

Please note that we are awaiting the Local Plan review viability study and an updated Gypsy & Traveller Needs assessment

Social and Community

Housing

Introduction

Delivering new affordable homes remains a key national and local priority, to meet housing need. This policy seeks to deliver affordable housing as a percentage of development of qualifying sites. The policy set percentages and thresholds for sites in different locations. These are to be reviewed from time to time.

Affordable housing is housing provided to those that are unable to meet their housing needs through the private sector. Government policy as set out in the NPPF defines affordable housing as affordable housing for rent, starter homes, discounted market sales housing, and other affordable routes to home ownership.

In accordance with the requirements of the NPPF, affordable housing should include provisions to remain at an affordable price for future eligible households or for any subsidy to be recycled for alternative affordable housing provision. Affordable rented properties are either Social-Rented or Affordable Rent, which determines the level of rent chargeable.

The Borough Council have commissioned and conducted a number of studies to identify an up to date picture housing need, and to create a strategic plan for housing in the borough. As well as publishing a number guidance documents. These include:

- Housing Needs Assessment (HNA) (2020)
- Older person and specialist care accommodation study (2020)
- Local Plan review viability study (2020)
- Gypsy and Traveller Accommodation Assessment (GTAA) (2016)
- Guidance on affordable housing contributions secured through section 106 planning agreements (2019)
- Affordable Housing Policy (2011)

The elements of the policy dealing with affordable or special needs housing reflect very particular circumstances evidenced from the focused studies. The affordable housing threshold and percentage takes into account demand, viability of development and the size and function of settlements in the borough.

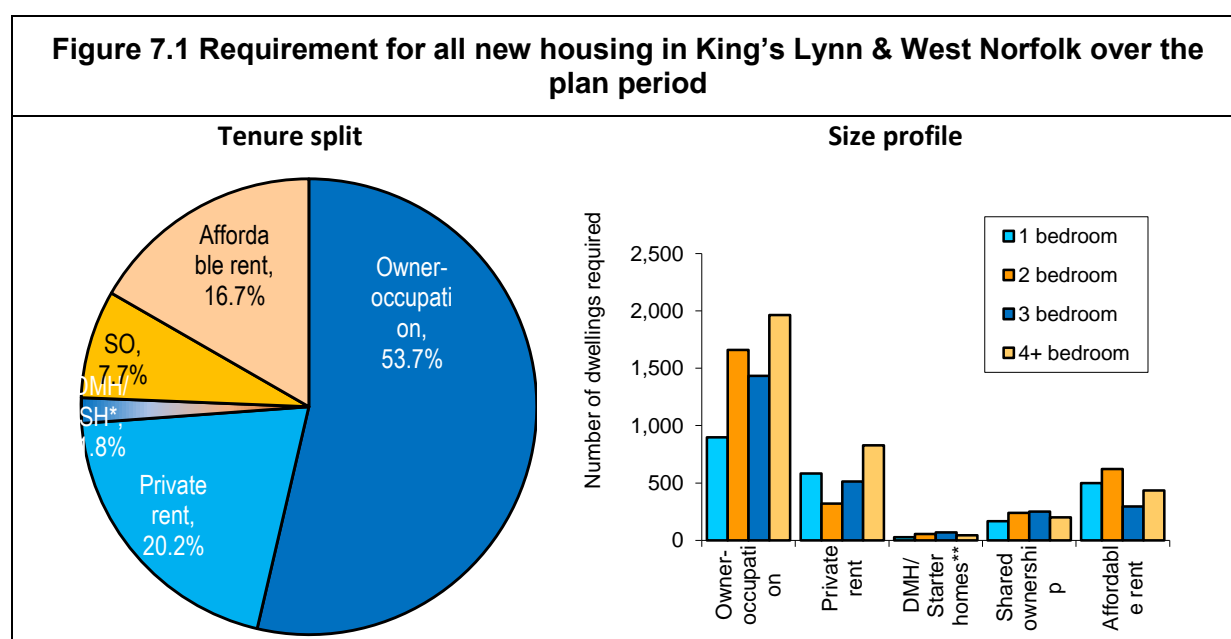
Affordable housing including social rented and intermediate housing is unlikely to be delivered by the market alone. The majority of new affordable housing will be delivered through Section 106 Planning Agreements. Such agreements will require developers to transfer a proportion of their housing at a price below market value to a Registered Provider of Social Housing (RP). Other sites will provide purely affordable housing, and will include rural exception sites. Such development is likely to be dependent upon the Registered Provider of Affordable Housing (RP) securing grant funding from Homes England. A 15% affordable housing contribution will be sought in the built-up area of Kings Lynn (i.e. the un-parished area). In seeking to apply this in a consistent manner in parishes surrounding the built-up area (including those specifically noted in Policy LP02 as being '...adjacent Kings Lynn...') a 20% contribution will be sought.

The Housing Need Assessment (HNA 2020) suggests that 24.4% affordable housing need for rent and shared ownership plus a further 1.8% for discount market sale. It is envisaged that the discount market sales need will be met mainly through exception sites. The HNA identifies shared ownership as the most affordable form of affordable home ownership and suggest a split between rent and Shared ownership of 68% and 32%.

NPPF Paragraph 64 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups (subject to exemptions see NPPF).

In light of the above evidence from the HNA 2020 and the overall percentages of affordable housing being sought, securing at 10% of sites as affordable home ownership would significantly prejudice the ability to meet the identified affordable housing needs of specific groups including families. Therefore, the 70/30 % split as identified in the Core Strategy Policy CS09: Housing is carried forward in the Local Plan review, based upon the latest HNA and subject to viability.

The HNA provides the following conclusion as illustrated by figure 7.1 below. This sets out the size and tenure requirements over the plan period (between 2016 and 2036).



*Discount market housing/ Starter homes figures represent potential demand rather than a requirement

Travellers and Travelling Showpeople

The Planning Policy for Travellers Sites (PPTS 2015) defines the travelling community as comprising Gypsies, Travellers and Travelling Showpersons. Gypsies and Travellers are defined in the PPTS as 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'. Travelling Showpersons are defined in the PPTS as 'Members of a group organised for the purposes of holding fairs, circuses or shows (whether

or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above'.

In determining whether persons are 'Gypsies and Travellers' for the purposes of this policy, consideration should be given to the following issues amongst other relevant matters:

- a. Whether they previously led a nomadic habit of life;
- b. The reasons for ceasing their nomadic habit of life;
- c. Whether there is an intention to living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

The Council is required to plan for the future needs of Travellers in the Borough over the plan period up until 2036. In respect of those Gypsies and Travellers who do not lead a nomadic lifestyle, the Borough Council will continue to assess and plan to meet their needs as part of its wider responsibilities to plan to meet the accommodation needs of its settled community.

The needs assessment for the purposes of decision making is the Gypsy and Traveller Accommodation Assessment (GTAA) (2016) (or successor document). The document covers the plan period to 2036. This document forms the main evidence base for the Local Plan review on this subject matter. The study covers the needs of Gypsies (including English, Scottish, Welsh and Romany Gypsies), Irish Travellers, New (Age) Travellers, and Travelling Showpeople. The GTAA has sought to establish the accommodation needs of the Gypsy, Traveller and Travelling Showpeople population in the study area (Kings Lynn & West Norfolk Borough Area) through a combination of desk-based research, stakeholder interviews and engagement with members of the travelling community living on all known sites.

The GTAA concludes that there is a need for an additional 5 pitches over the plan period to meet the traveller need and a possibly need for an additional 2 plots for travelling show people to meet the need over the plan period. Based upon the GTAA (2016) it is considered that a criteria-based policy approach is a reasonable, pragmatic and proportionate response to the current situation for the Local Plan review. It can provide an appropriate response to any proposals received to address the modest level of need identified. This combined approach for existing and new sites should ensure that the need is met, it should however be noted that needs assessments are reviewed periodically.

National policy sets out a range of issues to consider when assessing applications for Traveller site development. In assessing new sites, the site should be in a sustainable location and should be in reasonable proximity to local services and facilities. Community infrastructure needs will include health, education and transport links. In order to deliver sustainable communities, and quality place making, development proposals will be required to consider the amenity of new residents and impacts on surrounding communities or other neighbours/neighbouring land uses such as businesses and open space in line with relevant spatial and design policies. In doing so, regard will be had to community cohesion and good design principles such as integration, ensuring no adverse impacts arise from new development. Residential housing mitigation requirements for European sites are also applicable to plots and pitches for Gypsies, Travellers and Travelling Showpeople.

To ensure that the levels of Gypsy and Traveller and Travelling Showpeople accommodation are maintained, the Council will resist the loss of existing sites, including the conversion to permanent dwellings. Existing Traveller sites will therefore be safeguarded to meet the continuing housing needs of these communities ensuring that sites are not lost to competing uses. Unrestricted means

not subject to conditions restricting the time of occupancy such as temporary or personal planning permission. The following policy will apply to any new permission granted as well as to existing sites.

Implementation

The policy aims to strike the balance between creating mixed and balanced communities, which is in line with the NPPF, and ensuring that development is viable and can come forward i.e. is deliverable. It is considered that this approach is best taken forward by assessing each proposal on its own individual merits.

The achievement of the provision outlined above depends on appropriate market conditions. The Borough Council can ensure that the proper planning for strategic infrastructure has taken place, facilitate implementation plans (site briefs, etc.) and deal with planning applications in an efficient way, but broadly the risks will lie with the private sector.

It should be noted that proposals for affordable housing are not exempt from any requirement to provide mitigation measures for European sites (even if exempt from paying any other levy).

Custom and Self-Build Housing schemes will also need to comply the policy requirements regarding the on-site provision of affordable housing. This will be agreed by the Borough Council and could include the negotiated transfer of serviced plots to a registered provider for example.

For the purposes of the policy the definition of residential development includes residential park homes and caravans where they are not subject to occupancy restrictions.

Where an existing dwelling (or dwellings) is to be demolished and replaced with substantially the same type of dwelling, provided it is not eligible for vacant building credit, no affordable housing contribution will be sought. Essentially no 'additional' development is being created, and therefore no development uplift will be created.

For Rural Exception sites a sequential approach will be taken to assess and ensure that the site proposed is the best one available for the specified settlement in order to meet the need. For this purpose, planning considerations such as location, context, access, and flood risk will be considered. This should therefore avoid having multiple completing sites which meet the same need.

Experience in the Borough and elsewhere has been that attempts may be made to avoid the affordable housing requirement by artificial sub-division of sites and incremental developments of numbers of houses below the threshold. Such developments will deliver neither the proportion of affordable housing required to meet needs, nor the mix of housing stock required to sustain balanced communities.

The policy is intended to avoid such 'playing' of the system, while recognising the realities of change over time and exceptional circumstances that may require the threshold to be set aside.

Example: Permission is granted for 4 market dwellings on a site of 0.15 ha in a rural village. The site is not required to provide affordable housing as it is below the threshold set in the policy.

Development is completed on the site. Then 4 years later, an application is made for 3 more houses on land immediately adjacent to the completed site. Both sites are assessed in combination to determine the affordable housing contribution. Therefore, the total number of dwellings on both sites is 7 and the developer will be required to deliver the relevant proportion of affordable housing (20% in this rural example), or equivalent financial contributions if this cannot be delivered on site as per points 10 and 11 of the policy below.

LP25 – Affordable Housing

Strategic Policy

Policy LP25 – Affordable Housing

1. The national definition of affordable housing as set out in the National Planning Policy Framework (2019), is applied for the purpose of this policy;
2. Proposals for housing need to meet the need as identified in the most up to date housing needs assessment with particular regard to size, type and tenure of dwellings. (These needs will include appropriate provision for all sectors of the community, for example including the needs of elderly people or people with disabilities). Proposals will also be required to be agreed by the Brough Council;
3. The Council will work with partner organisations to maximise the delivery of affordable housing to respond to identified housing need throughout the borough. This will be achieved by having regard to both up to date Local Housing Needs (LHN) and Housing Needs Assessments (HNA), and affordable housing needs viability studies;
4. The affordable housing should be provided on site. Provision will be made through planning obligations to secure the affordable housing and to ensure it is available at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision;
5. The affordable rented housing provided on-site should be maintained as affordable housing in perpetuity. Provision will be provided through planning obligations in order to provide the affordable housing and to ensure its availability to initial and successive occupiers;
6. On new developments affordable housing should be fully integrated with general market housing on new developments in order to achieve a mixed and balanced community. The affordable housing element in terms of aesthetics should be in keeping with the wider development, reflecting local distinctiveness and design policies of the Local Plan review and Neighbourhood Plan (should one be in force) ensuring characteristics of the development are carried across all of the housing. This avoids large concentrations of single tenure dwellings and creates mixed and sustainable communities in which accommodation is tenure-blind with the appurtenance of affordable and market homes being indistinguishable;
7. Affordable housing provision may come forward as a percentage of allocated or other permitted sites, or as exception sites in suitable locations. The percentage which will be sought for affordable housing provision on qualifying sites is:
 - a. 15% within the built-up area of Kings Lynn
 - b. 20% in all other areas
8. The thresholds over which affordable housing provision will be sought are (subject to the NPPF):
 - a. King's Lynn, Downham Market and Hunstanton - Sites of 0.33 ha or 10 or more dwellings

- b. Rural areas - Sites of 0.165 of ha or 5 or more dwellings

Tenure mix

9. 70:30 Rented to shared ownership, adjusted where necessary to balance housing need and make schemes viable. 30% shared ownership to include other forms of intermediate tenure, including intermediate rented as agreed by the council.

Commuted Sums

10. Affordable housing should be delivered on site. Only where schemes seek not to meet the policy requirement will an open book viability assessment (prepared in accordance with NPPG on Viability) be necessary and accepted. If provision cannot be made on site in line with the requirements set out in this policy, a commuted sum will be sought at £60,000 per equivalent whole dwelling as recommended by the Borough Council's Local Plan CIL Viability Assessment. (or the figure set out in any successor evidence endorsed by the Borough Council).
11. Off-site contributions in lieu of built units on site will only be considered where this is robustly justified by evidence. Where the provision of on-site units threatens the viability of the development, the applicant will be required to submit an open book viability assessment in accordance with clause 10 of this policy.

Vacant Building Credit

12. In seeking a vacant building credit in respect of the affordable housing on brownfield land, an application will only be considered on the following basis (as detailed within the 'Guidance on affordable housing contributions secured through section 106 planning agreements (2019)' or future successor document):
- Where the building has not been vacated for the sole purpose of redevelopment;
 - Where the existing building(s) has not been abandoned; and
 - Where specific information on the floorspace of the proposed residential development and the calculation of the claimed offset has been provided.

Delivering Affordable Housing on Phased Development

Allocated Sites

13. On sites allocated for residential development through the Local Plan process the requirement to provide affordable housing under Strategic Policy LP25 Housing Distribution will apply jointly to the whole of a single allocated site that is developed incrementally (through sub-division etc.) and where development of the whole site results in a requirement for a proportion of (or in exceptional circumstances a contribution to) affordable housing.

Windfall Sites

14. On windfall sites the requirement to provide affordable housing will apply where the Borough Council considers that the proposed development forms part of a larger site which,

if developed, would result in a requirement for a proportion of (or contribution to) affordable housing. If the application site satisfies one or more of the following criteria, then it will be considered to be part of a larger site for the purposes of this policy:

- a. **Land ownership** – If an application site is in the same ownership as one or more adjacent plots of land at the time the application is made or within 5 years of the date that planning permission is granted and development of those sites would comply with other policies of the Local Plan;
- b. **Planning history** – If there is evidence of previous applications for development of a larger site of which the application site forms a part within the past 5 years of the date that planning permission was granted is made and development of the larger site would still be acceptable under other policies of the Local Plan; or
- c. **Extensions to existing consented development** – If the site forms an extension to a development that has been granted planning permission in the 5 years before the application is made and which is still capable of being implemented or the site forms an extension to a development that is being built out on the date the application is made.

Exceptions Sites

15. The Borough Council will support schemes in rural areas for the provision of affordable housing as exceptions to normal planning policies where:

- a. The site adjoins a sustainable settlement, as defined by the settlement hierarchy (LP02);
- b. The site is not larger than one hectare in size or exceed 5% of the size of the existing settlement;
- c. The affordable housing remains affordable in perpetuity. The affordable rented accommodation will be transferred to Registered Provider of Social Housing
- d. The proposed tenure mix would meet an affordable need identified within the Council's latest Housing Needs Assessment and agreed by the Council
- e. The proposal is supported by evidence of local affordable housing need arising from the parish and adjoining parishes
- f. Any element of subsidy through provision of market housing is proven through viability assessments. Where market housing is necessary to make the scheme viable, the principle use of the site in terms of number of dwellings and site area must remain affordable housing.

16. 17. In urban areas, The Borough Council will support schemes for the provision of affordable housing as exceptions to normal planning policies where they accord with 16a-d of this policy.

Gypsies and Travellers and Travelling Showpeople

17. The Local Plan review supports the provision of the following:

- 5 additional pitches for Gypsy and Traveller households;
- 2 additional plots for Travelling Showpeople.

18. These additional pitches / plots (and any additional requirements associated with newly confirmed need from unknown households) will be secured via:

- Support for the expansion of existing sites; and / or
- The provision of new sites where the criteria below are met.

19. The Local Plan review supports the expansion of existing Gypsy and Traveller sites to meet the identified additional need, subject to a planning application;

20. The provision of pitches and plots on new sites will be supported, having regard to the Gypsy and Traveller Accommodation Needs Assessment where:

- a. The proposal meets the identified need;
- b. The site is otherwise suitable for residential development and the associated necessary infrastructure requirements will be made available as part of the development proposal;
- c. The site will have safe access to the highway and will not result in any unacceptable impact on the capacity and environment of the highway network;
- d. The site is in a sustainable location in reasonable proximity to relevant services and facilities including but not limited to transport, education, healthcare and other community infrastructure provision;
- e. The ability to achieve neighbourliness can be demonstrated in relation to the living conditions of current or future residents of the site and interaction with immediate neighbours and the wider settled community neighbourhood; and
- f. The site is sensitive to local character and does not have an adverse visual impact on the character and appearance of the surrounding landscape.

21. The Borough Council will work with partners in county or other appropriate groupings to keep under review a network of transit sites and appropriate provision for travelling showpeople across the county