

Planning Appeal Ref: APP/Z4718/W/17/3173711

Condition 5 – Affordable Housing Scheme

Land at Hart Street, Huddersfield, HD4 6LS

June 2021

Introduction and Background

Outline planning permission ('OPP') was granted on appeal for a residential development of 22 dwellings on 11th July 2017 subject to a number of planning conditions.

A reserved matters application (Ref: 2021/91638) has been submitted to Kirklees Local Planning Authority ('LPA') and is currently under consideration. It is on the basis of that application that the application to discharge condition 5 of the OPP has been submitted.

Condition 5 of the OPP requires the following;

No development shall take place until a scheme for the provision of affordable housing as part of the development shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework ('NPPF') or any future guidance that replaces it.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made;*
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord involved;*
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- v) 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.*

The affordable housing shall be retained in accordance with the approved scheme.

Affordable Housing Scheme

In order to discharge the condition, the following information is provided to meet each of the relevant criteria;

- i. The scheme comprises the following:
 - The proposal is to deliver all 22 of the proposed dwellings as Affordable Rent units which meet the definition of Affordable Housing in Annex 2 of the NPPF;
 - However, for the purposes of discharging condition 5 a policy compliant level of 20% (4 units (2 x 2 bed and 2 x 3 bed) is proposed, all of which would be as affordable rented units with the remaining units remaining free from any restriction or other terms of the Affordable Housing scheme. The Affordable Housing Units

secured through planning for Affordable Rent are plots 19,20,21 & 22 as shaded green and yellow on the attached Tenure Plan.

- The mix of units comprises 6 x 2 bed houses and 16 x 3 bed houses;
 - The location of the designated affordable units is shown on the accompanying drawing ref: 571/07(02)013D dated September '21
- ii. Subject to the grant of a satisfactory reserved matters approval, the scheme is due to start on site in **November 2021** with a target completion date for completion of all of the affordable housing units of **December 2022**. There are no open market dwellings proposed therefore there is no requirement to outline the phasing in relation to these units.
- iii. The affordable housing will be owned and managed by Yorkshire Housing ('YH'), a Registered Social Landlord who own and manage affordable housing units across the Yorkshire Region. The scheme will be built out by **Urban Construction (York) Ltd** as contractor to YH and the units handed over to YH on completion.
- iv. In terms of affordability criteria, the designated affordable rent units will be made available at a maximum of 80% of open market rental values (inclusive of service charge). It is intended that the remaining units will be made available on the same basis. In addition the rents will be capped at Local Housing Allowance levels to ensure that they remain affordable. YH will own and manage these properties in the longer term and will ensure that the properties remain at an affordable rent level.
- v. The policy compliant level of affordable rented units (20%) will be allocated to applicants from the Kirklees Choice Based Lettings system ('Choose 'n' Move) and managed by Yorkshire Housing's Neighbourhood Management Team.

Other Provisions

- 1) The Affordable Housing provisions within this scheme shall not apply to or be binding on:
- a. a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) of the whole or any part of the affordable rented units or any persons or bodies deriving title through such mortgagee or chargee or Receiver ;
- b. any tenant of a particular dwelling who:
- i. Has exercised the right to acquire pursuant to the Housing Act 1996 or any other statutory provision for the time being in force (or any equivalent contract right) in respect of a particular dwelling; or
- ii. Has exercised any statutory right to buy (or any equivalent contractual right) in respect of a particular dwelling;
- All of whom shall be free to dispose of the particular dwelling on the open market free in perpetuity of any affordable housing obligation

- 2) It is acknowledged that:
- a. The purpose of the Planning Condition is not in this instance to require the delivery of all the homes as affordable via planning gain, i.e. without public subsidy; and
 - b. That this is a 100% Affordable Housing scheme with all of the Dwellings receiving public subsidy from Homes England and the purpose of the provisions of this Condition is to secure the continued use of the Dwellings as Affordable Housing and to prevent them being used as Market Housing subject at all times to the provisions of the Mortgagee Exclusion Clause above.