

# Affordable Housing Scheme (AHS) Template

## Private developer

### 1. Introduction

1.1 This Affordable Housing Scheme (AHS) is submitted in support of the outline planning application for discharge of condition 27 attached to P/2017/0574 at land at Gate Farm, Criggion Lane, Trewern. This scheme has been prepared by Gerallt Davies on 2<sup>nd</sup> November 2021.

### 2. Definitions

2.1 For the purpose of this AHS, the following definitions have the following meanings:

“Acceptable Cost Guidance” means the latest figure provided in the appropriate community band in the Acceptable Cost Guidance produced by the Welsh Government, or in the event that the Welsh Government ceases to provide such figures such other guidance as the Council shall reasonably specify.

“Affordable Housing” means:

- i) Housing for sale where the sale price does not exceed the Maximum Price; OR
- ii) Housing for rent where the rent level does not exceed the Maximum Rent.

(see Section 4 of the Affordable Housing SPG for details of affordable housing definitions).

“Affordable Housing Land” means the Land being the land upon which the Affordable Housing Unit(s) is/are to be built.

“Affordable Housing Unit(s)” means the unit(s) of Affordable Housing to be constructed on the Land pursuant to the Planning Permission.

“Applicant” means the person(s) named on the application form for the discharge or variation of condition or for the full planning application.

“Approved Mortgagee” means a member of BACS limited or CHAPS Clearing Company Ltd or a Building Society incorporated under the Building Societies Act 1986 or a mortgagee approved in writing by the council of mortgage lenders or such other mortgagee as may be approved in writing by the Council.

“Benchmark Rent Level”	means the benchmark rent published annually by the Welsh Government, or in the event that the Welsh Government ceases to provide such figures, such other guidance as the Council shall reasonably specify.
“Brecknockshire”	refers to the area of former Brecknockshire District Council.
“the Cascade Provisions”	means the provisions made for all Occupiers of the Affordable Housing Unit(s) to be selected in accordance with the following priorities and in the following order: <ul style="list-style-type: none"> <li>i) Firstly, a Qualifying Person.</li> <li>ii) Secondly, a person who would be a Qualifying Person if the definition of Qualifying Person were amended so that “the former district council area of Montgomeryshire was substituted for Local Community;</li> <li>iii) Thirdly, a person who would be a Qualifying person if the definition of Qualifying person were amended so that the “County of Powys” was substituted for “Local Community”;</li> <li>iv) Fourthly, a person who would be a Qualifying Person if the definition of Qualifying Person were amended so that “a local authority area immediately adjoining Powys (including adjoining local authority areas not in Wales)” was substituted for “Local Community”.</li> </ul>
“the Council”	means Powys County Council of County Hall, Llandrindod Wells LD1 5LG or any successor authority.
“Development”	means the development authorised by the Planning Permission.
“Indicative Rent”	means the indicative rent, also known as Local Housing Allowance published by the Welsh Government for the determinations of housing benefit.
“Land”	means that Affordable Housing Land on which the Affordable Housing Unit(s) are to be built and shown edged blue on the Plan.
“Local Community”	means the Town or Community Council area of Trewern and the Town or Community Council areas immediately adjoining the same (including adjoining Parish areas in England).
“Maximum Price”	means whichever of the following produces the highest sum:

The affordability level, which is the sum calculated as the average level affordable to those on local incomes in Powys, namely £126,676;

OR

72% of the Open Market Value.

OR

otherwise an updated percentage discount as set by the Council based on the affordability level as calculated on the date that the sale of the property is agreed.

- “Maximum Rent” means 80% of the prevailing Powys average Open Market Rental Level and not exceeding the full Benchmark Rent Level or Indicative Rent (Local Housing Allowance) or such other rent level as the Council shall reasonably specify in the event that the Welsh Government fails or ceases to publish both the Benchmark Rent Level or the Indicative Rent.
- “Montgomeryshire” refers to the area of former Montgomeryshire District Council.
- “Mortgagee” means any mortgagee or chargee of the Affordable Housing Unit(s) or any receiver or manager (including an administrative receiver appointed pursuant to the Law of Property Act 1925) appointed by such mortgagee or chargee or any person that is a successor in title or may come to derive a Legal estate in the Affordable Housing Unit(s) from such mortgagee or chargee or receiver or manager.
- “the Occupier” means the person(s) occupying the Affordability Housing Unit(s) for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations;
- “Open Market Housing Unit(s)” means all those dwellings, except the Affordable Housing Unit(s), to be constructed pursuant to the Planning Permission.
- “Open Market Rental Level” means the open market rental level as determined either by the District Valuer or a RICS Chartered Surveyor, and as agreed by the Council.
- “Open Market Value” means the open market purchase value as determined by the District Valuer or a RICS Chartered Surveyor.

- “the Owner” means the owner for the time being of the fee simple in the Affordable Housing Unit(s).
- “Plan” means the location plan submitted with the Planning Application [70140/21/01]
- “the Planning Application” means the planning application for residential development for up to 9 dwellings, garages, improvement to vehicular access, demolition of existing buildings and all associated works registered by the Authority on 18<sup>th</sup> May 2017 under P/2017/0574.
- “the Planning Permission” means the planning permission granted pursuant to the Planning Application.
- “Qualifying Persons” means a person in need of Affordable Housing and who immediately prior to taking occupation of the Affordable Housing Unit(s) falls within one or more of the following categories.
- i) Has lived in, volunteered in or studied in the Local Community for a period of at least 12 months at the time of application; OR
  - ii) Has previously lived in the Local Community for a period of at least 3 consecutive years and wishes to live there; OR
  - iii) Has a firm offer of employment in the Local Community or is currently employed in the Local Community; OR
  - iv) Has close relatives who have lived in the Local Community for the last 5 years continuously; OR
  - v) Wishes to provide full time care to a resident in the Local Community.
- AND
- The proposed Occupier is not able to afford market housing as assessed by or on behalf of the Council and based on evidence presented by the proposed Occupier.
- “Radnorshire” refers to the area of former Radnorshire District Council.
- “Registered Social Landlord (RSL)” means a social housing landlord registered within the meaning of Section 1 of the Housing Act 1996.

“RSL Mortgagee”	means a mortgagee of an Affordable Housing Unit(s) where the mortgagor is a Registered Social Landlord (including for the avoidance of doubt the Mortgagee) or any receiver appointed by such mortgagee.
“Strategic Housing Authority”	means Powys County Council.
“Tai Teg”	means the Affordable Housing Register for intermediate housing need hosted by Grwp Cynefin, or any replacement register or process adopted by the Council for the purpose of recording and assessing intermediate housing need.

### 3. Proposed scheme

3.1 The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 22.2% of housing units/bed spaces.

3.1.1 The scheme proposes 2 Affordable Housing Unit(s). This calculation is based on 22.2% of the total number of dwellings of 9 dwellings.

3.1.2 The type (detached/semi-detached/terraced/flat) and tenure (social/intermediate rent/intermediate for sale) of the Affordable Housing Unit(s) is set out in the following schedule:

Plot number	No. of bedrooms	Type	Tenure
7	3	Semi-detached	social/intermediate
8	3	Semi-detached	social/intermediate

3.1.3 The location of the proposed Affordable Housing Unit(s) plot(s) is shown on the accompanying Block Plan 70140/19/02.

3.1.4 The proposed type and tenure mix of the Affordable Housing Units are based on the information provided from the registered social landlord. The proposed mix of types and tenures is considered to reflect this evidence of local need.

3.2 The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.

3.2.1 It will be phased so they are constructed as the fourth and fifth of the development.

AND (if the development also involves market housing):

3.2.2 No more than 50% of the total number of Open Market Housing Units on the site shall be completed or occupied until the total number of Affordable Housing Units is completed.

3.3 The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)].

3.3.1 The Owner shall construct and transfer the Affordable Housing Unit(s) to an Registered Social Landlord or Strategic Housing Authority. None of the Open Market Housing Units will be completed or occupied until the completed Affordable Housing Unit(s) has/have been transferred to the Registered Social Landlord.

3.4 The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.

3.4.1 The affordability of the Affordable Housing Unit(s) shall be controlled to ensure it is affordable to the first Occupier and remains affordable for subsequent Occupiers through the following arrangements:

3.4.2 The gross floorspace (sqm) (including any attached garage but excluding the thickness of external walls) of the proposed Affordable Housing Units is as set out in the following schedule:

Plot number	Dwelling house floorspace	Garage/outbuilding floorspace
7	76.54m <sup>2</sup>	n/a
8	76.54m <sup>2</sup>	n/a

3.4.3 The proposed floorspace of the dwellinghouse(s) is/are in line with the appropriate notional floor area for the proposed dwelling types in the Acceptable Cost Guidance according to the identified need.

3.4.4 The Owner shall not without planning approval from the Council cause or permit the Affordable Housing Unit(s) to be constructed, extended or altered so that

the gross floor space of each Affordable Housing Unit (including any attached garage but excluding the thickness of external walls) exceeds 115 square meters.

3.4.5 The Owner shall not without planning approval from the Council cause or permit the garage/outbuilding of the Affordable Housing Unit(s) to be constructed, extended or altered so that the gross floorspace of each detached garage/outbuilding (excluding the thickness of external walls) exceeds 15 square metres.

3.4.6 The size of the residential curtilages associated with the Affordable Housing Unit(s) is set out in the following Schedule:

Plot number	Area in ha
7 & 8	0.06

3.4.7 The Owner shall not without planning approval from the Council cause or permit the residential curtilage of each of the Affordable Housing Unit(s) to be extended so that the area exceeds 0.1 hectares.

3.4.8 The Owner understands that permitted development rights to extend or alter the Affordable Housing Unit(s) have been removed as part of the planning permission, and therefore the Owner is required to seek prior approval for extending or altering the Affordable Housing Unit(s) and any associated curtilage buildings by submitting a planning application.

3.4.9 The Owner shall not cause or permit the Affordable Housing Unit(s) to be let for a rent greater than the Maximum Rent.

3.4.10 The Owner shall submit the valuation for the Open Market Rent Level to the Council for agreement prior to the property being let. The Owner will also agree future changes in rent in writing with the Council.

3.4.11 The Owner shall not cause or permit the transfer of the Affordable Housing Unit(s) to any person for a price greater than the Maximum Price.

3.4.12 The Owner shall confirm the Maximum Price in writing to the Council for approval prior to advertising the Affordable Housing Unit(s) for sale.

3.4.13 The Owner shall notify the Council and Tai Teg of the proposed sale of the Affordable Housing Unit(s) and shall follow the Tai Teg re-sale process.

3.5 The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

3.5.1 The Owner shall not cause or permit the Affordable Housing Unit(s) to be occupied by a person other than one who is occupying that dwelling as their sole residence together with their dependants.

3.5.2 For social rented housing, the Affordable Housing Unit(s) will be allocated in accordance with the Council's Common Allocation Scheme. The Affordable Housing Unit(s) will be allocated to persons on the Powys Common Housing Register who have been assessed as being in housing need. This is enforced by the RSL or the SHA who ensure that the Occupiers are in genuine need of social rented housing.

3.5.5 Save for that provided below in 3.5.6, 3.5.7, and 3.5.8, the Owner shall not cause or permit the Affordable Housing Unit(s) to be used other than for the purpose of providing Affordable Housing to persons who at the time they initially occupy the Affordable Housing Unit(s) are Qualifying persons or satisfy the Cascade Provisions.

3.5.6 Before any transfer or letting of the Affordable Housing Unit(s), the Owner shall:

- i) Use his best endeavours to transfer or let the Affordable Housing Unit(s) to a Qualifying Person or Registered Social Landlord;
- ii) If no Qualifying Person or Registered Social Landlord can be identified pursuant to paragraph i) of this Section within a period of 3 months then the Owner shall use his best endeavours to transfer or let the Affordable Housing Unit(s) to a person within paragraph ii) of the Cascade Provisions.
- iii) If no person can be identified pursuant to Paragraph ii) of this Section within a further period of 3 months then the Owner shall use his best endeavours to transfer or let the Affordable Housing Unit(s) to a person within paragraph iii) of the Cascade Provisions.
- iv) If no person can be identified pursuant to Paragraph iii) of this Section within a further period of 3 months then the Owner shall use his best endeavours to transfer or let the Affordable Housing Unit(s) to a person within paragraph iv) of the Cascade Provisions.

3.5.7 Provided also that where the Council is satisfied in writing that there are exceptional circumstances then the periods specified in Paragraphs ii), iii) and iv) of Section 3.5.6 shall be reduced from 3 months to 6 weeks.

3.5.8 In the case of an Approved Mortgagee in possession of one or more of the Affordable Housing Units exercising its statutory power of sale, the Approved Mortgagee shall offer the Affordable Housing Unit(s) in writing to the Council and to all RSLs operating in the Powys Local Planning Authority area at the Maximum Price. If, within 14 days of the offer being made, the offer is accepted, the Affordable Housing Unit(s) shall be transferred to the relevant Registered Social Landlord or Council as soon as reasonably practicable. If the Council or RSL do not accept the offer to purchase the Affordable Housing Unit(s) at the Maximum Price within 2



weeks of the offer being made then the Approved Mortgagee may dispose of the Affordable Housing Unit(s) free of the provisions of this scheme on the open market and shall notify the Council in writing within 14 days of such disposal.

3.5.9 The Owner understands that the arrangements in respect to the occupancy criteria and contained within this Affordable Housing Scheme are enforceable by the Council as Local Planning Authority for the area in which the land is situated. Non-compliance with the approved Affordable Housing Scheme may result in enforcement action being taken.

#### 4. Supporting information

- Accompanying site plan showing plot numbers and identifying the location of the Affordable Housing Unit(s) edged in blue.