

Taveners Field, Land North of Moonhill Copse, West Clyst Exeter

East Devon

Section 106 (S106) Agreements are legal **agreements** between Local Authorities and developers; these are linked to planning permissions and can also be known as planning obligations, and can refer to lettings requirements which need to be adhered to on first, and subsequent lettings.

It is important to review before advertising any vacancy as the wording will differ from agreement to agreement.

This document captures relevant sections from the full s106 which make reference to letting our homes. It should be reviewed in conjunction with the full document.

Key Information for Advertising:

Homes must be occupied by a Designated Person who has a Local Connection and let in accordance with the principles of the Devon Home Choice policy

Initial and subsequent lets must be approved by the Council.

A Designated Person is a person or household in Housing Need with a Local Connection who is registered with Devon Home Choice or the Homebuy Agent.

The Local Connection is to the Parish of Broadclyst – demonstrated in the following priority order:-

- 1) Permanently resident for a continuous period of at least 6 months out of the last 12 months or for a continuous period of 3 years out of the last 5, or
- 2) Formerly permanently resident for a continuous period of 5 years
- 3) Permanently working there for at least 16 hours a week
- 4) Connection through close family member who has been resident for at least 5 years
- 5) Has prescribed rights under the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015

If not satisfied from within the Parish of Broadclyst then the process shall be repeated considering:-

- Neighbouring Parishes (Politmore, Clyst Hyndon, Clyst St Lawrence, Whimple, Cranbrook, Clyst Honiton and Sowton)
- Persons from the District
- Persons within the admin boundary of Exeter

S106 Summary

Affordable Rent means the rent payable for rented housing let by Registered Providers of no more than 80% of the gross local market rent, including service charges and in any event should not exceed the published Local Housing Allowance for the relevant property type and in the relevant market area which may be increased no more than annually and by not more than the corresponding increase in the Retail Price Index plus 1% or at such other rent as may be set out in subsequent guidance issued by Homes England.

Affordable Rented Dwelling means each of the Affordable Dwellings available to those whose needs are not adequately met by the commercial housing market to be let at an Affordable Rent by a Registered Provider and which complies with the definition of affordable rented housing in Annex 2 of the National Planning Policy Framework

Designated Person means a person or household in Housing Need with a Local Connection who is registered with Devon Home Choice or the Homebuy Agent

Devon Home Choice means the partnership between Devon local authorities and housing associations working in Devon as described in the Devon home choice policy or any successor scheme or arrangement agreed between the District Council and the Registered Provider as a replacement for Devon Home Choice

Discount Market Dwelling means an Affordable Dwelling to be disposed of by sale at 75% of Open Market Value

District means the administrative area of the District Council

Housing Need means being homeless or threatened with homelessness or living in accommodation which in the opinion of the District Council is insecure or unsuitable and being unable to purchase or rent reasonably suitable accommodation in the open market for property in the locality where the Affordable Housing Unit is situated taking into account the person's income and capital and other financial circumstances. Accommodation may be unsuitable on the grounds of cost, overcrowding, unfitness or lack of basic amenities or because of a person's infirmity, physical disability, mental disability or specific social or care needs

Insecure means accommodation which the Designated Person does not have a legal right to occupy in the long term

Lettings Notice means a notice (the content of which is to be agreed with the District Council) which contains details of the property to be let and which shall include unless otherwise agreed with the District Council

S106 Summary

- (a) The name and address of the landlord and the Owner
- (b) The postal address of the property
- (c) The amount of the weekly or monthly rent (not to exceed the Affordable Rent)
- (d) Amount and breakdown of any service charge per week/month/annum
- (e) Details of any additional charges
- (f) Any age or other occupancy restrictions
- (g) Property type
- (h) Property size
- (i) Heating type
- (j) Details of mains services in the property
- (k) Availability of parking space/garage
- (l) Any disabled adaptations
- (m) Provision of any support services

And which is delivered to the District Council clearly addressed and marked for the attention of Housing Enabling Officer PROVIDED THAT for the avoidance of doubt an advertisement for the Affordable Rented Dwelling placed on Devon Home Choice and approved by the District Council shall be considered a Letting Notice for the purpose of paragraph 11.3 of Schedule 1

S106 Summary

Local Connection means a connection to the Parish of Broadclyst demonstrated by one or more of the following in priority order:

- (1) being permanently resident therein for a continuous period of at least six (6) months out of the last twelve (12) months or for a continuous period of three (3) years out of the last five (5) years immediately prior to being offered the Affordable Housing Unit; or
- (2) being formerly permanently resident therein for a continuous period of five (5) years; or
- (3) having his or her place of permanent work (normally regarded as 16 hours or more a week; or
- (4) having a connection through a close family member (normally mother, father, brother, sister, son or daughter) where the family member is currently resident therein and has been so for a continuous period of at least five (5) years immediately prior to being offered the Affordable Housing Unit; or
- (5) such person as is prescribed by the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015

and in the event that no-one satisfying the above requirements can be found within the Parish of Broadclyst then the process shall be repeated considering persons from the following areas in the following priority order;

- (1) the Neighbouring Parishes,
- (2) persons from the District; and
- (3) persons resident within the administrative boundary of Exeter.

Neighbouring Parishes means the parishes of Poltimore, Clyst Hyndon, Clyst st Lawrence, Whimble, Cranbrook, Clyst Honiton and Sowton

S106 Summary

Scheme of Advertising means the advertising for sale or letting of any interest in the relevant Affordable Housing Units in accordance with a scheme to be approved in writing by the District Council (such approval not to be unreasonably withheld or delayed) which scheme shall include unless otherwise agreed with the District Council

- (a) in the case of Affordable Rented Dwellings or Non-RP Affordable Dwellings an advertisement on the website of Devon Home Choice or such other similar website for advertising of Affordable Housing Units as agreed by the District Council ; or

3799988.1

12

- (b) in the case of the Shared Ownership Dwellings and Affordable Home Ownership Units an advertisement on the website of Help to Buy South West being the Government appointed help to buy agent for Devon or other successor organisation
- (c) in the case of Affordable Home Ownership Units an advertisement on a relevant website as agreed by the District Council

Upper Floor Flat means any Affordable Dwellings comprised in a flat or apartment other than a ground floor apartment or flat

2.6 To construct and complete all of the Affordable Dwellings to:

- 2.6.1 the Accessible and Adaptable Homes Standards (save for any Upper Floor Flat) subject to viability and any other site-specific considerations, and
- 2.6.2 to any relevant standards required by Homes England applicable at the date of the Permission.

2.10 Subject to paragraph 9 the Affordable Dwellings shall be maintained as Affordable Dwellings in perpetuity (here meaning for a period of 80 years) and shall not be used other than for the provision of Affordable Dwellings and in particular:

- 2.10.1 The Affordable Rented Dwellings shall not be let at a rent in excess of Affordable Rent
- 2.10.2 The Non-RP Affordable Dwellings shall not be let at a rent in excess of Affordable Rent
- 2.10.3 The rental element of the Shared Ownership Dwellings shall not be let at an annual rent in excess of two point seven five per cent (2.75%) of the Open Market Value of the retained equity, which rent may be increased no more than annually and by not more than the corresponding increase in the Retail Price Index plus 1% or at such other rent as may be set out in subsequent guidance issued by Homes England

2.11 Subject to the provisions of this Deed the Owner shall not at any time permit the Affordable Dwellings to be occupied other than as Affordable Housing by a Designated Person (and their dependents) who has a Local Connection

S106 Summary

11 Occupation of Affordable Rented Dwelling and Non-RP Affordable Dwellings

Subject to the provisions of this Deed:

- 11.1 Not to permit or otherwise allow any of the Affordable Rented Dwellings and/or Non-RP Affordable Dwellings to be let other than:
 - 11.1.1 At a sum not exceeding the Affordable Rent; and
 - 11.1.2 To persons selected in accordance with the principles of the Devon Home Choice policy whether or not a Registered Provider or the Owner is a member of the Devon Home Choice scheme
- 11.2 Not to permit or otherwise allow any of the Affordable Rented Dwellings and/or Non-RP Affordable Dwellings to be let on initial or subsequent letting prior to the submission to and approval by the District Council of a Scheme of Advertising for the Affordable Rented Dwellings and/or Non-RP Affordable Dwellings
- 11.3 To serve upon the District Council a Letting Notice each time an Affordable Rented Dwelling and/or Non-RP Affordable Dwelling becomes available for letting
- 11.4 To advertise the relevant Affordable Rented Dwelling and/or Non-RP Affordable Dwelling in accordance with the approved Scheme of Advertising immediately following the service of a Letting Notice in accordance with paragraph 11.3 of this Schedule 1
- 11.5 The Registered Provider and/or the Owner shall if so required by the District Council provide to the District Council all necessary documentation as stipulated in Annex 2 as evidence that the prospective tenant satisfies the obligations contained in this Deed

SCHEDULE 1

(Evidence of eligibility of Qualifying Persons)

Pursuant to paragraphs 3.4 and 11.5 of Schedule 1 the Owner shall verify to the Council or its agent that the prospective purchaser or tenant meets the terms of this Deed by obtaining appropriate documentation from section A and B and C below or such other evidence or confirmation as the District Council or its agent shall deem necessary or sufficient and if required by the District Council or its agent provide copies of such evidence to the District Council or its agent

SECTION A:

Proof of identity (of prospective purchaser or tenant and where applicable close family member)

A current and valid passport

UK residence permit

A valid UK driving licence National Insurance number card

Marriage certificate

Medical card

Letters about asylum from the Home Office

Section B:

Local connection

Residency - sufficient evidence to cover the relevant local connection period for prospective purchaser/tenant/close family member as appropriate

Utility bills (gas electric phone etc)

District Council tax bills

Bank/Building Society account/credit card statements

State benefit books or receipts showing rent paid

Payslips showing home address

Written certification from either a Solicitor / Social Worker / Probation Officer / Inland Revenue Officer / Police Officer / Teacher or Doctor

Employment - sufficient evidence to cover the relevant local connection period Payslips showing employer's address

Employer's letter confirming length and terms of employment (including hours worked if applicable)

Section C:

Housing Need

Tenancy or licence agreement

Rent book showing name and address of applicant

Where applicable letter from friend or family member confirming residence at their address

P60 annual statement of earnings for the most recent complete tax year

Payslips covering last months

For self-employed persons a set of accounts no older than 12 months

Bank/Building Society account or other statements showing savings/capital

Evidence of any other income including state benefits