

Public Document Pack

JOHN WARD

Director of Corporate Services

Contact: Democratic Services

Email: democraticservices@chichester.gov.uk

East Pallant House

1 East Pallant

Chichester

West Sussex

PO19 1TY

Tel: 01243 785166

www.chichester.gov.uk



A meeting of **Council** will be held in the **Committee Rooms - East Pallant House** on **Tuesday 23 January 2024** at **2.00 pm**.

MEMBERS: Mrs C Apel (Chair), Mr J Cross (Vice-Chairman), Mr I Ballantyne, Mrs T Bangert, Mr R Bates, Mr D Betts, Mr S Boulcott, Mr B Brisbane, Mr R Briscoe, Mr J Brookes-Harmer, Mr J Brown, Ms J Brown-Fuller, Ms B Burkhart, Mrs H Burton, Mx R Chant, Mr M Chilton, Ms M Corfield, Ms H Desai, Mr G Evans, Mrs E Hamilton, Mr C Hastain, Ms O Hickson, Mr F Hobbs, Mrs D Johnson, Mr S Johnson, Mr T Johnson, Mr A Moss, Ms E Newbery, Mr T O'Kelly, Mr H Potter, Ms S Quail, Mrs S Sharp, Mr C Todhunter, Mr J Vivian, Ms V Weller and Mr T Young

SUPPLEMENT TO AGENDA

6 **Commuted Sums Spending Policy (Affordable Housing)** (Pages 1 - 5)

Updated Allocation and Expenditure of Commuted Sums Policy – updated following Cabinet.

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Allocation and Expenditure of Commuted Sums for Affordable Housing Policy

Contents

1. Introduction
2. What the funding will be spent on
3. Eligibility for funding
4. Allocation of funding
5. Monitoring and Review
6. Payment of Grant

Appendix A – Application Form

Appendix B – Guidance Notes

Appendix C – Payment of Grant Form

1. Introduction

- 1.1 The Chichester Local Plan seeks to balance the economic, social, and environmental factors of sustainable development and provides the framework through which this can be achieved. Affordable housing provision is secured via the Council's Planning Obligations and Affordable Housing Supplementary Planning Document.
- 1.2 A percentage of affordable housingⁱ is sought on all developments where there is a net increase of 11 or more dwellings. In rural areas a percentage of affordable housing is sought on all developments with a net increase of between 6 and 10 dwellings. In some cases, this is taken in the form of a financial contribution, known as a Commuted Sum. In cases where the proportion of affordable housing results in a requirement for a fraction of a unit, the fraction is also sought as a commuted sum.

2. What will the funding be spent on?

- 2.1 Commuted sums are ring fenced for affordable housing expenditure to meet housing needs within the District (in both plan areas). Allocations of commuted sums are approved in accordance with the Council's governance arrangements and subsequent payments are authorised by officers at the appropriate level. As part of the approval process, it must be demonstrated that value for money will be achieved, and the assets will be preserved as affordable housing in perpetuity, or that any grant subsidy is recycled within the district should the asset be lost to the open market.
- 2.2 'Homes for all' is one of 5 key corporate objectives of the Council and the 2020-2025 Housing Strategy sets out key objectives for increasing the supply of suitable, affordable housing in the right locations.
- 2.3 Commuted Sums will be used to enable affordable housing schemes to come forward that are experiencing viability issues providing they meet at least one of the following criteria:
- To convert affordable rented units to social rented units;
 - To increase the provision of 1 bedroom homes;
 - To convert from one tenure to another tenure;
 - To attract investment to meet specific local needs, e.g., bungalows, disabled units, redevelopment of outdated or difficult to let housing;
 - To enable viability of small schemes e.g., rural schemes and schemes with high design costs or additional amenity requirements;
 - Where grants would reduce rents to affordable levels, particularly in the case of larger family rented homes;
 - For Community Land Trusts, to help purchase sites, or properties or to lever in investment to enable the viability of small schemes.
 - To meet a specific evidence based housing need as identified in the Housing Economic Needs Assessment and/or Housing Register numbers. For example, to increase the amount of Temporary Accommodation available in the event the Council seeks to expand the portfolio in this area.

- 2.4 In considering applications for grant funding priority will be given to projects which meet one or more of the above criteria and whose access to other funding is more limited due to the size of the housing provider.

3. Who can apply for funding?

- 3.1 Registered Providers and other not for profit housing organisations, the Council, Community Land Trusts, and other Community Led Housing Groups.

4. Approval and allocation of funding

- 4.1. Those wishing to apply for funding will need to complete and submit the application form in Appendix A.
- 4.2. Each application will be assessed against the criteria set out in Appendix B by officers within the Housing Delivery Team. For applications up to £49,999 determination of the application is delegated to senior officers and the Cabinet Member for Housing Revenue and Benefits. For applications of £50,000 and over recommendations will be made to Cabinet, or Full Council in accordance with the limits set within the constitution ie Section 4.3 Budget and Policy Framework Procedure Rules.
- 4.3. Applications will only be accepted where planning permission has already been granted, or in the case of land or asset acquisition upon completion of contracts. This is to ensure funds are allocated against projects which have acquired all necessary consents.
- 4.4. Where development is taking place in phases the application should be reflective of this and reflect the total grant being sought across all phases.
- 4.5. If funds are approved and remain unspent after 3 years, the Council reserves the right to withdraw the commuted sum that has been allocated. In such circumstances a new grant application will need to be submitted.
5. This policy is not intended to fetter the discretion of the Council. No policy can cover all circumstances and therefore the Council has the authority to deal with applications not meeting the requirements of the above policy and criteria.

6. Monitoring and Review

- 6.1. All commuted sums are collected and monitored by the Planning Obligations Monitoring & Implementation Officer. Once expenditure has been approved, they are allocated against a particular development.
- 6.2. Income and allocation of commuted sums are reviewed on a quarterly basis in consultation with the housing delivery team.
- 6.3. This policy will be reviewed in line with Housing Strategy.

7. Payment of Grant

- 7.1. Grants are paid upon completion of an 'Application for Payment of Grant Form' this must be accompanied by several key documents as listed on the grant form (Appendix C)

- 7.2. Only in exceptional circumstances can grant be released in advance of the above criteria, such a decision will be agreed by Full Council or under the Council's Urgent Decision-Making Process.

ⁱ Affordable Housing is defined as Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions: [81](#)

(a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

(b) Starter homes: is as specified in [sections 2 and 3 of the Housing and Planning Act 2016](#) and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

(c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

(d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to government or the relevant authority specified in the funding agreement.

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