

Part 2 Affordable Housing

The following definitions shall apply in this Schedule 1:

1. DEFINITIONS

- "Adjoining Parish"** means Ashreigney, Dolton and Dowland;
- "Advertising"** means the advertising for sale or letting of any interest in the relevant Shared Ownership Dwelling or Social Rented Dwelling in accordance with a scheme to be approved by the Council which scheme shall include (unless otherwise agreed with the Council) an advertisement on the website of Help to Buy South or any other similar organisation and such other advertising such as through local estate agents and social media channels as shall be agreed in writing by the Council and "Advertised" shall be construed accordingly;
- "Affordable Dwellings"** means 21 of the Dwellings to be provided on the Site as Affordable Housing and reference to "**Affordable Dwelling**" shall mean any one of them;
- "Affordable Housing"** means Social Rented Dwellings and Shared Ownership Housing provided to eligible households whose needs are not met by the market, where eligibility is determined with regard to local incomes and local house prices and which remains at an affordable price for future eligible households and as defined in Annex 2 of the NPPF;
- "Affordable Housing Scheme"** means a scheme for the provision of the Affordable Housing to be submitted by the Owner to the Council which shall include (unless otherwise agreed with the Council):
- a. Arrangements for the provision of the Affordable Dwellings;
 - b. Location of the Affordable Dwellings to be shown on a plan with reference to the appropriate plot numbers;
 - c. Details of the unit size of the Affordable Dwellings; and
 - d. Arrangements for the transfer of the Affordable Dwellings to a Registered Provider
- and such other details as reasonably required by the Council;

"County"	means the County of Devon;
"Devon Home Choice"	means the method or body agreed by the Council in accordance with Department for Communities and Local Government guidance: - "Allocation of Accommodation: Choice Based Letting" (August 2008) for the allocation of Affordable Housing in the District;
"District"	means the administrative area of Torridge District Council;
"Help to Buy South"	means the method or body agreed by the Council for the nomination of Shared Ownership Housing available to buy in the District or such successor body or organisation responsible for the nomination of Shared Ownership Housing available to buy in the District;
"Homes England"	means the agency so named and established under the Housing and Regeneration Act 2008 for the purpose of procuring and regulating the provision of Affordable Housing and any body that replaces it for the purpose of those functions and "HE" shall be construed accordingly;
"Housing Need"	means a person who does not have available to them and could not afford (personally or jointly with other members of his household) to acquire or rent a home suitable for their needs and the needs of their household at the normal market values prevailing in the District;
"Local Connection"	means a local connection calculated from the Start Date (defined in Part VII of the Housing Act 1996) with the Parish (or the Qualifying Area as appropriate) as follows: <ul style="list-style-type: none"> • being permanently resident therein for six of the last twelve months, or three out of the last five years; or • in permanent full-time or part-time (minimum 16 hour contract per week) work therein for 6 months. This may include the need to move to the Parish in connection with permanent employment (minimum 16 hour contract per week) where commuting from the person's existing home is accepted by the Council as unreasonable. In all cases there should be no break in the period of employment for more than 3 months over the relevant period; or • have family connections in the Parish. Reflecting the Local Government Association guidelines this is normally defined as the applicant, or a member of their household has parents, adult

children or brothers or sisters who have been resident in the District for at least the last 5 years; or

- having immediate relatives (i.e parents, non-dependent children, brother or sister) who have lived therein for at least 5 years and with whom there has been shown to have been frequent contact, commitment or dependency; or
- other categories or relationships may be considered by the Council including foster relationships where clear evidence of frequent contact, commitment dependency is shown
- other special circumstances which create a link to the Parish (not including residence in a hospital armed forces accommodation holiday let or person or rehabilitation facility) and having been first verified in writing by the Council as having such special circumstances and this may include the need to reside medical support or (with the approval of the Council) some other form of special support;

"Mortgagee"

means a Registered Provider's mortgagee or chargee of the Affordable Dwellings (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);

"Open Market Dwellings"

means those Dwellings which are not being provided as Affordable Dwellings;

"Parish"

means the Parish of Winkleigh;

"Qualifying Area"

means the Parish, Adjoining Parish or District, as appropriate;

**"Registered Provider"
(RP)**

means a body which is registered with HE as a provider of social housing under Part 2 of the Housing and Regeneration Act 2008 or such other class or body as may be constituted under any legislation replacing that provision and "RP" shall be construed accordingly;

**"Shared Ownership
Dwelling"**

means an Affordable Dwelling sold on the basis of a Shared Ownership Lease and the rent under such lease may be increased by no more than the Retail Prices Index (All Items) plus 0.5% or other such amount as

prescribed by Homes England. The maximum amount of equity to be purchased shall not exceed 80% of the Value; **OR SUCH OTHER AMOUNT AS IS AGREED WITH THE COUNCIL.** A

"Shared Ownership Housing"

means Affordable Housing where a person can buy a share in the property and the remaining share is held by a provider of Affordable Housing under a lease based on the appropriate form of shared ownership as published by HE;

"Shared Ownership Lease"

means a Shared Ownership lease in the form as published by Homes England as amended to comply with this Deed or as approved by the Council's Head of Development Control;

"Social Rent"

means a rent which does not exceed HE target rents for the area in which the Site is located as specified by the HE or other successor or replacement body which sets rent levels for Affordable Housing;

"Social Rented Dwelling"

means an Affordable Dwelling(s) let at a Social Rent by a Registered Provider;

"Start Date"

means the date immediately preceding the date on which the Affordable Housing Dwelling is Occupied by a person in Housing Need; and

"Subsidy"

means social housing grant or similar provided by the Council and/or HE or such other body as may succeed it.

2. AFFORDABLE HOUSING

The Owner covenants with the Council as follows:

Affordable Housing Scheme

2.1 To provide 21 of the total number of Dwellings to be constructed on the Site as Affordable Dwellings, the tenure of which shall be 16 for Social Rent and 5 for Shared Ownership Housing in accordance with the following (unless otherwise agreed in writing by the Council):

Social Rented Dwellings

Number of Bedrooms	Plot Numbers	Minimum size	Category M(4) 2 Dwellings
1 Bedroom or 2 Bedroom apartments	14,15, 18, 19, 20, 21, 30, 31, 49 and 50	50 m2	<p>Two Dwellings at ground floor will be provided as M4(2) (means Dwellings which are built to standards which require that</p> <p>(1) Reasonable provision must be made for people to:</p> <p>a) gain access to; and b) use, the Dwelling and its facilities.</p> <p>And</p> <p>(2) The provisions made must be sufficient to:</p> <p>a) meet the needs of occupiers with differing needs, including some older or disabled people; and</p> <p>b) to allow adaptation of the Dwelling to meet the changing needs of occupants over time as specified in the 'Optional Requirement M4(2) Category 2: Accessible and adaptable dwellings' section of the Building Regulations 2010 Approved Document M 2015 edition or such similar standards and regulations that may replace these)</p>
			N/A

2 Bedroom house	32,33, 51 and 52	79 m2	As above
3 Bedroom house	16 and 17	93 m2	As above

Shared Ownership Dwellings

Number of Bedrooms	Plot Numbers	Minimum size	Category M(4) 2 Dwellings
2 Bedroom house	53 and 54	79 m2	N/A
3 Bedroom house	34, 35 and 55	93 m2	

and to be constructed in accordance with the Affordable Housing Scheme to be submitted and approved by the Council pursuant to paragraph 2.2.

- 2.2 Prior to the Commencement of Development to submit the Affordable Housing Scheme to the Council.
- 2.3 Not to Commence Development until the Council has approved the Affordable Housing Scheme and to construct the Affordable Dwellings as approved.
- 2.4 Subject to the provisions of this Deed the Affordable Dwellings shall not be used for any purpose other than for the provision of the Affordable Housing as set out in this Deed and the Affordable Housing Scheme.

Construction of the Affordable Dwellings.

- 2.5 Not to cause or permit first Occupation of:
 - 2.5.1 more than 25 Open Market Dwellings until such time as the construction of 60% of the Affordable Dwellings (for the avoidance of doubt 12 Affordable Dwellings) have been completed and the Affordable Dwellings are ready for Occupation and have been transferred in accordance with the approved Affordable Housing Scheme; and
 - 2.5.2 more than 38 Open Market Dwellings until such time as the construction of all of the Affordable Dwellings has been completed and the Affordable Dwellings are ready for Occupation and have been transferred in accordance with the approved Affordable Housing Scheme.
- 2.6 The Affordable Dwellings shall be constructed in accordance with the agreed Affordable Housing Scheme and using the same external materials as the Open Market Dwellings so as to be indistinguishable from the Open Market Dwellings.
- 2.7 If the Affordable Housing Scheme identifies that the Affordable Dwellings will be transferred to a Registered Provider the transfer of the Affordable Dwellings shall be on the following terms:-
 - 2.7.1 the transfer shall be of the unencumbered freehold of the Affordable Dwellings and their curtilages save for any encumbrances (not being financial charges

- existing prior to the date of this Deed) with full title guarantee and vacant possession;
- 2.7.2 the transfer shall grant all rights and easements (if any) as are required to give pedestrian and vehicular access between the Affordable Dwellings and the public highway and as are required to connect all sewers, drains pipes cables and all other conducting media serving the Affordable Dwellings to the relevant networks.

Marketing, Allocation and Occupation of Affordable Dwellings

- 2.8 Not to permit allow or cause the Affordable Dwellings to be Occupied by a person unless that person:
- 2.8.1 is a person in Housing Need who has a Local Connection at the time of his first Occupation of the Affordable Dwelling; or
- 2.8.2 is a member of the household of and living with a person in Housing Need at the time of his first Occupation of the Affordable Dwelling; and
- 2.8.3 (in either case) occupies the Affordable Dwelling as his or her sole or main residence.
- 2.9 No person shall let any Social Rented Dwellings for a rent which exceeds the Social Rent.

Shared Ownership Housing

- 2.10 Where an Affordable Dwelling is shown within the approved Affordable Housing Scheme as intended to be disposed of as a Shared Ownership Dwelling:
- 2.10.1 the Shared Ownership Dwelling shall only be disposed of by way of a Shared Ownership Lease;
- 2.10.2 the minimum initial share of the equity in the Shared Ownership Dwelling that a purchaser may purchase shall be restricted to 25-75% of the equity as per the Shared Ownership Lease or such lower initial share as may be permitted under guidance issued by HE;
- 2.10.3 the rent payable shall not exceed two decimal point seven five per cent (2.75%) of the open market value of the equity retained by the landlord; and
- 2.10.4 the maximum amount of equity that may be purchased is restricted to 80% **OR SUCH OTHER AMOUNTS AS IS AGREED WITH THE COUNCIL** G

Marketing - Social Rented Housing

- 2.11 If within a period of 2 (two) weeks for initial lettings and 1 (one) week for subsequent lettings from the date that the Affordable Dwelling becomes available for Occupation no prospective occupier in Housing Need and with a Local Connection to the Parish wishes to Occupy the Affordable Dwelling then Occupation is permitted by a person in Housing Need and with a Local Connection as applied to the Adjoining Parish and if no prospective occupier in Housing Need and with a Local Connection to the Adjoining Parish wishes to Occupy the Affordable