

1 Affordable Housing

- 1.1 The Development (taken as a whole) shall deliver a minimum of seven Affordable Dwellings (comprising 4x 2-bedroom houses and 3x 2-bedroom flats) which shall be constructed to the HCA's Scheme Development Standard and level 3 of the Code for Sustainable Housing
- 1.2 Prior to occupation of the Open Market Dwellings constructed pursuant to the Permission the Owners shall transfer to an Registered Provider the Affordable Dwellings on the Site on such terms and subject to existing encumbrances reservations and the imposition of such covenants as may be agreed between the Owners and the Registered Provider with the intention that the Affordable Dwellings shall at all times be occupied and managed by and in accordance with the aims and objects of the Registered Provider with the following obligations;
- 1.3 Where the Owner is a Registered Provider that transfer provisions in paragraphs 1.1. and 1.2 above shall not apply
- 1.4 The Registered Provider shall upon completion of the transfer of the Affordable Dwellings and at all times subsequently allocate each Affordable Dwelling to a person who is considered by the Registered Provider to be in need of such accommodation and who in the opinion of the Registered Provider is unable to afford other accommodation in the locality suitable to the needs of himself and his household and who:-
 - 1.4.1. has immediately prior to such allocation been resident within the Newton Abbot Sub Regional Centre; or
 - 1.4.2. has a strong local connection the Newton Abbot Sub Regional Centre;

AND in seeking to allocate the Affordable Dwellings under this sub-paragraph the Registered Provider shall (but without limiting its wider discretion in this regard) consider:-

- 1.4.3 family associations of such person or persons in the Newton Abbot Sub Regional Centre;
 - 1.4.4 any periods of ordinary residence of such person or persons in the Newton Abbot Sub Regional Centre not immediately before the date upon which any Affordable Dwelling becomes vacant and/or;
 - 1.4.5 whether such person or persons has to have permanent employment in the Newton Abbot Sub Regional Centre;
- 1.5. If the Registered Provider is unable to allocate any of the Affordable Dwellings in the manner referred to in paragraph 1.4 above then the Registered Provider

shall allocate any such Affordable Dwelling by applying the procedures contained in paragraph 1.4 above but in lieu of the reference therein to the Newton Abbot Sub Regional Centre there shall be substituted references to the district of Teignbridge;

- 1.6 If the Registered Provider is unable to allocate any of the Affordable Dwellings in the manner referred to in paragraphs 1.4 and 1.5 above then the Registered Provider shall subject to the provisions of paragraphs 1.7 and 1.8 allocate any such Affordable Dwelling to a person or persons ("the nominee") nominated by the Service Lead for Housing for the time being of the Council from the Council's list of persons of priority housing need within its administrative area PROVIDED that the Registered Provider shall have the right to reject an applicant if one of the following criteria is met :-
- 1.6.1 The nominee has no housing need as defined within the criteria for preference within the Housing Act 1996 (as amended by the Homelessness Act 2002)
 - 1.6.2 The nominee is not a suitable tenant as defined within the criteria of the Registered Provider's Allocations and Lettings Policy
 - 1.6.3 In the case of an Affordable Dwelling to be let on a Shared Ownership Lease the nominee does not have sufficient cash or income to purchase the required equity share.

AND the Registered Provider has the right, whilst acting reasonably at all times, in respect of each nomination to reject the nominee by giving notice to the Council and such notice shall state reasons for the rejection and the Council shall have the right to nominate an alternative.

- 1.7 In the circumstances set out in paragraph 1.8, the Registered Provider shall be released from the obligation under paragraph 1.6 of this Schedule and shall be entitled to allocate any vacant Affordable Dwelling to any person who is considered by the Registered Provider to be in need of such accommodation and who is resident in the district of Teignbridge or has a strong local connection with the district of Teignbridge or failing that within the County of Devon.
- 1.8 The circumstances set out in this paragraph shall be the following:-
- 1.8.1 If no nomination is made by the Service Lead for Housing within two weeks of notification by the Registered Provider of a vacancy;
 - 1.8.2 If a nomination has been made by the Service Lead for Housing and the nominee has failed either:
 - 1.8.2.1 if the dwelling is being made available on a Shared Ownership Lease to exchange contracts for the grant of the Shared Ownership Lease within a six week period from the date of such nomination or