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Your Ref:

Our Ref:

2 March 2009

Mr V F J Jordan
2 Oakleigh
Albert Road
Ballater
Aberdeenshire
AB35 5QL

Dear Mr Jordan,

Re: Rural Housing Scheme at East Hanningfield, Chelmsford.

Further to your letter of the 17th February 2009 regarding the above housing scheme I would advise as follows.

The 12 dwellings on the above site were developed by a Registered Social Landlord in accordance with Policy HO3 of the Borough's 1997 Local Plan. This stated that in rural areas the Council may grant planning permission for affordable housing on small sites beyond the defined settlement boundary of villages in exceptional circumstances where:

- 1. It can be demonstrated to the satisfaction of the local planning authority that there is a proven local need for the number and type of dwellings proposed, which cannot be met in any other way;**
- 2. Appropriate agreements are entered into with the local planning authority to ensure that all the dwellings will remain available as social housing, and exclusively for local needs, in perpetuity and that the necessary management of the scheme can be permanently secured (details of the legal mechanism proposed to achieve these requirements are required);**
- 3. The site is immediately adjacent to the boundary of the defined settlement and is not subject to any over-riding environmental, infrastructure or other planning constraints; and**
- 4. The proposal is in accordance with other planning policies notwithstanding its location beyond the defined settlement boundary.**

continued/..



2003-2004
Quality of the Built Environment



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INVESTOR IN PEOPLE

Policy HO3 was based on government policy which allowed small sites that would not normally be allowed to be used for housing to be released for affordable housing only, to address the needs of the local community.

I have enclosed with this letter a copy of our Affordable Housing Supplementary Document (June 2008) which provides details of our revised affordable housing policies (DC31 and DC32) and guidance on the implementation of these policies. Pages 11 and 12 of the enclosed document set out the parish-level information that is required to support an application for planning permission under Policy DC32. This has been amended to take into account guidance in paragraph 30 of Planning Policy Statement 3 (PPS3) Housing, which now gives local authorities in England the power to allocate, as well as release, small sites solely for affordable housing in exceptional circumstances.

PPS3 states that a 'Rural Exception Site' policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.

In addition to the scheme at East Hanningfield the Borough Council worked in partnership with Stock Parish Council, the Rural Housing Trust and Moat Housing Group to deliver 10 affordable dwellings under Policy HO3 in Fosters Close, Stock (please see the enclosed overview) Consultations are ongoing with stakeholders and the community regarding a Site Allocation Development Plan Document, which will explore the potential allocation of rural exception sites adjacent to defined settlement for 100% affordable housing for local needs.

I hope the above/enclosed information is of interest to you. If you have any further queries on this matter please do not hesitate to contact me.

Yours sincerely,



Liz Best
Principal Enabling Officer
Directorate of Sustainable Communities

Affordable Housing

Supplementary Planning Document

June 2008

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Section I Introduction

What is the Purpose of the Document?

- 1.1 This Supplementary Planning Document (SPD) is designed to provide a practical guide to the implementation of the Borough Council's planning policies on affordable housing. This document is seen as particularly important in giving developers and housing associations a clear idea of what is involved when providing affordable housing in the Borough of Chelmsford. The main purpose of the document is to:
- set out the practical requirements when applying policy;
 - set out the process by which proposals will be considered.
- 1.2 The SPD does not contain any new policies but provides detailed guidance to supplement those relevant policies set out in the Borough Council's Local Development Framework (LDF).

What is the Status of the Document?

- 1.3 This SPD has been adopted under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004. This follows a formal consultation where comments were invited and helped shape the document as part of the continuous engagement with the community and stakeholders in the preparation of LDF documents.
- 1.4 This SPD deals specifically with issues surrounding the delivery and management of affordable housing, which includes homes provided through all forms of development, and replaces any previous planning guidance produced by the Borough Council in relation to affordable housing. However, consideration must also be given to more generic policy and guidance, including other SPDs that effect all development.

Sustainability / Strategic Environmental Assessment

- 1.5 This SPD is accompanied by a Sustainability/Strategic Environmental Assessment (SA/SEA) which provides a framework for testing the document's affect upon social, environmental and economic factors.

Section 2 Policy Context

What is the National Guidance?

- 2.1 The national policy context is set out in Planning Policy Statement 3 (PPS3) – Housing (November 2006). This is supplemented by a companion guide, which gives further advice on the implementation of PPS3. Paragraph 9 of PPS3 states the Government's key objective for housing is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. In order to achieve this objective the Government is seeking to:
- achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community;
 - widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular for those who are vulnerable or in need;
 - improve affordability across the housing market, including by increasing the supply of housing;
 - create sustainable, inclusive, mixed communities in all areas, both urban and rural.
- 2.2 PPS3 sets out the national planning policies for affordable housing. This includes the definition of affordable housing and the indicative national threshold of sites where affordable housing should be sought. The indicative national minimum site size threshold is 15 dwellings, but local authorities may set a different threshold or series of thresholds where viable and practicable, including in rural areas.

What is the Regional Guidance?

- 2.3 The East of England Plan (2008) sets out the regional planning context in terms of securing affordable housing. Regional affordability housing studies indicate a significant shortfall of affordable housing across the East of England region. Policy H2 of the East of England Plan sets out the overall regional expectation that some 35% of new housing should be affordable.
- 2.4 The East of England priorities are set out in the East of England Housing Investment Plan 2008-2011 and the Regional Housing Strategy. The key messages from both documents are more sustainable housing provision, high quality homes and environments, and the creation of inclusive communities. The documents advise that it is expected that affordable housing delivered through Section 106 agreements should be maximised through the planning process and developer contributions.

What is our Local Planning Policy?

- 2.5 The planning policy mechanism to secure affordable housing is contained within the Borough Council's Local Development Framework (LDF). The LDF comprises a suite of separate documents some of which are statutory, which are called Development Plan Documents and others such as Supplementary Planning Documents, which are supporting documents.
- 2.6 The relevant policies related to affordable housing are contained within the Adopted Core Strategy and Development Control Policies Development Plan Document (2008) under Strategic Objective BCI. They are set out in Appendix I.

What is Our Evidence Base?

- 2.7 When considering development proposals, the Borough Council will have regard to the latest assessment of local market conditions and the emerging Sub Regional Housing Market Assessments as well as the nature, character and context of the site and any specific requirements of the proposal.
- 2.8 A Strategic Housing Market Assessment (SHMA) has been prepared jointly across Chelmsford Borough Council, Braintree District Council and Colchester Borough Council by Fordham Research. The assessment was completed in April 2008 when the Housing Market Partnership signed off the assessment.
- 2.9 The SHMA used two methodologies for assessing the outputs required in PPS3. Both identified a net need for affordable housing exceeding the overall target for housing in the Borough.
- 2.10 For the purposes of implementing Policies DC31 and DC32 the Borough Council will have reference to the Communities and Local Government Housing Needs Assessment outputs. Further information on our evidence base is provided in Appendix 2.

Section 3 Applying Policy Principles

When is Affordable Housing Required?

- 3.1 Policy DC31 requires that in new developments of 15 dwellings or more or residential sites of 0.5 hectare or more and within small rural Defined Settlements of 5 dwellings or more, provision is made for 35% of the total number of dwellings to be in the form of affordable housing. The 35% applies across the whole development; it does not only apply to the part of the development above the threshold.
- 3.2 Section 5 of this document sets out the circumstances in which the Borough Council will have regard to the viability of proposed development and Appendix 9 provides details of the information required, the process to be followed and analytical mechanisms to be employed by the Borough Council when scheme specific appraisals are conducted.

What is the Method of Calculation?

- 3.3 The calculation will be undertaken in terms of the number of dwellings. Where the percentage of affordable housing sought does not result in whole numbers of units the number of affordable dwellings will be rounded up in order to achieve the required 35% provision. In exceptional circumstances on a site which may be particularly suitable to meet the Borough Council's priority in seeking social rented housing in larger family dwellings (three or more bedrooms) the Borough Council may consent to consider calculating the affordable housing proportion in terms of gross residential floor space within dwellings. Consent will only be granted where it will allow the Borough Council to negotiate a significantly higher proportion of three or more bedroom units for rent within the affordable housing provision than that provided by the site as a whole.
- 3.4 Where there is a proposal to increase the number of residential units on a site following the granting of planning permission, the Borough Council will apply Policy DC31 to the total number of residential dwellings on the site if the increase in the number of units takes the total on the site to 15 units or more. In instances where the initial proposal has been built, the additional proposed dwellings would be required to 'off set' the affordable housing requirement across the whole site.

Making Efficient Use of Land

- 3.5 All developments should seek to make the most efficient use of land and proposals will need to comply with policies which manage the density and form of any development. Sites falling below the site-size threshold of 0.5 hectare will often be able to accommodate 15 or more dwellings. The Borough Council will therefore apply Policy DC31 to proposals on sites that can accommodate 15 or more dwellings of an appropriate size and mix, providing the proposal accords with all other relevant planning policies. Proposals that would under-develop sites in order to avoid making the affordable housing contribution will be refused planning permission. Where there is a proposal to increase the number of residential units on a site with an existing affordable

housing provision the Borough Council require the re-provision of the same number of existing affordable housing dwellings on the site and apply Policy DC31 to the additional residential dwellings.

Definition of Affordable Housing

3.6 The definition of affordable housing that the Borough Council will use in applying this guidance accords with PPS3:

Affordable Housing is:

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

- meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices;
- include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative housing provision'.

Social rented housing is:

'Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. The proposals set out in the Three Year Review of Rent Restructuring (July 2004) were implemented as policy in April 2006. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Housing Corporation as a condition of grant'.

Intermediate housing is:

Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. Homebuy), other low cost homes for sale and intermediate rent.'

For details of the covenants that will be sought in relation to intermediate 'sale' dwellings please refer to Appendix 3.

Mix of Affordable Housing

- 3.7 To ensure new affordable provision is weighted to make a proportionate contribution to the different categories of assessed need the Borough Council will expect the Affordable Housing to include 23.45% of the total number of dwellings within the development as social rented accommodation and the balance of the Affordable Housing to be intermediate housing.
- 3.8 The 23.45% level reflects the identified net annual need for 67% of new affordable provision to be available as social rented housing when calculated as a proportion of the requirement in Policy DC31 to provide 35% of the total number of residential units as affordable housing. Therefore, where a site can accommodate 30 residential units and the affordable housing contribution equals 11 units, the social rented component will consist of 8 units ($30/100 \times 23.45 = 7.035$ rounded up to achieve at least 23.45% of the units as social rented units) and the intermediate provision will form the balance (3 dwellings).
- 3.9 To depart from this expectation the Borough Council will have regard to the criteria set out in Section 5.

How are Housing Costs and Affordability Calculated?

- 3.10 A schedule of housing costs associated with different tenure types in the Borough is set out in Appendix 4. As market rents in Chelmsford are below the costs associated with market purchase an intermediate product, including shared equity products and other low cost homes for sale and intermediate rent, must fall within the weekly housing costs set out in Appendix 5.
- 3.11 The Strategic Housing Market Assessment estimates 53% of all households earn less than £30,000 and for newly forming households this increased to 93.6%. As gross household incomes required to enter the market rented sector are currently considered to £26,832 (1 bed dwelling) and £31,200 (2 bed dwellings), in order to maximise the number of household that would be assisted by intermediate housing products they should be made available at the cheapest intermediate housing costs set out in Appendix 5.
- 3.12 The Borough Council will monitor the housing costs at commencement to check that the definition of affordable housing at the time of disposal to a person in housing need has been taken into account at the time of disposal to a provider. The information in Appendices 4 and 5 will be updated on an annual basis at the start of the financial year to reflect changes in the market and housing costs. The housing costs relevant at the time of disposal to a person in housing need will be applied in consideration of whether or not the definition of affordable housing is met. The information in Appendix 6 will be requested both at the time of commencement and disposal to a person in housing need.

Location of Affordable Housing

3.13 Affordable housing is an integral element of any market-led residential or mixed use development and is expected to be provided in-kind and on-site. Where it can be robustly justified off-site provision or a financial contribution in lieu of on-site provision may be acceptable in the circumstances set out in Paragraphs 3.14 and 3.15. The order of preference of the location of affordable housing is as follows:

1. On-site
2. Off-site provision by the applicant
3. Commuted payment for a provision off-site

Off-site Provision

3.14 Where the Borough Council accepts that an affordable housing provision on-site cannot meet local housing need and contribute towards creating a mixed community consideration will only be given to off-site provision where:

- an alternative site or sites have been identified which would enable affordable housing provision appropriate to the identified local housing needs to be met;
- the alternative site(s) can deliver the off-site provision in the appropriate timescale and is located within the immediate locality of the development to ensure the affordable housing contributes to the needs of the locality; and
- the off-site affordable housing provision is deliverable prior to the on-site market development being completed.

The number of affordable units will reflect the benefit the applicant gains through using 100% of the site for market housing compared with 65% when on-site affordable housing is provided (see 'Gearing Up' below)

Commuted Payment for Provision Off-site

3.15 Where the Borough Council accepts that an affordable housing provision on-site cannot meet local housing need and contribute towards creating a mixed community and the applicant cannot offer an alternative site, a commuted payment will be sought from the applicant. The payment will need to facilitate an affordable housing contribution of equivalent value to that which would have been provided on-site so that it meets local housing need and contributes to the creation of mixed communities. The level of the payment required will be based on the following factors:

- the number, mix, size, type, standard, tenure and housing costs of the units which would have been required to be provided on the Development;
- the average open market values of the required mix of units in the same settlement as the proposed Development;

- the level of subsidy required (difference between the open market values of the units required and the size of mortgage which can be funded by the anticipated income flow a housing association can expect to receive from the required units);
- any additional costs incurred by a housing association with regard to the acquisition of the required units.

The sum will take into account the full benefit the applicant gains through using 100% of the site for market housing compared with 65% when on-site affordable housing is provided (see 'Gearing Up' below) and will be linked to Index Numbers of Produces Prices, Quarterly Construction Output Price Index in the monthly Digest of Statistics. The affordable dwellings identified in the calculation of the commuted sum must be capable of being secured prior to the on site market development (or the appropriate proportion) being complete.

Gearing Up

- 3.16 Off-site provision of, or in-lieu financial contributions to, affordable housing will be 'geared' to reflect the benefit the developer gains through using 100% of the site for market housing and to ensure the affordable housing contribution is of the equivalent value to that which would have been provided on-site.

The formula to be applied in these circumstances is:

Affordable Housing Dwellings = $35/65 \times M$ where M equals the open market housing

For example where a development site has the capacity to provide 100 open market dwellings the requirement would be $35/65 \times 100 = 54$ units. Out of the total of 154 units, 54 will be affordable. $54/154 = 35\%$.

Layout

- 3.17 To achieve mixed, inclusive and sustainable communities affordable housing should:
- be provided in more than one single parcel except in schemes of under 15 units in total in small rural Defined Settlements where affordable housing is triggered in sites of 5 or more dwellings;
 - on sites incorporating 30 or more residential units be provided in groups of no more than 15% of the total number of units being provided or 25 affordable units, whichever is the lesser.
- 3.18 Schemes should be designed to maximise tenure integration within the affordable housing component on whole sites of affordable housing and market led sites, as well as between affordable and market housing. On flatted schemes separate single tenure blocks will not be acceptable unless exceptional circumstances are demonstrated to apply, which will only include matters relating to management or maintenance where affordable units are

arranged around stairwells within blocks of flats that include a range of tenures and the affordable housing units have the same external appearance and entrance arrangements as the private housing.

- 3.19 If the Borough Council accepts that there are legitimate concerns relating to management or maintenance which prevents pepper-potting in strict accordance with this guidance the Borough Council will expect the Provider to be given an option to opt out of any management arrangements and costs associated with the remainder of the site.
- 3.20 Plans submitted to the Borough Council for planning consideration should clearly show the position of all affordable units within the development. The affordable housing provision should not be disproportionately concentrated above any non-residential uses. Developments that locate the affordable housing in the poorest or more undesirable parts of a site will be resisted.

Seamless Integration

- 3.21 The affordable housing provision should proportionately reflect the mix of market units in terms of the size of the dwellings and the proportion of flats and houses. The Borough Council will have regard to the latest assessment of local market conditions and housing need and shortages relative to supply in determining the optimum affordable housing mix by size and type.
- 3.22 All affordable housing units must achieve the Housing Corporation's core Design and Quality Standards. The Borough Council expects the costs of these standards and any other measures required to make affordable elements of a scheme achieve seamlessness, to be reflected in the overall financial appraisal and in negotiations from the start of the land acquisition and development process. A developer will be expected to meet any additional costs involved in ensuring affordable housing achieves seamlessness.

Rural Affordable Housing

- 3.23 Policy DC31 requires that in new developments of 5 or more dwellings in small rural Defined Settlements provision is made for 35% of the total number of dwellings to be in the form of affordable housing.
- 3.24 In the circumstances described in Policy DC32 small affordable housing developments to meet local need will be permitted within or adjoining small rural Defined Settlements on sites which would not otherwise be released for housing. The Borough Council may allocate sites beyond the Green Belt that are adjacent to small rural Defined Settlements, or exceptionally within small rural Defined Settlement boundaries, for 100% affordable housing for local needs if they comply with the provisions of Policy CP15. For the application of Policies DC31 and DC32, small rural settlements are those Defined Settlements that are designated for enfranchisement and right to acquire purposes (under Section 17 of the Housing Act 1996) by Statutory Instrument 1997 No. 623. The relevant settlements are listed in Appendix 7.

- 3.25 The Borough Council expects local housing need surveys conducted at a parish-wide level that provide information on the number of households that are currently and likely to be in housing need in the next five years, their incomes, the type (size and cost) of accommodation required to meet their housing need and the type of local connection that the households identified to be in housing need have with the Parish to support all rural affordable housing proposals under Policy DC32. The Rural Community Council of Essex (RCCE) employs a Rural Housing Enabler to advise and assist Parish Councils and rural communities on conducting effective local housing need surveys. The Borough Council expects all applicants proposing affordable rural housing schemes to work in partnership with the Rural Housing Enabler and Parish Councils to identify the local housing need in rural areas.
- 3.26 The Borough Council keeps a register of all households who have applied for affordable housing and holds information on the number of existing affordable homes and number of vacancies that have occurred in a location. Where a local housing need survey has identified a requirement for affordable housing in a rural area this information can be used to supplement the survey findings.
- 3.27 At pre-application discussions the Borough Council will require applicants to provide an analysis of the size, type and tenure of accommodation required to meet the identified need based on the types of local connection that households in housing need have with a Parish. The Borough Council will expect the analysis to identify households currently in housing need and households that expect to be in housing in the next five years. Applicants will also be required to provide information on the survey response rate, details of the affordable housing provider that will supply the housing, the mechanisms that will ensure the proposed accommodation will continue to be available to local households in perpetuity, the proposed method for prioritising and allocating the accommodation, as well as demonstrate that the households surveyed cannot access market housing in the Parish in which the scheme is proposed.
- 3.28 If a survey of local housing need supporting an application under Policy DC32 has been conducted more than two years prior to a planning application being submitted the Borough Council will require the housing need and affordability data to be updated to ensure the continued suitability of the proposed housing to meet local needs. Any local housing need survey which has been conducted more than five years prior to a planning application being submitted will not be considered adequate to support a development proposal under Policy DC32. To ensure future occupancy from within the Parish-wide survey area, applicants should plan to meet, in aggregate, no more than 50% of the identified local housing need in the survey area.
- 3.29 Parish Councils or individuals seeking to investigate the possibility of affordable rural housing schemes are encouraged to contact the Borough Council at the earliest opportunity to determine whether or not their proposal is required and suitable.
- 3.30 The key provisions that must be addressed in a legal agreement relating to Policy DC32 are summarised in Appendix 8.

Specialist Provision

- 3.31 The Borough Council recognises that there are certain types of residential accommodation which cater for sectors of the community with specific needs. These are often related to more vulnerable members of society, or those who would benefit from a higher level of on-site support. A person's income and access to capital enables or limits choices and is therefore a key consideration of any specialist-housing proposal. Specialist housing provision will not be considered as part of any affordable housing contribution except to the extent that the accommodation is subject to restrictions on occupation and price that ensure affordability and availability that make an effective contribution to meet identified local housing need for that type of accommodation which cannot be met on the open market. Each scheme will be considered on its own merits to decide on the appropriate form of restriction.

Section 4 The Delivery Process

Development Control Process

- 4.1 The early identification of the requirement to provide affordable housing will facilitate both a quality scheme and speed of decision making. The physical design implications of layout criteria, seamless design and internal space requirements all need to be factored into the formulation of development proposals at the earliest possible stage. These issues and potential 'heads of terms' will be raised at any pre-application discussions. Where a planning application is submitted in outline, the planning obligation will be framed in such a way as to secure the full scope of terms being carried through into the detailed application.

Chelmsford's Approach to Planning Contributions

- 4.2 Contributions required for affordable housing are not included in the Standard Charges based approach and will continue to be a negotiated element of the planning obligation.
- 4.3 The Borough Council will require a planning obligation where the proposal or site can contribute to the supply of affordable housing in the Borough. The planning obligation (by way of a Section 106 agreement under current legislation) will cover the precise scale and scope of the form, delivery and management of the affordable housing in relation to the specific circumstances of the development. The Borough Council will usually draw up the Section 106 agreement and any related nomination agreement and the Borough Council's legal costs related to these will be payable by the Developer on an indemnity basis on completion of the Section 106 agreement. The Borough Council does not consider that the scale and scope of the form, delivery and management of affordable housing could be adequately secured via a Section 106 unilateral undertaking.

Summary of Planning Obligations Scope

- 4.4 A model legal agreement and nomination agreements used by the Borough Council are available on request. In general terms, the planning obligations will be expected to include:
- mechanisms securing the dwellings are used solely and exclusively for affordable provision in perpetuity;
 - the number, size, tenure, cost, siting and standard of the affordable housing;
 - the phasing of the development;
 - eligibility and allocation restrictions on occupancy or disposal to meet local housing need;
 - occupancy restrictions on market housing until disposal to an affordable housing provider takes place;
 - controls on the recycling of disposal proceeds within the Borough of Chelmsford;
 - compliance with public subsidy funding conditions when public subsidy support is required;

- mortgagee protection necessary for the proper and reasonable recovery of costs by a mortgagee in possession;
- maintenance and management of dwellings, car parking provision and access to / the use of private amenity space;
- the ancillary terms of disposal including warranties, defects liability and finishes as normally required by providers of affordable housing.

Strategic Housing Partners

- 4.5 The Borough Council encourages applicants to meet their affordable housing obligations by forming partnerships with Housing Associations that are signatories of the Borough Council's Strategic Housing Partnership Agreement. These Housing Associations have existing local infrastructure, such as housing management, have established levels of service and unit allocation arrangements, work within an agreed framework and share the Borough Council's vision about how we will meet the housing needs of local people.
- 4.6 Housing Associations are not the only affordable housing providers. Other providers can include house builders and developers. The Borough Council expects all affordable housing providers to work in partnership with the Strategic Housing Service to identify ways in which they can assist the Borough Council to ensure the performance targets and standards identified in the Strategic Housing Partnership Agreement are achieved.
- 4.7 The requirements and delivery framework set out in this Supplementary Planning Document will apply equally to all affordable housing providers.

Section 5 Viability

How is Development Viability Assessed?

- 5.1 In August 2007 the Borough Council commissioned consultants Three Dragons to conduct an analysis of the impact of Planning Contributions, including affordable housing, on the viability of development in the Borough. A range of planning contributions were modelled on six development scenarios to determine whether the contributions sought produce a land value that exceeds the value of the site remaining in its existing use and the residual value of any other development that is likely to come forward for development. The analysis assumed no public subsidy support for affordable housing would be available.
- 5.2 The results of the residual development appraisal approach demonstrated that in principle a 35% affordable housing policy consisting of 25% of the total residential units as social rented provision, combined with the Standard Charges approach, should not make development unviable.
- 5.3 To depart from the expectation of a 35% affordable housing contribution whereby 23.45% of the total number of dwellings within the development are social rented, an applicant should demonstrate to the Borough Council's satisfaction that:
- existing physical constraints on the site, in addition to the 35% requirement, will result in extraordinary costs;
 - the development could not reasonably be expected to bear the identified extraordinary costs;
 - their proposal meets the Borough Council's other spatial and planning policy objectives identified within the Local Development Framework.
- 5.4 Applicants are encouraged to consult with the Local Planning Authority at an early stage to consider how the impact of any such constraints on the deliverability of affordable housing can be reduced. Appendix 9 provides details of the information required, process to be followed and analytical mechanisms to be employed by the Borough Council when scheme specific appraisals are conducted.

Section 6 Monitoring

- 6.1 The Borough Council will assess whether the affordable housing secured through the planning system is successful in meeting its strategic objectives by monitoring the information set out in Appendix 10.
- 6.2 This information will be reviewed on an annual basis and be published at the start of the financial year. Should the monitoring indicate the Borough Council is not meeting its strategic objectives the annual review will set out what actions are required to achieve these.
- 6.3 Borough-wide information regarding new affordable housing provision (from all sources) delivered in the Borough each year is collated at practical completion stage on a plot by plot basis. This information includes the number, tenure, size, standard and type of accommodation provided on sites of different development sizes. The information reports whether or not public support has been provided. This information is reviewed and published through the Strategic Housing Partnership Agreement and the Annual Monitoring Report

Appendix I

Adopted Core Strategy and Development Control Policies

POLICY CP15 – MEETING THE HOUSING NEEDS OF OUR COMMUNITIES

The Borough Council will require a mix of dwelling types, sizes and accommodation, to accommodate a balance of different household types and lifestyle choices to contribute to the creation of mixed and inclusive communities.

In new residential development the Borough Council will expect a proportion of homes to be affordable on threshold sites and may allocate rural 'exception' sites adjacent to Defined Settlements for 100% affordable housing for local needs providing they comply with the criteria set out in Policies DC31 and DC32. In exceptional circumstances, sites for 100% affordable housing may also be allocated within Defined Settlement boundaries.

In reaching its decisions on development proposals, the Borough Council will also take into account the latest assessment of local housing market conditions and housing needs, the nature, character and context of the site and any specific requirements of the proposal.

Specific site allocations will be made to meet the identified housing and accommodation needs of the elderly and Gypsies and Travellers.

The relevant Development Control policies set out the thresholds and percentages for affordable housing and the criteria for sites for housing and accommodation for the elderly and Gypsies and Travellers.

POLICY DC31 - THE PROVISION OF AFFORDABLE HOUSING

The Borough Council will require the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential development on sites which:

- have a capacity of 15 or more dwellings; or
- comprise an area of 0.5 ha or larger; or
- lie within a small rural Defined Settlement and have a capacity for 5 or more dwellings

Where a site falls under the site/size threshold, the Borough Council will take into consideration the existence of other sites which are adjacent to and which have or are likely to come forward for residential development within the life of the Development Plan Document in order to ensure that the effect of the proposal would not result in the development of allocated or windfall sites in a piecemeal or uncoordinated manner. In such circumstances the Borough Council will aggregate such developments for the purpose of calculating the affordable housing provision. Proposals that would under-develop sites in order to avoid making the affordable housing contribution will be refused planning permission.

Additionally in the rural areas where justified by the local housing need the development of affordable housing will be allowed on `exception` sites. These will either be allocated in the Site Allocations DPD and/or North Chelmsford or may come forward as windfall sites which may be permitted subject to the criteria set out in Policy DC32.

In considering the suitability of affordable housing the Borough Council will require that:

- i) the mix, size, type and tenure of affordable homes will meet the identified housing need of the Borough as established by Housing Needs Surveys and assessments (as updated from time to time) and be appropriately weighted to ensure that the provision makes at least a proportionate contribution to the categories of greatest housing need; and
- ii) the affordable housing shall comprise an appropriate mix of social rented and intermediate housing consistent with the objectives of criterion i); and
- iii) the affordable housing is integrated into residential layouts so as to avoid the over concentration of affordable housing in any particular location within the development site and in order to achieve seamless design; and
- iv) developers and owners enter into planning obligations in order to provide the affordable housing and to ensure its availability for initial and successive occupiers.

The 35% requirement may only be reduced where it is demonstrated that existing physical constraints on the site, in addition to the 35% requirement, will result in extraordinary costs which the development could not reasonably be expected to bear.

POLICY DC32 - RURAL HOUSING NEED

Planning permission may be granted for affordable housing on small sites within or adjoining small rural Defined Settlements, which would not otherwise be released for housing, in order to meet local rural housing need, where:

- i) the Borough Council is satisfied that there is a clearly evidenced local need, which cannot be readily met elsewhere, for the number and type of housing proposed; and
- ii) the site is accessible to a range of local services, such as shops, primary schools, healthcare and public transport; and
- iii) the site does not fall within an area defined as a Green Wedge on the Proposals Map and is not subject to any other over-riding environmental or other planning constraint; and
- iv) appropriate legal agreements are entered into with the Local Planning Authority to ensure that all dwellings will remain available as affordable housing, and exclusively for local need, in perpetuity and that the necessary management of the scheme can be permanently secured. Details will be needed of the legal mechanism proposed to achieve these requirements.

Appendix 2

Evidence Base

Housing Needs Survey

The Borough Council commissioned Fordham Research to undertake an update of the 2002 Housing Needs Survey in 2004 to take account of changes in house prices and rents, changes in supply and re-base figures taking into account census and Housing Investment Programme information. Methodological changes were applied to reflect revised Government guidance on how to conduct local housing needs assessments and to arrive at a minimum estimate of the requirement for additional affordable housing to meet housing need.

The 2004 Housing Needs Survey Update identified a total gross annual affordable housing need amounting to 1,268 households. It estimated an annual supply of affordable housing of 484 units per annum, which resulted in a minimum estimate shortfall of 784 affordable units per annum.

Survey data was modelled in the 2004 update to enable further analysis of how much of the shortfall could be met by intermediate housing, available at outgoings between social rents and the minimum cost of market housing. Results of the analysis indicated 33.3% of those in need could afford intermediate housing.

Strategic Housing Market Assessment

In January 2007 the Borough Council commissioned Fordham Research to conduct a Strategic Housing Market Assessment (SHMA) in conjunction with Braintree District Council and Colchester Borough Council.

This project was carried out under the supervision of a Housing Market Partnership comprising a representative of the Home Builders Federation, a registered social landlord and housing and planning officers from all three councils. In addition, over 200 other stakeholders including estate agents, house builders, universities, Essex County Council, financial service providers, registered social landlords and all neighbouring and sub-regional local authorities were invited to participate in the project. The SHMA was signed off by the Housing Market Partnership on 14 April 2008.

SHMA's have a number of core outputs, including:

- estimate of current number of households in housing need;
- estimates of the size of affordable housing required;
- estimates of household groups who have particular housing requirements e.g. families, older people, key workers, black and minority ethnic groups, disabled people, young people.

These outputs are necessary to meet the requirements of paragraph 22 of PPS3, which include:

- the likely overall proportions of households that require market or affordable housing, for example, x% market housing and y% affordable housing;
- the size and type of affordable housing required.

The SHMA undertaken by Fordham Research in 2008 produced two different estimates of housing need using the Communities and Local Government Needs Assessment Model and a Balanced Housing Market approach.

Community and Local Government Model

The Communities and Local Government Needs Assessment Model produces a number for the annual amount of extra affordable housing required which assumes, after a period of time, that there is no further need for affordable housing in an area. It examines the number of households currently in need and those projected to fall into housing need in future along with the projected affordable housing supply to estimate the total requirements for additional affordable housing to meet housing need. The assessment identified a total gross annual affordable housing need for 1,842 households. The estimated total gross annual supply of affordable housing was 976 dwellings, producing a net annual need of 866 units.

As with the 2004 survey the assessment examined the number of households in need that could afford intermediate housing, available at prices and rents above those of social rents but below market prices or rents. The results showed that of the total gross need for affordable housing (1,842 households per annum) only 321 households (17%) can afford intermediate housing.

The vast majority of affordable housing supply comes from the social rented sector. Fordham's estimated the total gross annual need for social rented accommodation equals 1,521 households and the total gross annual supply of social rented accommodation is 940 dwellings, producing a total net annual need for 581 (67%) social rented dwellings.

As noted above the total gross annual need for intermediate housing was estimated to be 321 households, however the total gross annual supply of intermediate accommodation was assessed to be 36 units per annum, significantly less than that of the supply of social rented housing. Consequently, the total net annual need for intermediate accommodation was estimated to be 285 (33%) dwellings.

The analysis indicates a shortfall for all accommodation sizes with the greatest net need for one bedroom accommodation. However, despite a lower level of total need, the assessment estimates that the shortage relative to supply is greatest for four bedroom properties where only 25% of the need can be met.

Balanced Housing Market Model

The Balanced Housing Market Approach produces estimates for all tenures and sizes of dwellings required based on future expected moves and a sample survey of information.

The Balanced Housing Market approach estimates a total net demand for 861 units per annum (of all tenures). The model estimates a total net annual demand for 466 (54%) market and 395 (46%) affordable dwellings.

The findings suggest 238 (60%) of the net demand could be for social rented units and 157 (40%) of the net demand could be for intermediate housing. The Balanced Housing Market assessment estimates that 72% of those in intermediate need can only afford costs below 80% of the market entry threshold to rent.

Housing for Key Workers

A 2004 Key Worker Housing Study found recruitment and retention problems in both the public and private sector was low in Chelmsford and housing costs generally were not thought to be a barrier. A 2005 update of this research reached the same conclusion.

The 2008 Strategic Housing Market Assessment reviewed the characteristics of the Government defined categories of key workers. It estimated the majority (83%) of key worker households are currently living in owner occupied accommodation and the majority of key workers that are likely to move during the next two years are seeking to buy a home of their own (77%).

Because there is currently no information to suggest affordable housing units should be prioritised for key workers, the overall definition of affordable housing relates to affordability not to the employment status or function of individual household members. This position will be kept under review.

Appendix 3

Intermediate 'Sale' Dwellings

Appropriate legal covenants will be required to ensure that any new build intermediate sale units remain affordable in perpetuity. The ability to staircase on any new build intermediate sale units should therefore be restricted to an appropriate level of not more than 80%. Where there is the ability to staircase up to 100% then subject to any legal restriction and essential mortgagee protection the Borough Council will expect a resale covenant in a form approved and enforceable by the Borough Council as well as the provider requiring a residential purchaser not to dispose of the equity at a price greater than a limit (to be negotiated in each case but not more than 80% of the open market value or the price if higher at which the seller acquired their interest), and with priority nominations to persons with local housing need for a period in priority to any other person. The period will be not less than 3 months taking account of published advice of the Council of Mortgage Lenders.

The resale covenant acts as on-going limit on the sale price as it restricts the value of the property to 80% of the current open market value when a purchaser acquires 80% of the equity. This approach is justified given the 35% affordable housing policy will not meet the identified housing need in the Borough.

In addition, the Borough Council will expect the rent on the unowned equity to not exceed 2.75%, rising by not more than Retail Price Index plus ½% per annum.

Appendix 4

Schedule of Housing Costs

Comparative housing costs by tenure (per week)				
	Tenure			
	Social Rent	Private Rent	Owner-occupation	New Build
1 Bedroom	£65	£129	£154	£190
2 Bedrooms	£73	£150	£195	£225
3 Bedrooms	£86	£185	£260	£303
4 Bedrooms	£97	£277	£356	£400

Source- Chelmsford SHMA 2008

Appendix 5

Intermediate Housing Costs

	1 Bed Social Rent	Minimum Market	2 Bed Social Rent	Minimum Market
Weekly Housing Cost	£65	£129	£73	£150
Annual Gross Household Income	£13,520	£26,832	£15,184	£31,200

	3 Bed Social Rent	Minimum Market	4 Bed Social Rent	Minimum Market
Weekly Housing Cost	£86	£185	£97	£277
Annual Gross Household Income	£17,888	£38,480	£20,176	£57,616

The gross salary ranges above have been calculated using the Strategic Housing Market Assessment Practice Guidance advice that not more than 25% of gross household income is spent on housing costs. Where service charges apply, these will be considered housing costs for the purposes of Appendices 5 and 6.

Source- Chelmsford SHMA 2008

Appendix 6

Affordable Housing Costs – Affordability Assessment

Social Rent Component

Scheme:

Property Type:

Rental Element	
Plot No	Monthly Rental Cost
	£
Service Charge Element	
Plot No	Monthly Service Charge
	£
Plot No	Total Monthly Housing Costs (Inc. rent and service charge)
	£

Intermediate Housing Component

Scheme:

Property Type:

Purchase Element						
Unit No	OMV	% Purchased	Mortgage Amount	Mortgage Type & Term	Interest Rate Assumed	Monthly Mortgage Cost

Rental Element						
Unit No	OMV	% Rented	Value Rent Payable on	% of Value Charged as Rent	Annual Rent	Monthly Rental Cost

Service Charge Element	
Unit No	Monthly Service Charge
	£

Unit No	Total Monthly Housing Costs (Inc. mortgage, rent and service charge)	£
	On purchase of XX% share of xxx bedroom xx	

Unit No	Gross Annual Income Required to Purchase (Assuming 25% of income spent on housing costs)	£
	On purchase of XX% share of xxx bedroom xx	

The Borough Council will check that the assumed mortgage rate and term in Appendix 6 reflect products currently available for the type of product being provided and it will have regard to the Council of Mortgage Lenders mortgage calculator to determine the mortgage elements of the housing costs on intermediate sale products. Where service charges apply, these will be considered relevant housing costs for the purposes of Appendices 5 and 6.

Appendix 7

Small Rural Defined Settlements

The following villages are defined as Small Rural Defined Settlements as they are either existing or proposed Defined Settlements (as defined by the Core Strategy and Development Control Policies DPD) and they are designated for enfranchisement and right to acquire purposes (under Section 17 of the Housing Act 1996) by Statutory Instrument 1997 No. 623.

Bicknacre
East Hanningfield
Good Easter
Great Leighs
Great Waltham
Highwood
Little Baddow
Little Waltham
Margaretting
Rettendon
Roxwell
Sandon
South Hanningfield
Stock
West Hanningfield
Woodham Ferrers

Appendix 8

Key Provisions – Affordable Rural Housing Legal Agreements

Any application for rural affordable housing in accordance with Policy DC32 will need to be accompanied by details of the legal covenants and the management and financial arrangements which are proposed to ensure that:

- the housing is provided initially within a reasonable timescale and will continue to be available in perpetuity to meet the identified local need, including the controls on allocation, subsequent disposal and buy-back provisions (which will be expected to apply in the event of the exercise of a mortgagee's power of sale);
- the dwellings are subject to controls on tenure and occupancy which ensure that they do not become general market housing;
- the initial and subsequent disposal of any dwelling is subject to a defined priority allocation regime which meets the identified local need as identified in the statement supporting the planning application on each disposal in perpetuity;
- the housing is vested in a Registered Social Landlord or other body that is subject to equivalent effective restrictions (to be specified) for the protection of the housing assets and their on-going management;
- the housing is provided within a defined timescale and that the applicant and manager (if not an RSL) has and will continue to have access to the financial and housing management resources required on an on-going basis.

Any arrangement for the provision of third party finance will need to take due account of these constraints.

Appendix 9

Development Control and Appraisal Toolkit

Content and application

The Borough Council has worked with six other Local Authorities from the London Commuter Belt to develop a Development Control and Appraisal Toolkit. A similar model has been used by the London Boroughs for several years.

The toolkit provides the Borough Council with a means of assessing the economics of residential development. It allows the Borough Council to test the economic implications of different types and amounts of planning contributions, including the amount and mix of affordable housing. It uses a residual development appraisal approach, which is the industry accepted approach in valuation practice. The toolkit compares the potential revenue from a site with the potential costs of development before a payment for land is made.

Where a scheme specific appraisal is to be carried out key variables, including density, dwellings mix, housing prices and build costs will normally need to be specified at some level of detail and supported by independent expert advice. The Borough Council may choose to accept this evidence or may wish to utilise the default data that is included within the toolkit and which is user defined at a local authority or more refined level.

As the appraisal results are expressed as a residual site value under the toolkit approach, where applicants submit appraisals showing 'land cost' as development costs, these cannot be included as part of the toolkit appraisal. The toolkit appraisal will calculate the difference between revenues and non-land related costs.

In order to determine the viability of a scheme, the applicant will normally be expected to provide the following data:

- selling prices for market housing supported by an independent chartered surveyor's report of expected selling prices, setting out scheme comparables used;
- estimates of affordable housing values for each of the affordable tenures proposed;
- any other potential revenues to the scheme, including grant, ground rents and cross contributions from any commercial element;
- quantity surveyor's estimates of build costs. The information should include sub and super structure and any external works based on a square metre net as well as gross internal area basis;
- professional fees expressed as a percentage of build costs;
- the profit margin on market value or build cost;
- finance costs;
- marketing and legal fees;
- details of any contractor return if the scheme is contracted out;
- abnormal or extraordinary costs (if submitted these must be substantiated by a specialist's report)
- any other evidenced costs an applicant believes is relevant;

- the anticipated build period, including any projected selling prices, projected development costs for the period of the build and a statement regarding whether or not the applicant has anticipated that the planning contributions will be front loaded in their scheme appraisal;
- details of how the development will be procured e.g. is the scheme being developed by a company that has its own building arm or will it be developed on a Design and Build Basis;
- details of how the affordable housing is being procured;
- site value in its existing use as evidenced by a valuer's report.

The information must clearly indicate what costs were unforeseen and unexpected and why they were not identified in the development appraisal / valuation undertaken prior to site acquisition.

If an applicant claims that the existing physical constraints on the site will result in abnormal or extraordinary costs s/he should explain why these are unusual in relation to similar sites in the area and provide evidence as to the extent and scope of the costs. Costs claimed as abnormal or extraordinary costs will not be considered real costs unless evidenced by an independent expert. The Borough Council may wish to have these costs further verified.

Contingency costs will not be considered valid costs in most instances where their potential effect is to reduce the planning contributions package.

Interpreting the appraisal results

Where the planning contributions package is a matter of dispute, applicants will be expected to provide evidence of existing or alternative use value. Alternative use value is the value of an alternative planning permission for the site where this has been granted or might realistically be granted.

The Borough Council will normally consider the history of the site, in terms of the level of developer interest in the site, as well as the different circumstances by which the land is being brought forward for residential development in order to determine whether or not a variation to the planning contributions package is justified and will bring the site forward for development.

The toolkit is intended to be used in an iterative fashion by the Borough Council if it accepts the development viability of a scheme is jeopardised by the planning contributions package being sought. The toolkit enables the Borough Council to go back to the applicant and suggest different ways in which the development can be made to work, for example, via alternations to the mix and density of development. It is therefore important that applicants approach the Borough Council at the earliest opportunity if there are potential problems in meeting the planning contributions package to ensure abortive work is avoided or minimised.

Cascade mechanism

If the Borough Council is satisfied that it is necessary to review the range and nature of the affordable housing obligation within the overall planning contributions framework, the Borough Council will consider the inclusion of a cascade mechanism in the Section 106 agreement for the development that achieves the policy requirement should public subsidy support be available at a specified level and may allow units that would have been affordable to become market housing if the required public subsidy is not forthcoming.

In determining the level of public subsidy required to support specified levels and mixes of affordable housing the Borough Council will have regard to the scheme specific appraisal information and the latest funding advice from the Housing Corporation (or a Government Body performing a similar role). In these instances the level of the developer contribution must be considered to represent an appropriate response to the site economics and the requirement for public subsidy support will be considered in terms of the value of the developer contribution, as reflected in terms of the proportion of the reduced unforeseen and unexpected development costs. Public subsidy will not be a substitute for the land owner contribution.

The cascade agreement will allow for the affordable housing outputs to be increased or changed if additional public subsidy, that is public subsidy above a level required to achieve the policy requirements, becomes available and / or the scheme profitability on large phased sites increases at the time of commencement above the level in the scheme appraisal.

Appendix 10

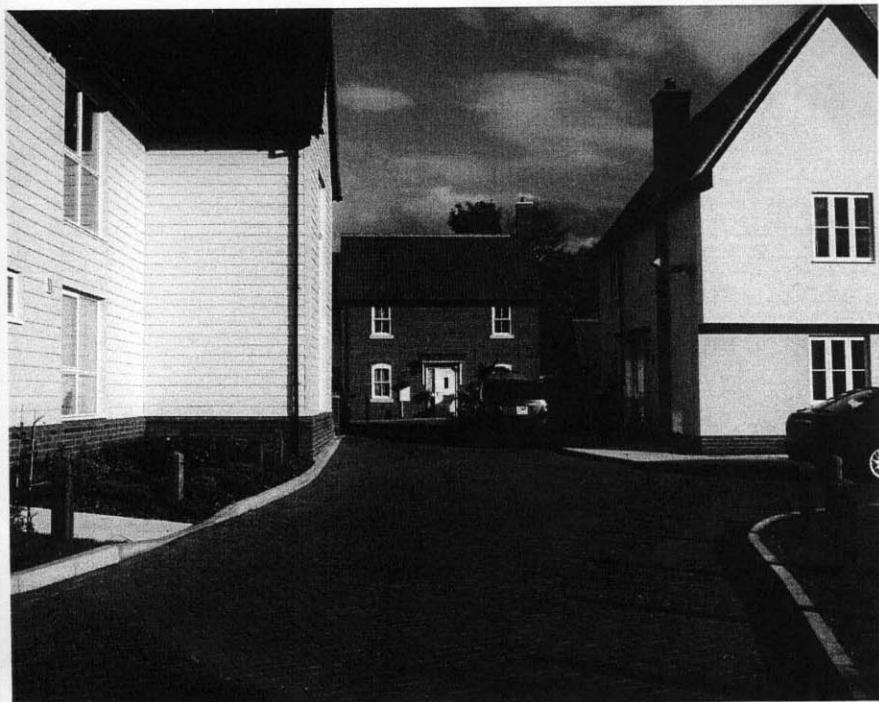
Affordable Housing SPD monitoring topics	Key Value	Strategic Objective	Core Policy	Development Control Policy
Number of affordable dwellings that achieve planning permission as a proportion of the total number of residential dwellings that achieve planning permission on sites that have a capacity for 15 or more units or comprise an area of 0.5 hectare or larger on a Borough-wide basis	Balanced Communities	BC1 BC2	CP15 CP16	DC31 DC32
Number of social rented dwellings that achieve planning permission on qualifying sites as a proportion of the total number of dwellings that achieve planning permission on sites that have a capacity for 15 or more units or comprise an area of 0.5 hectare or larger on a Borough-wide basis	Balanced Communities	BC1 BC2	CP15 CP16	DC31 DC32
Number of intermediate dwellings that achieve planning permission on qualifying sites as a proportion of the total number of dwellings that achieve planning permission on sites that have a capacity for 15 or more units or comprise an area of 0.5 hectare or larger on a Borough-wide basis	Balanced Communities	BC1 BC2	CP15 CP16	DC31 DC32
Number of planning applications that achieve planning permission for residential dwellings incorporating 30 or more units where the affordable housing is provided in groupings of not more than 15% of the total number of units being provided or 25 affordable units as a proportion of the total number of planning applications that achieve planning permission for residential dwellings incorporating 30 or more units.	Balanced Communities Quality of Life	BC1 BC2 QL4	CP15 CP16 CP17	DC31
Number of affordable dwellings that achieve planning permission as a proportion of the total number of residential dwellings that achieve planning permission on sites that lie within small rural Defined Settlement and have a capacity for 5 or more dwellings.	Balanced Communities	BC1 BC2	CP15 CP16	DC31 DC32

Number of social rented dwellings that achieve planning permission on qualifying sites as a proportion of the total number of dwellings that achieve planning permission on sites that lie within small rural Defined Settlement and have a capacity for 5 or more dwellings.	Balanced Communities	BC1 BC2	CPI5 CPI6	DC31 DC32
Number of intermediate dwellings that achieve planning permission on qualifying sites as a proportion of the total number of dwellings that achieve planning permission on sites lie within small rural Defined Settlement and have a capacity for 5 or more dwellings.	Balanced Communities	BC1 BC2	CPI5 CPI6	DC31 DC32
Number of affordable dwellings that achieve planning permission on sites adjoining defined settlements in rural areas on a Borough-wide basis	Balanced Communities	BC1 BC2	CPI5 CPI6	DC32
Number of affordable dwellings that achieve planning permission on sites allocated for affordable housing in rural areas on a Borough-wide basis	Balanced Communities	BC1 BC2	CPI5 CPI6	DC32
Number of affordable dwellings that are secured through commuted sums as a proportion of the number of units required in the calculation of commuted sums on a Borough-wide basis	Balanced Communities	BC1 BC2	CPI5 CPI6	DC32

**2 no 3 x
Bedroom
Houses at
Fosters
Close**



**2 x Bedroom
House at
Fosters
Close**



Scheme	Fosters Close, Stock.	
Background	<p>In April 2003 the Rural Housing Trust worked with Stock Parish Council to conduct a local housing needs survey. 28 households identified themselves to be in housing need.</p> <p>The Rural Housing Trust submitted a planning application to provide 10 affordable housing dwellings on the edge of the village under policy HO3 of the Local Plan (exception site policy) in December 2006.</p> <p>The units achieved practical completion in July 2008.</p>	
Location	<p>Stock is a small village with a population of 898 households.</p> <p>The site is located on the edge of the defined settlement boundary and is accessible to a range of local services, such as pre-school, primary school, post office, shops, doctors surgery, hair dresser, café, public houses, library, sports facilities, playground and churches.</p>	
Type	<p>Rent</p> <p>4 x 2 Bed Flats</p> <p>1 x 2 Bed House</p> <p>2 x 3 Bed House</p>	<p>Shared Ownership</p> <p>1 x 2 Bed Flat</p> <p>2 x 3 Bed House</p>
Standard	<p>All units achieved Ecohomes 'Good' rating and 'essential' Scheme Development Standards.</p>	
Subsidy	<p>£640,000 National Affordable Housing Programme (2006 – 08)</p>	
Flats at Fosters Close	