of and is consistent with the development plan. In accordance with National Assembly advice the Council's suite of SPG's has been the subject of public consultation and Council resolution. The draft of this SPG was approved for public consultation on 26.07.13 (Council Minute no.17). The SPG was the subject of a public consultation exercise between 18.12.15 and 12.02.16. The 9 comments submitted to the Council have been taken into account and where appropriate amendments have been incorporated into this final draft which was approved by the Council on 07.01.17 (Council Minute no.8) for use as a material consideration in determining planning applications and appeals. A summary of the representations and the Council's response is set out in Appendix 6.

This document should therefore be afforded considerable weight as a material planning consideration.

No.09 Local Needs and Affordable Housing

1 - Introduction

1.1 - This guidance note explains the approach that the Council will take when dealing with proposals for local needs and affordable housing and when seeking to negotiate the provision of affordable housing as part of larger housing proposals. It offers additional guidance on the interpretation and application of key policies within the Flintshire Unitary Development Plan specifically: meeting housing needs in Category B&C Settlements (HSG3); Affordable Housing within large housing developments (Policy HSG10); and Exceptional Rural Affordable Housing Schemes (HSG11). The Unitary Development Plan Policies HSG3, HSG10 & HSG11 are listed in full within Appendix 1 to this Guidance Note. References are also made in this document to related Supplementary Planning Guidance particularly Guidance Note 5 Conversion of Rural Buildings (Policy HSG7) and Guidance Note 10 New Housing in the Open Countryside.

1.2 - For reference in the use of this guidance please note that the Flintshire Unitary Development Plan defines “Affordable Housing” on page 156 as “housing for rent, purchase or shared equity schemes, which remains available below market prices in perpetuity for those sectors of the community which are unable to afford housing on the open market.” If you are in doubt as to whether your scheme requires the provision of affordable housing and the types of affordable housing that should be provided please contact the Flintshire County Council Planning Service.

2 - General Background

2.1 - Over the last decade rising house prices across the United Kingdom generally have put properties beyond the reach of lower income households and many first time buyers. The problem has been exacerbated by the decline in the supply of council housing over the past three decades and, in Flintshire, by the inward migration of commuters who are often better able to pay higher prices. A series of Housing Surveys undertaken over the last decade has demonstrated that the affordability of homes has become an acute problem for Flintshire communities.

2.2 - The social and economic problems generated by a lack of affordable homes manifest themselves in several ways including: the county’s limited capacity to accommodate additional households in social housing; annually increasing costs for the County Council to house households in temporary accommodation; overcrowding in existing households; housing being wanted to meet special needs (such as physical disability and sensory impairment); and local people being priced out of their local communities and being forced to find cheaper accommodation elsewhere. There is an ever increasing group of people who fall into the intermediate level of affordability, who comprise people who do not earn enough to afford market rents or who are able to save enough for a deposit to purchase (typically 20%), yet are unlikely to qualify for social housing as their earnings are above that threshold. This group are a particular focus for the Council’s Local Housing Strategy particularly given the expanded options available through not just the Registered Social Landlords operating in Flintshire, but also through other Council options such as North East Wales Homes (NEW Homes).

2.3 - The County Council wishes to secure the provision of affordable housing within large residential development schemes (Policy HSG10), and for this to remain available for as long as there is a local need for the affordable accommodation. In addition the Council will seek to satisfy “Local Housing Needs” in small rural settlements and in the open countryside through development plan policies HSG3, HSG5, HSG7, and HSG11

3 - Policy

3.1 - Planning Policy Wales (PPW) 2016 states that “A community’s need for affordable housing is a material planning consideration which must be taken into account...” (paragraph 9.2.14) PPW recognises that “affordable housing also makes an essential contribution to community regeneration and social inclusion. It is desirable in planning terms that new housing development in both rural and urban areas incorporates a reasonable mix and balance of house types and sizes so as to cater for a range of housing needs and contribute to the development of sustainable communities. For affordable housing it is important that authorities have an appreciation of the demand for different dwelling sizes and types of housing (i.e. intermediate and social rented) in relation to supply, so that they are well informed in negotiating the required appropriate mix of dwellings for new developments.” (paragraph 9.2.15)

3.2 - PPW advises that “...Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.” (paragraph 9.3.5)

3.3 - In Flintshire, the Unitary Development Plan (UDP) recognises as a strategic issue the need for “the provision of a range of housing including affordable and special needs housing” in Policy STR4 Housing, supplemented by affordable housing policies HSG10 & 11 which are reproduced in Appendix 1. Where there is a local need for affordable housing, Policy HSG10 requires the provision of affordable homes as part of large residential developments within settlement boundaries. Within settlement boundaries where there is demonstrable need for affordable housing to meet local needs, the Council will take account of this as a material consideration when assessing large housing proposals, namely those for 25 or more units or occupying one hectare or more. Where this need exists the Council will negotiate with developers to provide 30% affordable housing in suitable appropriate schemes within defined settlement boundaries. It will not be acceptable to deliberately sub-divide or phase the total development of a site in an attempt to avoid the provision of affordable housing.

3.4 - Policy HSG11 allows affordable housing outside of these settlement boundaries under specified circumstances where rural exceptions can be justified. The localities to which this exceptions policy applies are listed in Appendix 2. TAN2 “Affordable Housing” makes it clear that the case for releasing such sites is a matter for local judgement and that it is not envisaged that the scale of provision will be large or such as to unbalance the pattern of settlements in the county. In line with national policy, there may be a few additional localities such as some brownfield sites where affordable housing may be acceptable.

4 - Affordable housing, who is it for and how is Affordability measured?

4.1 - Affordable housing is intended for those households whose needs cannot be met by the open market due to prevailing property values or rents. It is considered that a household is not eligible for a mortgage if it has a gross household income less than one third its mortgage requirement, and it is unable to afford private rented accommodation if renting privately would take up more than 30% of its net disposable household income. This group is generally split into two categories, those households which lack the ability to access a mortgage (eg insufficient finances and/or irregular annual income) and therefore require Social Rented Accommodation; and those households which have the means to gain a mortgage to access Intermediate Housing.

- **Social Rented Accommodation** is provided by the Council directly; By the Council's affordable housing management company NEW Homes; by Housing Associations and by other Registered Social Landlords. This group of providers are able to provide accommodation at rent levels which are lower than general market rentals but which are also subject to regulation by the Welsh Assembly Government. This type of accommodation is the preferred solution of the Local Authority when seeking to negotiate the provision of onsite affordable housing.
- **Intermediate Housing** is housing where the mortgage cost or rent is above that of social rented but below open market house prices and rents.

4.2 - Affordable housing should be provided to meet the genuine needs of local people. "Local people" are defined as intended occupant (s) must have local linkages within the community area / county of Flintshire. These local links are primarily working and or living in the community / County of Flintshire for at least three years. Other links can include family ties to the locality, however in all instances it must be demonstrated that the applicant lacks sufficient income and house equity to allow them to gain a home within the community area / County of Flintshire through normal unsubsidised methods.

4.3 - The different types of affordable housing are described later however regardless of the type of affordable accommodation to be provided such properties will be expected to incorporate low cost maintenance and energy efficiency measures, and meet current building regulations. The Council will retain 100% nomination rights for the affordable housing provision and intended occupants will be selected from the Flintshire Affordable Homeownership Register and other registers held by Housing Associations.

5 - Options for Affordable Housing Provision

5.1 - Whilst it is recognised that a general need for affordable housing provision exists in the county, the Council will require the applicant to consider the type of homes to be provided from the following preferences:

1. Social Rented - through an RSL, such as a housing association, or NEW Homes;
2. Gifted Properties - provided by the developer and transferred to the council at no cost;
3. Shared Equity / Shared Ownership - through an RSL, NEW homes, or other bona fide

- management organisation;
- 4. Intermediate Rent - provided as low cost rented accommodation;
- 5. Discounted for Sale - provided as low cost discounted housing for sale;
- 6. Self Build – serviced plots sold at a discount typically 30% of the market value.

5.2 - Working through the above options the applicant should consider the feasibility of including each type of housing within their proposed development scheme and provide justification for their final approach. Whilst the Council appreciates the need for schemes to be viable, it will stress the need for affordable homes to meet local community / county needs, and will negotiate accordingly with applicants. Applications which provide a form of affordable housing which is not considered to best meet the needs of the local community / County will be regarded less favourably.

5.3 - Whilst certain types of affordable homes are more preferable than others, the Planning Authority considers that there is sufficient scope for negotiation to ensure a reasonable mix of tenures are provided to meet existing affordable housing needs. These may vary by location and type of need, and guidance will be provided by the Housing Strategy Team on area specific needs.

Acceptable Forms of Affordable Housing Provision

5.4 - The Council requires the applicant to consider the type of homes based on the options set out in paragraph 5.1 above, whereby the applicant demonstrates which option is the most appropriate in any given circumstance as follows:

1. **Social rented housing on site** provided by the developer and transferred at a discount to an RSL approved by the Council. The maximum sales values will be set according to the formula of the Welsh Assembly Government's Acceptable Cost Guidance Levels minus the associated level of social housing grant that would have been available. The developer's financial contribution will equal the social housing grant.
2. **Gifted affordable housing on-site** provided by the developer and transferred to the council at no cost (this will be reflected in the overall affordable housing provision required on a scheme).
3. **Shared Equity / Shared Ownership on site.** Is aimed at households who can afford a mortgage but who are not able to afford to buy a property outright. Shared Equity / Shared Ownership costs will vary according to the market value, interest rates and the percentage of equity sold. Onsite Shared Equity / Shared Ownership housing provided by the developer, the remaining equity will be transferred to the council or an RSL.
4. **Onsite subsidised/ market housing and Intermediate rented housing.** The standard, size and type of such housing must satisfy needs and accord with local planning and housing policies. As such, the Council will require landowners and developers to enter into covenants In order to make such housing to buy affordable its price will be established with reference to the Acceptable Cost Guidance which is issued by the Welsh Assembly Government, current prevailing open market values and income levels for households unable to buy in the County. Values for subsidised housing to buy will be restricted to a maximum of three and half times the average household income. Values for

Intermediate rented housing will equal the rent charged by a regulated organisation on a similar sized property in the locality.

5.5 - In exceptional circumstances where it can be demonstrated that the above options (1-4) are not appropriate due to other material planning considerations the Local Planning Authority will consider the potential for offsite provision. However in such exceptional circumstances it must be justified by the applicant that none of the previous affordable housing options nor combinations of those options can be accommodated onsite. Where exceptions are made alternative off-site provision will be required in the vicinity of, and at the same time or prior to the completion of, the facilitating residential development.

5.6 - Only as a last resort, not making a provision for affordable housing will be considered where:

- The case for off-site provision has been satisfactorily made but no viable or suitable site has been identified or secured, in which case a commuted sum will be payable;
- Previous planning history makes it unreasonable to require affordable housing; The proposal meets an over-riding approved regeneration aim/project in which the introduction of affordable housing would seriously prejudice the project.

6 - Rural Exceptions Site

6.1 - In rural areas it is likely that there are insufficient housing sites of a sufficient size available within settlement boundaries to provide an element of affordable housing. Thus, Policy HSG11 is an exception to the general principle that new housing will not be permitted outside settlement boundaries. For the purposes of this policy, “villages” are those settlements listed in Appendix 2.

6.2 - Rural Exception Sites must be located immediately adjacent to the edge of the village and respect the physical appearance and design characteristics of surrounding properties. It is not envisaged that the scale of provision on these sites will be large or out of balance with the character, form and function of the village or the existing pattern of settlements in Flintshire, and will take account of landscape and other environmental considerations, such as the AONB.

6.3 - This policy does not apply to proposals by local people for individual self-build dwellings where satisfactory proposals cannot be made to ensure that the dwelling remains affordable in the same way. It is an essential part of the policy that occupation of the dwellings can be controlled in the long term so that successive occupants can benefit. The most practical way this can be achieved is by involving an organisation such as the County Council, a housing association or the formation of a local trust. The organisation or the developer will be expected to enter into a Section 106 agreement (see below) to ensure homes remain affordable for as long as a demonstrable need exists within the community.

7 - HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

7.1 - The Unitary Development Plan makes significant housing provision for the plan period and seeks to direct this new development to appropriate sustainable settlements. However the individual “settlement boundaries” defined within the Unitary Development Plan could allow for additional unplanned development in smaller rural and semi-rural settlements across the County to the detriment of those same settlements as well as compromising the plans spatial strategy in terms of the distribution of new growth to sustainable locations. Accordingly Policy HSG3 sets out requirements whereby in Category C Settlements and in certain circumstances in Category B Settlements new dwellings will need to satisfy an identified local need for housing. In order to promote sustainable development and control the location of development the policy incorporates a robust regulatory mechanism to constrain growth in the smaller settlements. Where a development proposal is acceptable in principle in terms of satisfying local needs requirements, it must also meet a number of other criteria:

- It must not result in tandem* development;
- It must not represent overdevelopment in relation to the character of the site or its surrounding locality;
- It must not be of such a scale as to conflict with the plans overall housing provision over the plan period;
- It must comply with the general development requirements of Policy GEN1.

* Tandem development, consisting of one house immediately behind another and sharing the same access, is considered unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house at the front.

Meeting Housing Needs in Category B Settlements

7.2 - Within Category B Settlements Policy HSG3 requires that where developments exceed the 15% settlement growth threshold within the UDP monitoring period, planning permission will only be granted if the proposed scheme is justified on the grounds of housing need. A scheme could also be justified on the basis of other considerations such as the re-use of brownfield land or regeneration benefits. It is advised that prior to the submission of any proposals for development that contact is made with the Flintshire Planning Service to confirm the level of settlement growth.

7.3 - For a full list of all Category B Settlements refer to Appendix 3.

Meeting Housing Needs in Category C Settlements

7.4 - Within Category C Settlements Policy HSG3 requires that planning permission be granted only if the proposed scheme is to meet a proven local housing need and only if the scheme does not result in the level of settlement growth exceeding 10%. As such all new residential development (other than renovation or replacement dwellings) within a category C settlement must be justified on the grounds of meeting proven Local Housing Need. It is strongly advised that prior to the submission of any proposals for development that contact is made with the Flintshire Planning Service to confirm the level of settlement growth.

7.5 - For a full list of all Category C Settlements refer to Appendix 4.

Calculating Housing Growth

7.6 - The level of growth for each settlement, be it Category B or C, is a combined figure, calculates against the baseline number of dwellings at the plan base date (i.e. the year 2000) and including completions, commitments (planning permissions) and any housing allocations, up to the end of the UDP monitoring period.

Defining Local Housing Need

7.7 - Local Housing Need is defined within the Unitary Development Plan (page 161) and there are two recognised types of local housing need, as follows:

- a. Key workers who need to live within a particular locality such as farm, fisheries and forestry workers who currently live too far away as to be practical for their employment (e.g. animal husbandry); and
- b. Low income households lacking their own housing, or living in housing which is inadequate or unsuitable, who are financially unable to provide for their own needs in the housing market without assistance.

7.8 - Given the two different types of Local Housing Need it will be important for applicants to ensure that their proposals are appropriately contextualised by identifying upfront the type of local housing need they are seeking to address. This can be done in the description of development and within supporting documentation such as the Covering Letter, Access and Design Statement and perhaps most importantly within the applicant's supporting statement seeking to demonstrate Local Housing Need.

Local Housing Need - Key Workers

7.9 - For applicants seeking to demonstrate local housing need on the basis that they are a key worker sufficient evidence must be provided to demonstrate the need for that worker to live in that specific locality and that the type of work justifies the need to be closely located to their workplace. In the context of Local Housing Need "key workers" can include a broader range of workers than "rural enterprise workers". However in all cases it must be demonstrated to the satisfaction of the Planning Authority that the intended user of the proposed residential development needs to live within the locality and there are no suitably appropriate alternatives such as the purchase of an existing home within the locality where the need has been demonstrated.

7.10 - The evidence that would normally be required to support a new 'worker dwelling' should address the following points:

- Details of the household to occupy the dwelling including their current home address; the ownership status of their current home; the household worker's length of time at that address; the current workplace and length of time at that workplace; and the nature/function/type of the workplace.

- Local links with the locality of the proposed development and proximity of locality to workplace eg family ties, place of employment.
- Reasoning as to why it is essential that they live close to work and the reasoning for choosing that locality; and reasoning for proposing a new build as opposed to purchasing an existing home within the locality.

Local Housing Need - Affordable Housing Needs

7.11 - For applicants seeking to demonstrate affordable housing need sufficient evidence will be required to demonstrate that there is an affordable housing need within that specific locality. In all cases it must be demonstrated to the satisfaction of the Local Planning Authority that the intended occupant of the proposed development has local linkages within the community. These local links are primarily working in the community and/or living within the community for at least the last five years. Other local links can include family ties to the locality. However in all instances it must be demonstrated that the applicant lacks sufficient income and house equity to allow them to gain a home within that locality through normal unsubsidised methods.

7.12 - The evidence that would normally be required to support affordable home proposals should address the following points:

- Details of the household which will occupy the affordable housing including their current home address; the ownership status of their current home; the reason why their home is inadequate; and length of time at that home address.
- Local links with the locality the proposal is made within and proximity of locality to workplace.
- Reasoning as to why that locality has been chosen; and reasoning for proposing a new build as opposed to purchasing an existing home within the locality.

7.13 - In addition to the above applicants should complete an Application for Affordable Home Ownership, forms can be obtained from the Housing Strategy Unit. This information will be held in confidence and will not be available for public view. The application form will be assessed by a Registered Social Landlord and the Housing Strategy Unit to identify whether the individuals are in affordable housing need. The findings of this process will influence the Planning Authority as part of the planning application consultation. This information will reveal whether the development would contribute to meeting an affordable housing need given the known level of affordability for the applicant and the availability and cost of homes currently on the market.

Local Housing Need - Securing Community Benefits

7.14 - In permitting either workers' dwellings or affordable housing the Local Planning Authority need to ensure that conditions are applied and legal agreements signed to ensure that any local needs housing delivered is retained for as long as required by the community.

7.15 - In the case of proposals seeking to meet affordable housing needs there will be a need for planning conditions restricting the development to affordable homes only. In addition a legal agreement would have to be secured to control the future resale of the property at an appropriate affordable price and to ensure that the property was only occupied by households in affordable

housing need. In drafting the legal agreement it would be an important consideration to ensure that sequential preference be given firstly to:

- those individuals in affordable housing need with local links to the community where the property is located;
- with lesser preference given to individuals from surrounding community areas;
- and finally preference from individuals from elsewhere within the County.

7.16 - If it were ever to transpire that no households could be identified that met any of the above requirements then it would be important to consider whether the property was required to meet housing needs, but this would have to be the matter of a new planning application for variation of planning condition and the extinguishment of the legal agreement.

8 - Planning matters

Pre-application discussions

8.1 - Discussion with the appropriate officer in the Development Management Section, Planning Services, County Hall, Mold, CH7 6NF, is advisable before making the planning application in order to understand fully the Council's affordable housing requirements. Initial contact should be with one of the Planning Support Officers from that Section, on 01352 703234. For subsequent and more detailed advice and information relating to existing identified housing needs and affordable housing supply enquiries should be directed to the Housing Strategy Unit on 01352 703830. Also see Appendix 5.

Detailed matters for consideration

8.2 - In considering proposals for affordable housing it will be important to ensure:

- The design and layout of the proposed affordable housing, both in terms of the site and individual housing units, will be in character with the locality and should be designed to ensure that the proposed affordable units and existing housing and proposed market housing blend together. The affordable housing should be dispersed across the site, and phased into the development of the site as a whole because the Council seeks to create mixed and balanced communities.
- The size of individual dwellings should be suitable to meet the established need and not too large, or it may become unaffordable. A condition removing permitted development rights may be appropriate, so that they are not extended and thereby become unaffordable.
- The provision of affordable homes does not substitute the need for the developer to make provision for other reasonable planning requirements. For example, where there is a requirement for public open space this will be in addition to requirements for affordable homes.
- Any homes provided under the guise of affordable housing are subject to a Section 106 Agreement to ensure affordability for as long as there is a need within the community.
- Where an RSL is required for the scheme, the RSL must be involved from the outset of the scheme.
- Conditions and Section 106 Agreements

8.3 - Under Policy HSG10 it is essential that the future occupation of affordable housing is retained for those in local need. This will be achieved through a planning condition or Section 106 agreement covering the management of the scheme by an appropriately regulated RSL or similar body.

8.4 - A phasing condition may also be applied to the planning permission for a housing site to ensure that a specified proportion of the market price housing on the site cannot be occupied until the affordable element has been built and allocated to a household in need of affordable housing. In negotiating the provision of affordable homes the LPA will seek to secure a legal agreement with the applicant, with the following legal expectations:

- a. Where it is anticipated that a RSL will be involved in the scheme that they be a signatory to the legal agreement between the LPA and the developer.
- b. The type and quantity of affordable housing provision will be specified within the legal agreement.
- c. The location of affordable housing will be shown by the inclusion of a map within the legal agreement.
- d. The legal agreement will contain provisions to ensure the completion of affordable units before the completion and occupation of the remainder of the development.
- e. The legal agreement should explicitly state how the properties will be maintained in an affordable state to meet future housing need within Flintshire.
- f. To ensure that affordable homes are allocated to local households in genuine housing need it will be important that the legal agreement shows how households in affordable housing need will be assessed.
- g. The legal agreement should include criteria which determine initial sale prices together with a protection mechanism for future re-sales and the terms under which re-sales will be subject to. Provisions should also be included to calculate initial rents together with future rental increases which should be restricted to inflationary rises only.
- h. The legal agreement will specify the appropriate trigger during the development when the ownership of affordable homes should be transferred to the care of an RSL or other specified management body.
- i. That the legal agreement make provision for alternative means of securing affordable housing to allow for those unforeseen instances where efforts to secure RSL funding fails.

Appendix 1 - The relevant UDP policies

Policy HSG10 Affordable Housing within Settlement Boundaries

Where there is a demonstrable need for affordable housing to meet local needs, the Council will take account of this as a material consideration when assessing housing proposals. Where this need exists the Council will negotiate with developers to provide 30% affordable housing in suitable or appropriate schemes within settlement boundaries.

Policy HSG11 Affordable Housing in Rural Areas

Outside village settlement boundaries, proposals to develop affordable housing in rural areas will only be permitted in exceptional circumstances, where:

- a. there is evidence of genuine local need for such provision;
- b. there are no suitable alternative sites or properties within settlement boundaries to meet the need;
- c. schemes abut settlement boundaries and form logical extensions to settlements, avoiding ribbon and fragmented development and incorporates suitable boundary treatment and landscaping measures;
- d. the scale, design, and layout of the proposed development are sympathetic and appropriate to the size and character of the settlement and its landscape setting, and reflects the scale of need identified;
- e. houses will remain affordable in perpetuity for those in need, managed by a housing association, the County Council, a bona fide trust or similar organisation.

Appendix 2 - Settlements to which Policy HSG10 applies

| | |
|--------------------------|------------------------------------------|
| Afonwen | |
| Alltami | Holywell |
| Bagillt | Hope, Caergwrle, Abermorddu, Cefn y Bedd |
| Bretton | Leeswood |
| Broughton | Lixwm |
| Brynford | Llanasa |
| Buckley | Llanfynydd |
| Cadole | Mold |
| Caerwys | Mostyn |
| Carmel | Mynydd Isa |
| Cilcain | Nannerch |
| Coed Talon & Pontybodkin | Nercwys |
| Connah's Quay | New Brighton |
| Cymau | Northop |
| Deeside Settlements* | Northop Hall |
| Dobshell | Pantymwyn |
| Drury & Burntwood | Pen-y-ffordd |
| Ewloe | Pentre Halkyn |
| Ffrith | Penyffordd & Penymynydd |
| Ffynnongroyw | Pontblyddyn |
| Flint | Rhes-y-cae |
| Flint Mountain | Rhewl Mostyn & Mostyn Port |
| Gorsedd | Rhosesmor |
| Greenfield | Rhydymwyn |
| Gronant | Saltney |
| Gwaenysgor | Soughton |
| Gwernaffield | Talacre |
| Gwernymynydd | Trelawnyd |
| Gwespyr | Trelogan & Berthengam |
| Halkyn | Treuddyn |
| Hawarden | Whitford |
| Higher Kinnerton | Ysceifiog |

* - Deeside Settlements comprises Aston, Garden City, Mancot, Pentre, Queensferry, Sandycroft and Shotton.

Note that, for all settlements, it is necessary to view the Proposals Map of the UDP, which shows in detail the considered boundaries of each settlement, in order to understand the planning situation in any particular settlement.

Appendix 3: Settlements to which Policy HSG11 (rural exceptions) applies

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|--------------------------|-----------------------------------------|---------------|-----------------------|
| Afonwen | Gronant | Mostyn | Rhydymwyn |
| Brynford | Gwaenysgor | Nannerch | Sychdyn |
| Cadole | Gwernaffield | Nercwys | Talacre |
| Caerwys | Gwernymynydd | Northop | Trelawnyd |
| Carmel | Gwespyr | Northop Hall | Trelogan & Berthengam |
| Cilcain | Halkyn | Pantymwyn | Treuddyn |
| Coed Talon & Pontybodkin | Higher Kinnerton | Penyffordd | Whitford |
| Cymau | Hope, Caergwle, Abermorddu, Cefn y Bedd | Pentre Halkyn | Ysceifiog |
| Ffrith | Lixwm | Rhes y Cae | |
| Fynnongroyw | Llanasa | Rhewl Mostyn | |
| Gorsedd | Llanfynydd | Rhosesmor | |

These are villages of Category B and C settlements according to the UDP and which fall within the rural area as defined by the Cadwyn Leader+ area and/or the area defined under the Article 33 Rural Areas Initiative maintained by the National Assembly for Wales.

Appendix 4: The Housing Needs Survey

In June 2005 Fordham Research presented their Housing Needs Survey (HNS) to their client Flintshire County Council, based on work undertaken from October 2004 onwards. Their Executive Summary report can be viewed on the website. This Appendix summarises the Survey.

The Survey concludes that there is an affordable housing need in Flintshire, with a significant shortfall in the number of available and affordable smaller properties. 91% of the identified need is for one and two bedroom dwellings. The report explicitly states that to meet affordable needs within the County “as much affordable housing as possible should be sought on new residential developments.” It also indicates the type of affordable homes, in terms of size, tenure and affordability, required to meet identified shortfalls in affordable housing provision. Fordham Research considers that as there are wide variations in household income across Flintshire, this makes it difficult to identify a “one size fits all” solution to the problem of affordable housing provision. As such there is a need to consider both social housing (that is, rented housing provided at below market cost by either the Local Authority or an RSL) and intermediate housing (that is, housing providing for households who cannot afford market priced starter homes but can afford more than social rents) to satisfy local housing need.

The HNS analysis of affordable housing need concludes that the majority of those households able to afford intermediate homes could only afford the cheapest ‘intermediate’ housing (prices close to social rents) and so traditional options such as shared ownership may be of little benefit in meeting large quantities of housing need. The report goes on to state, “it is likely that most of the new affordable housing provision will need to be social rented housing if it is to meet much of the need in Flintshire.”

The Survey indicates that there is significant need for affordable dwellings to be provided at the cheaper end of the pricing spectrum, as shown in Table 1.

| Table 1: Number of Households able to afford at different housing prices | | | | | |
|---------------------------------------------------------------------------------|-----------------------|--------------------------------------|------------|------------|-----------------------|
| Numbers of households | | | | | |
| Size Requirement | Social Housing | Cheapest Intermediate Housing | 2nd | 3rd | Most Expensive |
| Single Bed | 501 | 116 | 135 | 98 | 0 |
| Two Bed | 235 | 58 | 88 | 16 | 45 |
| Three Bed | 40 | 36 | 43 | 0 | 0 |
| Four + Bed | 21 | 11 | 0 | 0 | 69 |

In order to meet identified affordable needs properties should be priced in the mortgage bands shown in Table 2. The prices shown should ideally include both mortgage repayment and any additional payments required, for example ground rent.

| Table 2: Approximate outgoings for different types of intermediate housing | | | | | |
|-----------------------------------------------------------------------------------|--------------------------------------|------------|------------|-----------------------|-----------------------|
| Approximate outgoings (£/week) | | | | | |
| Size Requirement | Cheapest Intermediate Housing | 2nd | 3rd | Most Expensive | Most Expensive |
| Single Bed | £46-£59 | £60-£74 | £75-£89 | £90-£103 | 0 |
| Two Bed | £48-£65 | £66-£82 | £83-£100 | £101-£118 | 45 |
| Three Bed | £54-£77 | £78-£101 | £102-£125 | £126-£149 | 0 |
| Four + Bed | £66-£103 | £104-£141 | £142-£178 | £179-£216 | 69 |

Appendix 5: Useful Contacts

The following are local Registered Social Landlords:

Pennaf Housing Association

Unit 14

Ffordd Richard Davies

St Asaph Business Park

St Asaph,

Denbighshire

LL17 OLJ

Cymdeithas Tai Clwyd

54 Stryd y Dyffryn, (Vale Street),

Dinbych

Denbighshire

LL16 3BW

Cymdeithas Clwyd Alyn

46-54 Stryd y Dwr, (Water Street),

Rhyl

Denbighshire

LL18 1SS

Wales and West Housing Association

Unit 2 Acorn Business Park

Aber Road

Flint

Flintshire

CH6 5YN

In addition to the above it may be useful to approach Flintshire County Council's Housing Manager at Flint Offices, Flint, Flintshire CH6 5BD. (Telephone 01352 703800) or the Housing Strategy Officer, County Hall, Mold, (01352 701436).

Appendix 6

Supplementary Planning Guidance Note (SPGN) Public Consultation, (Dec 18th 2015 and Feb 12th 2016) comments and responses to SPGN No 8 Local Needs and Affordable Housing.

| Commenting Body / Individual | Comment | Response | Recommendation |
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| No. 9 Local Needs and Affordable Housing | | | |
| <p>Anwyl Construction Mike Pender</p> | <p>The principal concerns here are that (i) the SPGN has been prepared/ revised based on out of date information and so cannot be relied upon, and (ii) has not been the subject of an up-to-date robust viability/deliverability assessment in line with National Planning Guidance (PPW/TAN).</p> <p>The Council still relies on the Fordham LHNS published in 2005 and based on 2004 data (see Appendix 4). This is 16 years old with periods of economic/housing “boom and bust” in the meantime.</p> <p>Consequently, the 30% affordable housing target and the housing mix and tenure set out in Appendix 4 and the use of 3.5 times average household income (as an affordability measure) are not founded on up-to-date/relevant policies (UDP now out of date) or up-to-date/robust evidence.</p> | <p>The SPG’s as presented as part of this consultation including No.9 are all still based on the adopted UDP policies and there generally reflect previous LPG guidance notes. Where new studies have been undertaken the findings of these studies will continue to support implementation of UDP policy and SPG guidance. However for the sake of brevity and conciseness it is appropriate for separate research to remain available separately. For example new research has been carried out in the form to the Joint Local housing Market Needs Assessment carried out by Flintshire and Wrexham in 2014.</p> <p>FCC commissioned the Fordhams Assessment of Affordable Housing Need in 2005. This study and its findings are now historical although it is correct to say that the UDP and policy formulation was influenced by its findings. It would be</p> | <p>No change</p> |

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| | | <p>incorrect to conclude that FCC are still reliant on this study. As with all key underpinning evidence FCC seeks to keep the housing needs evidence up-to-date and has undertaken additional housing needs assessments since 2005 as follows: 2008 FCC & WCBC Joint Housing Market Assessment; 2012 FCC & WCBC Housing Needs Assessment by Glyndwr University 2014 FCC & WCBC Joint Housing Needs Assessment by ARC4. Given this context not only is it wrong to say FCC are reliant upon the Fordhams Study (2005) but that it is inappropriate for the SPG to reference anyone particular study given that these studies and their findings are reviewed and updated periodically.</p> <p>The 30% Affordable Housing figure remains a guide and the Council seek to negotiate the provision of affordable housing up to 30% on any given site where the development meets the policy thresholds (in units or site area). FCC takes a flexible and sensitive approach to the provision of affordable housing to ensure that a balance is struck between infrastructure needs (education contributions, affordable housing, public open space, public art, etc..) are balanced and in scale and proportion to the proposed development, and its</p> | |
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| | | delivery whilst maintaining a reasonable degree of viability. | |
| Anwyl Construction Mike Pender | Insufficient regard is paid to the requirements of PPW/TAN (especially TAN2 paragraphs 10.6 and 10.10) in respect of the critical issues of viability and deliverability. No viability/deliverability assessments have been undertaken. | <p>Para 10.6 of TAN2 identifies that information from Housing Land Availability Studies could form the basis for determining site – capacity thresholds e.g. if 90% of all housing completions were expected from sites of less than 5 units then it might be appropriate to seek affordable housing on all sites of 3 or more dwellings. It also explains that site viability will be a critical factor to be considered in determining thresholds, particularly on small sites.</p> <p>The above scenarios are quite different from those presented within policy HSG10 of the UDP which seeks affordable housing on sites or 1ha or more or 25 units or more. The policy also requires 30% affordable housing on qualifying sites but that this will be subject of negotiation on a case by case basis based on viability or other considerations arising on a particular site.</p> <p>Para 10.10 of TAN2 recognises that the affordability of housing can change over a relatively short period of time. It explains that in negotiation with developers there should be a strong expectation that the indicative target will be provided. However, where a developer can provide evidence in</p> | No change |

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| | <p>In particular, since the adoption of the Flintshire UDP, the Council now requires additional developer contributions and other developer costs that have not been taken into consideration in either the UDP or SPG's, i.e:</p> <ul style="list-style-type: none"> (i) education contributions; (i) public art contributions; (iii) Sprinklers (now required). | <p>support of a reduced affordable housing component, for example a local over-supply of affordable housing, it may be appropriate to reduce the amount of affordable housing to be provided on the site. In contrast, where a review of the LHMA has indicated a reduction in the affordability of housing it may be appropriate to increase the proportion of affordable housing on the site.</p> <p>It is clear from TAN2 that the amount of affordable housing to be provided by development can go up or down over time in response to a variety of factors. As explained in the response above the 30% affordable housing target is a starting point for negotiation based on the specifics of each scheme having regard to other requirements generated by related Policies and SPGs. This approach is sensitive to the needs of ensuring viability within new residential development and the delivery of sufficient housing to meet identified housing needs.</p> <p>The Council has for many years, in connection with policy IMP1 sought developer contributions where necessary to mitigate the effects of new housing development. Indeed an earlier LPG 'Developer Contributions' in 2007 identified planning obligations in respect of education contributions and public art.</p> | |
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| | | <p>The objector appears to be suggesting that education contributions and the like are 'new' requirements not factored into sites / developments. As stated above if there are particular viability or other issues associated with a site that would warrant a reduced affordable housing provision then this will be assessed on the merits of each case. The provision of sprinklers is a national requirement and not attributable to the SPG. Equally the whole point of providing policy and guidance such as this is to allow developers to take account of such requirements in negotiating the purchase price of land and in planning genuinely sustainable development.</p> <p>With regards Education Contributions it is important to state that such contributions are only sought where there are capacity issues within existing schools. This is based on a point in time assessment of capacity and projected capacity as and when faced with a planning application. In this regard it is important to state that in the majority of instances FCC does not seek an education contribution because there is sufficient capacity within the school to accommodate new pupils generated by a residential development. For example in 2015 51 of 66 primary schools had in excess of 5% capacity.</p> | |
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| | <p>Indirectly, there are other costs involved in several of the SPGN's currently out for consultation:</p> <p>More space about dwellings – reducing number of dwellings; Additional car parking spaces; Higher POS standard; Higher costs involved in SUDS, etc.</p> <p>By way of example, set out below are additional developer costs that have not been taken into account for a new residential development of 40 dwellings:</p> <p>Education contribution: - Primary School - £129k - Secondary School - £122k</p> <p>Public Art(See SPGN 30) - £45k</p> <p>Sprinklers (based on agreed figure of £4k/dwelling) - £160k</p> <p>TOTAL: £456k</p> <p>This does not include the indirect development costs involved in additional space about dwellings, additional car parking, higher POS standard and higher SUDS costs, nor does it include the additional costs of affordable housing.</p> <p>TAN2 paragraphs 10.6 and 10.10 refer to the need for LPA's to properly assess viability and change of circumstances as critical factors.</p> | <p>With regards the costs of Sprinklers within new residential development this is clearly a building control requirement for all new residential development. In this regard the cost of sprinkler provision will be reflected in national build costs for new residential development. This matter can be adequately considered as part of future viability assessments in association with residential proposals.</p> <p>The 'space around dwellings' standards have not increased and therefore as feared by the developer there will not be a reduced number of dwellings on schemes. This must also be viewed in the context of the wider target of the UDP and principles in PPW which seek to make the best use of development land through the highest appropriate density.</p> <p>Car parking standards remain unchanged from the previous SPG so it is unclear how the objector considers this will result in additional costs</p> <p>The SPG's do not require a higher public open space standard (this is addressed in SPG No.13) The POS standard for the provision of space in association with new residential space remains the same at 24 ha per 1000 people or 56.65 m2 per dwelling. As per Policy SR5 of the UDP.</p> | |
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| | <p>In addition, the exceptions to on-site provision listed in paragraphs 5.5 and 5.6 of the SPGN do not include viability/deliverability.</p> | <p>The principle of SUDS is supported in PPW and is not something that is being imposed unreasonably on developers in the SPG's.</p> <p>There is little point in the objector presenting 'additional' costs in the hope of proving that these are unreasonable in terms of development viability. The most appropriate means of addressing these points is as part of the consideration of individual development proposals and also to have factored these in to the negotiation of a realistic price for development land in the first instance. This appears to the Council to be a matter of good developer practice and common sense.</p> | |
| <p>Anwyl Construction Mike Pender</p> | <p>No details provided of current range of household incomes, house prices and so affordability guidelines;</p> | <p>These details are available within the underpinning research which supports the implementation of the SPG. As previously intimated given that there have been 4 housing need assessments since 2005 it would be inappropriate to reference the study in the SPG rather FCC commit to make background studies available – the ARC4 Housing Need Study is available online.</p> | <p>No change</p> |

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| <p>Anwyl Construction Mike Pender</p> | <p>No contact details of Housing Strategy Team;</p> | <p>Contact details for both Planning and Housing Strategy staff are set out in section 8.1 under the heading 'Pre-application discussions'. Contact details are also given in Appendix 5 'Useful contacts' although the Housing Strategy contact will be updated.</p> | <p>Update Housing Strategy contacts</p> |
| <p>Anwyl Construction Mike Pender</p> | <p>No Draft Model S106 Agreement attached, including maintenance requirements; No Draft Affordable Housing Pro Forma attached.</p> | <p>S106 agreements are complex legal documents which will deal with a variety of matters not just affordable housing. In this regard it is not proposed to include draft S106 agreements in association with each SPG however FCC will consider this matter further and specifically the value of providing template S106 agreements (bilateral and unilateral) separate to the SPGs to assist applicants.</p> | <p>No change</p> |
| <p>Anwyl Construction Mike Pender</p> | <p>Conclusion: The UDP and the Fordham Report can no longer be relied upon as up-to-date and relevant policy and evidence base for this revised SPGN and does not comply with National Planning Guidance, especially in respect of viability and deliverability.</p> | <p>FCC commissioned the Fordhams Assessment of Affordable Housing Need in 2005. This study and its findings are now historical although it is correct to say that the UDP and policy formulation was influenced by its findings. It would be incorrect to conclude that FCC are still reliant on this study. As with all key underpinning evidence FCC seeks to keep the housing needs evidence up-to-date and has undertaken additional housing needs assessments since 2005 as follows: 2008 FCC & WCBC Joint Housing Market Assessment; 2012 FCC & WCBC Housing Needs Assessment by Glyndwr University 2014 FCC & WCBC Joint</p> | <p>No change</p> |

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| | | <p>Housing Needs Assessment by ARC4. Given this context not only is it wrong to say FCC are reliant upon the Fordhams Study (2005) but that it is inappropriate for the SPG to reference anyone particular study given that these studies and their findings are reviewed and updated periodically.</p> <p>The 30% Affordable Housing Target remains a target and the Council seek to negotiate the provision of affordable housing up to 30% on any given site where the development meets the policy thresholds (in units or site area). FCC takes a flexible and sensitive approach to the provision of affordable housing to ensure that a balance is struck between infrastructure needs (education contributions, affordable housing, public open space, public art, etc..) are balanced and in scale and proportion to the proposed development, and its delivery whilst maintaining a reasonable degree of viability.</p> | |
| <p>Anwyl Construction Mike Pender</p> | <p>Recommendation:</p> <p>The revised SPGN should be withdrawn and the Council undertake a full and robust viability and deliverability assessment before progressing further with the 30% Affordable Housing requirement and any revised SPGN on Local Needs and Affordable Housing.</p> | <p>FCC commissioned the Fordhams Assessment of Affordable Housing Need in 2005. This study and its findings are now historical although it is correct to say that the UDP and policy formulation was influenced by its findings. It would be incorrect to conclude that FCC are still reliant on this study. As with all key underpinning evidence FCC seeks to keep the housing needs evidence up-to-</p> | <p>No change</p> |

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| | | <p>date and has undertaken additional housing needs assessments since 2005 as follows: 2008 FCC & WCBC Joint Housing Market Assessment; 2012 FCC & WCBC Housing Needs Assessment by Glyndwr University 2014 FCC & WCBC Joint Housing Needs Assessment by ARC4. Given this context not only is it wrong to say FCC are reliant upon the Fordhams Study (2005) but that it is inappropriate for the SPG to reference anyone particular study given that these studies and their findings are reviewed and updated periodically.</p> <p>The 30% Affordable Housing Target remains a target and the Council seek to negotiate the provision of affordable housing up to 30% on any given site where the development meets the policy thresholds (in units or site area). FCC takes a flexible and sensitive approach to the provision of affordable housing to ensure that a balance is struck between infrastructure needs (education contributions, affordable housing, public open space, public art, etc..) are balanced and in scale and proportion to the proposed development, and its delivery whilst maintaining a reasonable degree of viability. There is sufficiently robust and up to date evidence on need to show that a policy of 30% provision is reflective of that need – indeed a</p> | |
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| | | <p>preliminary assessment of the up to date evidence suggests a higher threshold may need to be considered as part of the LDP, but the objector is silent in terms of this scenario.</p> <p>The objector fails to recognize that the Note covers a wide variety of scenarios in relation to local needs and affordable housing, and not just schemes relating to large residential developments. The objector also fails to acknowledge that the principle of seeking local and affordable housing is a key principle in PPW and has offered no overriding evidence to demonstrate why this cannot be secured within the County other than repeated references to viability. Given that both the policy and the Note allows for viability to be negotiated on a scheme by scheme basis it is unclear how the policy approach is so flawed that it can no longer be applied.</p> <p>In effect Anwyl is calling for an end to securing local needs and affordable housing within the County. For such a call to be made by a prominent local housebuilder is <u>extremely disappointing</u>.</p> | |
| Clwydian Range and Dee Valley AONB JAC | The reference in para 6.2 concerning the need to take account of landscape impacts when considering rural exceptions sites is noted, but the committee would suggest that this aspect should be given greater emphasis in relation to schemes within the AONB or its setting which should be made explicit in the guidance. | As there are several villages in the AONB, to which the rural exceptions policy applies, it is considered reasonable for reference to be made to the AONB. | Add at end of para 6.2 'such as the AONB' |

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| <p>Huw Evans Planning</p> | <p>There are two areas of need in terms of affordable housing and these are those which meet the urban need as distinct from the rural community. The application of policy and delivery of affordable housing in the urban Category A and B settlements works well but the delivery of affordable housing in the rural areas is an abject failure. This miserable performance is due to flawed national and local planning policies. Put simply the only reason that affordable housing is delivered in the urban context is due to the cross subsidy provided by the private sector. Given that this is not permitted in rural areas it is no surprise local needs for the rural communities are not met.</p> <p>There is also an anomaly in that up to 24 dwellings can be built in the urban area with no affordable element but within the villages even one open market with one or two affordable is not allowed.</p> <p>Whilst the above relates to policy issues there is little point in producing supplementary guidance to support an impotent mechanism to bring about much needed development that is crucially important to the social and economic well being of rural communities. The local planning authority should first of all monitor its performance through its adopted Implementation Statement 3. There needs to be a critical assessment of how policy has worked in relation to affordable local needs housing in the rural areas over the last 13 years, i.e. since the Plan was placed on Deposit and used for development management purposes and then adopted in 2011. If the policy falls well short of delivering its objective then it should be reviewed and only then should SPG be considered appropriate.</p> <p>There are similar flaws regarding rural exceptions sites. The policy is so prescriptive that no sites come forward which again leads any sensible person to query and review its performance. Landowners will seldom release</p> | <p>The comments are noted and it is recognized that much of these comments are about national planning guidance which set the context for policies in the UDP and the more detailed guidance in the SPG. These issues are more appropriately dealt with as part of the preparation of policies in the LDP.</p> | <p>No change</p> |
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| | <p>land for affordable housing adjacent to a settlement boundary if they feel that at some future date the site may be suitable for the sustainable extension of the village. It is also highly unlikely that those who are in need will coincidentally own land in such a convenient location. It is also rather odd that self build properties are not seen as acceptable on exception sites when these are one of the few opportunities where the policy might work. This is accepted as a way forward in Denbighshire and the local planning authority is reminded of paragraph 4.2.2 of TAN6 (Planning for Sustainable Rural Communities) which states that planning authorities should employ all available policy approaches, in an innovative way, to maximise the supply of affordable housing as defined in TAN2. The planning authority should adopt a proactive and flexible approach to delivery. It refers to un-subsidised affordable housing where the affordable housing is provided by a developer, or directly by the intended occupier. With regard to those people/applicants who would qualify as being in need of affordable housing it would also be useful if the authority published the criteria upon which their circumstances would be assessed. Denbighshire have produced and apply an "Assessment form for affordable housing in hamlets & open countryside" and you may wish to consider this as part of your suite of useful guidance.</p> | | |
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