

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Thursday, 10 October 2024</b>
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Update to Affordable Housing Supplementary Planning Guidance – Consultation Feedback, Proposed Changes and Adoption
Purpose of Report:	To advise Cabinet of the results of the consultation undertaken on the updated Affordable Housing Supplementary Planning Guidance (SPG) and seek approval to apply the proposed changes and adopt the updated SPG.
Report Owner:	Cabinet Member for Community Engagement, Equalities and Regulatory Services
Responsible Officer:	Marcus Goldsworthy – Director of Place
Elected Member and Officer Consultation:	<p>Head of Sustainable Development,  Operational Manager for Planning and Building Control  Senior Planner (s106),  Lawyer - Legal Division,  Operational Manager Accountancy,  Head of Housing and Building Services,  Operational Manager, Public Housing Services,  Housing Development Manager,  Housing Strategy Coordinator,  Rural Housing Enabler</p>
Policy Framework:	This is a matter for Executive decision by Cabinet.

Executive Summary:

- This report has been prepared to advise Cabinet of the results of the consultation undertaken on proposed updates to the Affordable Housing SPG and to seek Cabinet approval for its adoption.
- Approval is sought to apply the proposed changes as indicated in Appendix 1 as a result of the consultation and to adopt the SPG to be used as a material consideration for development management decisions alongside the adopted Local Development Plan.
- A total of 10 organisations/individuals commented on the proposed updates to the SPG during the 6-week consultation period which took place between 5th June and 17th July 2024. The main points raised in respect of this are set out in section 2 of this report.

## **Recommendations**

1. That Cabinet notes the contents of the report and endorse the responses to the representations received on the updated Affordable Housing Supplementary Planning Guidance (SPG) attached as Appendix 1.
2. That, subject to the provisions of Recommendation 3, Cabinet approves the amended SPG attached to this report as Appendix 2 for immediate use in development management decisions alongside the adopted Local Development Plan.
3. That the Head of Sustainable Development and/or the Director of Place, in consultation with the Cabinet Member for Community Engagement, Equalities and Regulatory Services, be authorised to update the transfer values on an annual basis.
4. That the Head of Sustainable Development and/or the Director of Place be authorised to agree the final format of and any necessary minor typographical changes and minor amendments to the SPG prior to its publication, and thereafter update them with any factual updates in response to policy or legislative changes as appropriate.
5. That Members of the Planning Committee be advised of the outcome of the public consultation and adoption of the SPG.

## **Reasons for Recommendations**

1. To provide a summary of the public consultation undertaken on the updated Affordable Housing SPG; and to seek Cabinet's endorsement of the responses and changes to the finalised SPG.
2. To ensure the effective consideration of planning applications and to provide decision makers, applicants and developers access to the Council's most up-to-date guidance relating to affordable housing.
3. To allow for the update of the SPG without having to report back to Cabinet on an annual basis.
4. To accommodate any necessary changes and/or amendments resulting from the current revision of Planning Policy Wales by the Welsh Government and to enable the correction of any typographical or minor errors found within the revised SPG.
5. To inform Planning Committee of the adoption of the SPG as a material consideration in the determination of future planning applications.

## **1. Background**

- 1.1 A report was presented to Cabinet on 23rd May 2024 which sought approval to undertake a public consultation on amendments to the adopted Affordable Housing SPG.
- 1.2 In accordance with minute C14, the 6-week public consultation exercise on the updated SPG took place between Wednesday 5th June and Wednesday 17th<sup>h</sup> July

2024 with the relevant documentation being made available at the main Council offices and on the Council's website.

- 1.3** In the previous Cabinet report, it was noted that the Affordable Housing SPG was originally prepared as background evidence to the Public Examination of the Vale of Glamorgan Local Development Plan. Following public consultation, the SPG was approved by Cabinet on 31st July 2017 to be used as a material consideration in the determination of planning applications and appeals in the Vale of Glamorgan.
- 1.4** A review of the SPG was conducted in 2018 and this led to amendments to provide clarity on an exemption for self-build development. This amendment was approved by Cabinet on 5th November 2018. The document was subsequently amended again to reflect changes to policy. This amendment was completed under delegated powers in July 2022, following the approval of the Head of Service to agree factual updates in response to policy or legislative changes (Cabinet decision C467 refers).
- 1.5** The latest consultation version of the SPG report was updated to reflect a change in the approach for prescribing transfer values in Section 106 agreements. Further amendments included factual changes in light of the publication of updated national planning policy as well as the revised Local Housing Market Assessment, and some minor editorial changes to improve clarity.

## **2. Key Issues for Consideration**

- 2.1** A total of 10 organisations and individuals commented on the SPG. This included Registered Social Landlords (RSLs), representatives from the development industry, planning consultants and Town and Community Councils. The comments received, the Council responses to these representations, and the proposed changes to the SPG are set out in Appendix 1.

### **Transfer values**

- 2.2** The most significant amendment to the SPG is the update to the transfer values. As explained in the previous report, on market led housing sites, affordable units would normally be built by a developer and then purchased by a Registered Social Landlord at a subsidised value, as part of a Section 106 agreement. For social rented properties this subsidised value is referred to as a transfer value. Previously transfer values were based on Acceptable Cost Guidance (ACG) figures published periodically by Welsh Government reflecting what they consider to be an appropriate cost to build an affordable unit, taking into account the cost of the land and the cost of the works.
- 2.3** Changes to the way WG publish ACG figures has meant that it is no longer possible to use ACGs in the same way to determine transfer values. Following discussions with a number of stakeholders including the Council's RSL partners, it

has been determined that the most appropriate way forward is to update the last set of ACGs that were referenced in the SPG in line with the maximum rent increase figures that WG publish on an annual basis. The figures presented in the SPG reflect an uplift of 17.2% compared to the previous 2021 figures.

- 2.4** Representations on this approach have been received by representatives from the development industry. The comments received were that whilst they were supportive in principle of an increase in transfer values, as it means developers would receive more for their Section 106 units, the increase in values did not go far enough. Concerns were raised that build costs and the additional costs associated with more stringent building regulations had increased at a more significant rate than the transfer values.
- 2.5** Conversely, the RSLs that responded to the consultation confirmed that they were supportive of the proposed transfer values, despite this meaning they would need to pay more for affordable units. However, having run the figures through their own viability models, one RSL felt it would be difficult to go any higher.
- 2.6** It is important that a balance is struck between achieving transfer values that are sufficient for the developer and will not result in it being unviable to provide the required level of affordable housing, and the values being at a level that the RSLs/Council can afford when they purchase the units. It is considered that the updated transfer values in the SPG achieve this, and there is a clear methodology in place to ensure the figures remain up to date in line with rental increases. Delegated powers are requested to allow these figures to be updated annually following the publication of the WG social rent cap.
- 2.7** It is also considered that the methodology proposed to update the transfer values could be applied by other Local Authorities in Wales should they wish to do so to encourage consistency.
- 2.8** It should be noted that there was a minor calculation error in the transfer values presented in the consultation version of the SPG, where the 2022 figure should have been uplifted to 3.1% (CPI) rather than 4.1% (CPI plus 1%). The consequence of this is that the transfer values have decreased marginally at a difference of between £600 and £1,400 per dwelling depending on the property type. These values would remain viable for RSLs and the amendment is not considered sufficient to change the conclusions on the suitability of the methodology. The updated values are included in Appendix 2. It should be noted that there will be a further uplift in April 2025, which is likely to increase the values further.
- 2.9** Concern was also raised about the transfer values in light of other potential s106 cost increases. It is important to note that these transfer values relate to the SPG to support the Council's current affordable housing policies in the LDP. The Replacement LDP, which is currently being prepared, will be reviewing other planning obligation costs and requirements, informed by a high level viability assessment. This is a separate process.

### **Other issues raised**

- 2.10** Representations were received from two Town and Community Councils. The first supported the updates to the SPG but highlighted the need to construct more Council housing. The second related to the allocation of housing to residents via the Homes4U policy, with the Community Council highlighting the importance of local lettings.
- 2.11** A further representation was made in respect of the approach to self-build exemptions, with the representor considering that the exemption should be more flexible to allow for more than one dwelling to be exempt where families wish to live together, and that the exemptions should apply to conversions. In light of the acute need for affordable housing it is felt that a more flexible exemptions policy was not appropriate. With regards to conversions, it should be noted that single unit conversions are already exempt from affordable housing contributions.
- 2.12** Further representations have been received highlighting a recent change to Planning Policy Wales Edition 12, where the definition of affordable housing has been expanded to include community led housing within it. It is proposed that the SPG be amended to incorporate changes to reflect this.

### **Other Amendments**

- 2.13** The consultation version of the SPG included several factual updates to reflect the findings of the latest Local Housing Market Assessment, and the publication of Planning Policy Wales (Edition 12) . A small number of typographical changes are also proposed to improve clarity.
- 2.14** It is proposed to include a further minor editorial change to the self-build exemption forms at Appendix C of the SPG to reflect some minor changes to the formatting and guidance. An additional column has also been included in Appendix A of the SPG to assist with the calculation of commuted sums.

## **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** Long Term - The LDP monitoring framework requires the Council to prepare and adopt new / updated SPGs in respect of various topics within a specified timeframe. SPGs support and add detail to specific LDP policies and provide applicants with clarity on how relevant proposals will be assessed. The adopted LDP is evidence based and sets out the planning policy framework for the period 2011 to 2026. Work is progressing on the Replacement LDP and it is likely that this and other SPGs will be updated to reflect the new RLDP in due course.
- 3.2** Prevention - The Affordable Housing SPG together with the corresponding policies in the LDP will help to deliver new affordable homes, which will have a positive impact on economic, environmental, social and cultural well-being.

- 3.3** Integration –The proposals will assist in the delivery of affordable housing, which will contribute to the PSB Well-being Objective of a more equitable and connected Vale. The delivery of affordable housing will also contribute to the well-being goals, in particular a prosperous Wales, a more equal Wales and a Wales of cohesive communities.
- 3.4** Collaboration - The proposed amendments to the SPG have been prepared in conjunction with the Council’s housing department and partner RSLs.
- 3.5** Involvement - A 6-week public consultation on the amended SPG has been undertaken by officers in accordance with the Council's agreed SPG public consultation procedure. Copies of the amended SPG were made available to view at the Council's main offices and on the website. In addition, officers directly contacted interested parties so that they were made aware of the consultation. The consultation version of the SPG will subsequently be amended where appropriate in light of the comments received. An Equality Impact Assessment (EIA) was carried out as part of the LDP process. As the SPGs relate directly to the policies in the adopted LDP, a further EIA is not considered to be necessary.

## **4. Climate Change and Nature Implications**

- 4.1** The adopted LDP provides the local planning policy framework for delivering sustainable development in the authority. New affordable homes will need to be built to Welsh Development Quality Requirement standards which includes requirements that new homes should be of high quality, innovative and sustainable. This includes adopting best practice in moving to a decarbonised and circular built environment. Ensuring biodiversity net benefit is also a requirement for all new developments.

## **5. Resources and Legal Considerations**

### **Financial**

- 5.1** The preparation of the amended SPG and proposed public consultation exercise has been undertaken by Council officers within existing departmental budgets.
- 5.2** The adoption of the SPG is not anticipated to result in additional expenditure and will assist the Council in securing on-site provision of affordable housing and/or commuted sums where appropriate.

### **Employment**

- 5.3** There are no direct employment implications associated with this report.

### **Legal (Including Equalities)**

- 5.4 Upon adoption the amended SPG will replace the July 2022 version of the document and will be used as a material consideration in the determination of planning applications and planning appeals.

### **Background Papers**

None.



Appendix 1: Responses received on the update to the Affordable Housing Supplementary Planning Guidance

Organisation	Comment Received	Council Response	Proposed Amendment
Natural Resources Wales	NRW have no observations to make on the update to the Affordable Housing SPG.	Noted.	No amendment required.
Barry Town Council	Barry Town Council wish to register its support for the updates to the Affordable Housing SPG and the Vale of Glamorgan Council's continued commitment to providing affordable housing stock to its residents. However, Barry Town Council would also wish to highlight the need for the Vale of Glamorgan to do more to construct and supply a good stock of Council Housing on behalf of its residents as a matter of priority.	Support is welcomed.  The Council recognises the acute need for affordable housing in the Vale and is actively addressing this through a number of mechanisms. This SPG relates to affordable housing secured as part of Section 106 agreements, but in addition to this the Council have an extensive house building programme in place which will increase the supply of Council housing.	No amendment required.
Llandough Community Council	The Community Council considers that there should be a reference to local need for affordable housing and the importance of having in place a local lettings policy to address local need as opposed to the current policy of allocating housing based on the Homes4U policy. Where there is equality of scoring, this should include a presumption in favour in such cases to give precedence to those with a local connection.	There is a reference to local lettings in respect of affordable housing exceptions sites. The allocation of properties that are not subject to local lettings policies will be in line with the criteria set out within the Council's Homes4U allocations policy, which is based on priority need. Any changes to the allocation policy would be a matter for the Housing Division, and not something that it would be appropriate to control through the SPG. The concerns raised by the Community Council have been passed to the Housing Division for their consideration.	No amendment required.
Jeremy Peters Associates	The absolute restriction on self build exemptions being made for an affordable housing unit on site should be made more flexible to cater for exceptional situations such as where an extended family wishes to build and live together.  The self build exemption should apply to where conversions to residential occur as well.	In light of the acute need for affordable housing in the Vale, it would not be desirable to extend the self-build exemption beyond one dwelling as this will result in the loss of important contributions towards addressing the housing crisis.  It should be noted that in the 30% and 35% viability areas (Barry, Llantwit Major, Rhoose and St Athan), the threshold for an affordable housing requirement is 5 dwellings, and there may be small scale opportunities within these settlements where a small development of	No amendment required.

		<p>this nature would not be required to make an affordable housing contribution.</p> <p>Conversions of a single unit are not required to provide affordable housing and therefore the self-build exemption would not apply in any event.</p>	
<p>█████ Housing Association</p>	<p>The transfer values are prescribed in the SPG based on ACGs, whilst the ACGs are 2021 the formula for uplifting has been used by a number of LA's.</p> <p>The transfer values have been inputted into the RSLs viability software and only just meet the RSL internal financial acceptance criteria. Each RSL will have slightly different criteria, but should not be significantly different.</p> <p>An alternative solution could be to model the transfer value based on achieving a zero or positive Net Present Value, as is done in other LAs, but it is suspected that this could produce a lower value.</p>	<p>It is acknowledged that the proposed transfer values have been reviewed by the RSL and are only just considered to meet the internal financial acceptable criteria. It is important that transfer values are set at a level that remains affordable for the social landlord purchasing the units. Any increase in values above this may therefore impact on the viability of RSLs purchasing the units.</p> <p>The alternative method used in some other LAs is based on capitalised rental incomes and what RSLs can afford to pay. This will differ slightly across RSLs and will need to be agreed by the partner RSLs to ensure that a consistent figure is used for all S106 schemes. As assumptions will vary by RSL and by LA, it would be difficult to roll this methodology out in a consistent way on a regional or Wales wide basis.</p> <p>It is also noted that the RSL considers that this approach may result in transfer values that are lower than are proposed.</p>	<p>No amendment required.</p>
<p>█████ Housing Association</p>	<p>The SPG document has been reviewed and the RSL has no concerns over the proposed transfer values. They have been run through the RSLs appraisal model and it has been considered that they work for the RSL.</p>	<p>The confirmation from the RSL that they have no concerns over the transfer values following a review of the proposed figures is noted. It is important that transfer values are set at a level that remains affordable for the social landlord purchasing the units.</p>	<p>No amendment required.</p>
<p>Home Builders Federation</p>	<p>Although the HBF supports in principle the proposed changes to the Affordable housing SPG, as it results in an increase in the amount developers are paid for the affordable housing element of any S106 imposed on a new private housing development, we are not convinced that making this fundamental change to the way affordable</p>	<p>It is agreed that a consistent methodology across the region or even Wales-wide would be preferable. Officers from the Vale have discussed potential methodologies with other authorities in the region as part of the South East Wales Strategic Planning Group (SEWSPG), of which the HBF and WG are both members.</p>	<p>No amendment required.</p>

	<p>homes values are calculated should be carried out through the SPG process. Instead, it should be agreed by all key stakeholders including HBF, the Welsh Government, LAs and RSLs at regional or national level.</p> <p>The HBF believes that any change in methodology associated with affordable housing should be carried out across Wales as a whole to ensure a consistent approach and avoid added complication and delay to the delivery of affordable homes.</p>	<p>A regional sub-group was set up to consider potential methodologies and whilst all approaches to calculating transfer values had pros and cons, the option proposed – to uplift the 2021 ACG values – was considered most appropriate as there was a clear methodology to undertake this and keep the figure updated thereafter.</p> <p>In trying to determine a methodology, discussions have taken place with WG officials in both the Housing and Planning divisions and the advice given is that this is a matter for LPAs to determine either locally or regionally, and was not something that WG intended to provide further clarification on.</p> <p>The approach to transfer values is normally set out within SPG rather than LDP policy itself and as such updating the SPG following a period of public consultation, is considered the appropriate route to make a change of this nature. It may be the case that other LAs in the region/Wales decide to follow the same methodology but ultimately it is a matter for them to decide.</p>	
Home Builders Federation	<p>The last ACG document that included works and land was published in 2021. The document also includes the works only figure and so it is possible to calculate the land element as was in 2021.</p> <p>Land values haven't changed with any significance since 2021 so it is reasonable to merge the land element from the 2021 ACG with the 2023 works only figures. These calculations have been undertaken and compared with the proposed transfer values. The proposed transfer values are all below the alternative figures, with the flats significantly below.</p> <p>Whilst the increase in transfer values is welcomed the figures in the table provided would suggest it is not enough to track viability in reality, especially as the above comparison is only up to June 2023.</p>	<p>The August 2021 Acceptable Cost Guidance (ACG) figures published by WG were the last set to include values based on both the cost of land and works. Subsequent ACG figures related to the cost of the works only, with no assumption for the land. The alternative methodology that is being proposed seeks to add a land value based on the 2021 land and works ACGs to the 2023 works only ACG. Whilst the HBF contend that land values have not increased since 2021, this is not considered an appropriate long-term approach as land values will not remain constant indefinitely.</p> <p>The SEWSPG working group considered this option and whether appropriate land value data could be procured on a regular basis to allow the land and works ACGs to be replicated. The land value element of this was previously provided by the District Valuer Service (DVS) but following</p>	No amendment required.

	<p>Ultimately as the percentage requirement for affordable housing increases and a gap remains between what is paid for properties and the actual cost of constructing them this difference will affect the overall viability of the site and result in some element of the scheme being reduced.</p>	<p>discussions with them about calculating land values for this purpose, it was not pursued as a favourable option as DVS had concerns that the figures would be too generalised and open to challenge.</p> <p>The proposed transfer values that would be generated under this alternative methodology would be higher than the methodology that the Vale is proposing, meaning developers would receive a higher payment for units, which would in turn improve viability and the delivery of s106 requirements. However, the higher payments would be at a greater cost to the RSLs, and could be at a level that RSLs are unable to finance. It is noted that one RSL has stated that they can only just support the updated values proposed in the SPG. It is important that the right balance is struck between securing affordable housing, and RSLs being able to deliver what has been secured. There is concern that pushing the transfer values too high would have a negative impact on deliverability.</p>	
HBF	<p>In terms of the consultation HBF consider that there is missing information relating to the way in which RSL's are financed and their ability to contribute to the cost of a new home over and above the level currently suggested. Further there is no information on the way in which the Welsh Government calculate the annual rent increase and whether or not the current system will be retained. HBF would welcome the opportunity to work with the Council and other key stakeholders in an 'open book' approach to ensure the best solution to delivering affordable homes and other wider site benefits can be found.</p>	<p>The RSLs have advised that they can support the transfer values proposed, with one stating that it can only just support it.</p> <p>The Welsh Government social rent cap is the measure currently in place to calculate rent increases, and we can only base assumptions on the system that is currently in place.</p> <p>The Council would be willing to have further dialogue in the future with key stakeholders on other approaches. However, it is considered that this update now is critical as the transfer values have not been increased since 2021 and are subsequently well below build cost increases. Further delay in adopting these figures may affect the viability of delivering affordable housing.</p>	No amendment required.
Llanmoor PMG	<p>We welcome the initiative shown by the Council in recognising the disparity in the historic affordable housing transfer values that are currently in force and the actual cost</p>	<p>The need to update the current SPG transfer values is recognised by the representor.</p>	No amendment required.

	<p>of delivering the affordable units via S.106 (without any grant support).</p> <p>Whilst we appreciate there has to be a baseline starting point (i.e. August 2021 - ACG figures) in terms of the review of the transfer values, we wish to highlight the main issue being an unprecedented increase in the total cost of delivering residential dwellings in Wales since August 2021 that are not taken into account by the proposed new affordable housing transfer values.</p> <p>Firstly, we have had the introduction of the new Part L Building Regulations which has increased the baseline building fabric costs by circa £6000 per dwelling. Furthermore, in order to achieve the minimum EPC rating B, the developers have to introduce additional 'bolt-on' features such as Air Source Heat Pumps / Solar PV / Batteries which can add a further £8000 - £12,000 per dwelling to the total construction cost.</p> <p>Therefore, when you add the above costs increases to the general build cost inflation over the same period (Aug 21 - Apr 24), it should be noted that total build costs in Wales have increased by circa 38% since August 2021.</p> <p>As such, if we consider the proposed increases to the affordable housing transfer values being proposed by the Council (i.e.. 17.3%) there is a circa 20% net shortfall that would have to be factored into the development viability appraisals. This would result in fewer affordable housing dwellings being delivered via the S.106 or other planning obligations would have to be omitted.</p> <p>We would like to see further evidence from the Council / RSL's to demonstrate the maximum transfer values that would be achievable (affordable) via the RSL's financial modelling.</p>	<p>The representor raises concerns that the proposed increase to the transfer values is not proportionate to the increased build costs over the same period.</p> <p>The methodology has increased existing transfer values by 17.2% since August 2021 in line with a clear methodology linked to WG rent increases. The levels are deemed to be acceptable by the RSLs.</p> <p>Over the time period that the uplifts have been applied (April 2021 – April 2024), the BCIS median residential build costs have increased by 16.8%, rather than the 38% indicated by the representor. It is recognised that there is a cost associated with achieving the latest Part L Building Regulations, but in the latest viability workshop held with the development industry, it was agreed that this was in the region of £3,000 per dwelling, not £14,000-£18,000 per dwelling that is being suggested.</p> <p>Overall, this would mean that the transfer value increase is broadly on par with the increase in build costs over the same period.</p> <p>The RSLs and the Council's housebuilding team have all reviewed the proposed transfer values and confirmed that they are viable. Two RSLs have also submitted representations as part of this consultation to confirm this, with one notably stating that they are only just viable. This indicates that there is little headroom to be able to go higher. In light of this, if the transfer values were increased further at the current time, this could result in RSLs being unable to take on the units, which in turn could affect affordable housing delivery.</p>	
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<p>Llanmoor PMG</p>	<p>Paragraph 4.1.5 states "the Council has taken account of the latest affordable housing viability work" - but this viability testing is still on-going.</p> <p>Para 8.1.1 - We understand there are currently on-going reviews of other SPGs i.e. Education and Developers are being asked to adopt a sum of £14,000 p/unit for S.106 contributions and this will further impact the development viabilities.</p> <p>Furthermore, the Council are due to hold another workshop to discuss the target policy requirement for delivering net zero carbon in new dwellings and the outcome of this workshop could have a further impact upon the overall development viability appraisal.</p> <p>Para 8.1.2 - The majority of land deals have already been tied up on the strategic sites and these deals would have been negotiated upon the current adopted SPG's planning policies and there comes a point when the landowners will refuse to sell their land if the residual valuation/development viability generates a net payable land value of less than Market Value.</p> <p>As such, given the number of 'moving parts' referred to above, we recommend this SPG consultation remains 'open' until the other key components have been fully appraised.</p>	<p>The changes proposed relate to updates to the Affordable Housing SPG to support the policy in the adopted LDP and the only cost consideration is the transfer values.</p> <p>Updated viability work is being undertaken to inform the Replacement LDP, which will involve reassessing the transfer values alongside other s106 costs and other policy requirements, including net zero buildings. The costs referenced will be considered as part of the high-level viability testing to determine the affordable housing targets in the RLDP. This will include factoring in an appropriate benchmark land value.</p> <p>The update to the transfer values for the LDP SPG and the updated assumptions for the RLDP high level testing are therefore two separate processes, and it is not necessary to wait until the RLDP viability work has been completed to implement changes to the SPG now.</p>	<p>No amendment required.</p>
<p>Cwmpas</p>	<p>Edition 12 of Planning Policy Wales (February 2024) now references that affordable housing can include that owned by community-led housing organisations where this meets the Welsh Government's definition of affordable housing, specifically "housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers."</p> <p>A direct reference to community led housing in the SPG should be included.</p>	<p>The introduction of this section into PPW Edition 12 should be referenced. This should be included in the national policy context section in paragraph 4.1.</p>	<p>Include a reference to the new and amended section of PPW12 in Section 4.1 of the SPG.</p>

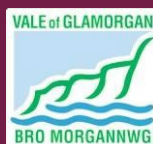
Cwmpas	Paragraphs 6.5.2.5 & 6.5.2.6 – whilst there is a degree of recognition that a discount to open market value might not be affordable, it is considered that this definition of genuine affordability could be more clearly and more robustly defining using local household income/earnings data. By defining and prescribing a methodology for affordability in the SPG, it would allow greater certainty and consistency when development appraisals and models are being constructed and assessed. For example, the Joseph Rowntree Foundation talk of a 'Living Rent Model' whereby no more than 28% (or 33% in management charges are included) of household income is expended on core housing costs such as rent or mortgage or a combination of both in certain affordable home ownership tenures This is just one model but others that explicitly use income would be beneficially defined in the SPG.	The viability assessment that informs Policy MG4 was undertaken on the basis of Low Cost Home Ownership reflecting 70% of Open Market Value (OMV). Whilst it is recognised that other methods for determining the affordability of units exist, the section in question sets out the Council's procedure and the introduction of alternative methods into the SPG would add to confusion.	No amendment required.
Cwmpas	Paragraph 7.4.2 – it is strongly suggested that community led housing is included in this section including reference to Housing Co-operatives, Cohousing and Community Led Trusts. Each of these models fall under the umbrella of community led housing and in turn are very distinct from self-build development proposals.	Section 7.4.2 provides a list of spending options that affordable housing contributions can be used for. It specifically references schemes by the Council and RSLs but does not mention community led housing. Given the change in PPW it is considered that this would be an appropriate change.	Add reference to Community Land Trusts under the final bullet point.
Cwmpas	Section 11 if community led housing is included in the SPG, then it follows that as this will be delivering 100% affordable housing that community led housing organisations should be seen in the same light as RSLs in terms of contribution requirements when delivering 100% affordable housing schemes of 25 dwellings or less.	Section 11 reflects a specific arrangement in place for developments by the Council and its four named partner RSLs. As 'community led housing' is a broad category, it is not considered appropriate to specifically reference this type of housing in this section.	No amendment required.
Cwmpas	Section 12 community led affordable housing is very different and distinct from Self Build Housing and as such it is considered that the SPG should recognise and acknowledge this point.	This section specifically relates to self-build housing and it is clear how this is defined. It is not considered to be necessary to include reference to community led housing in this section.	No amendment required.

# Affordable Housing



## Supplementary Planning Guidance

Revised October 2024





## Contents

1. Introduction .....	1
2. Purpose of the Document .....	2
3. Status of this Guidance .....	3
4. Policy Context .....	4
4.1. National Policy .....	4
5. Affordable Housing Need in the Vale of Glamorgan.....	6
6. Planning Requirements for Affordable Housing in the Vale of Glamorgan.....	7
6.2. Subdivided and phased development sites .....	8
6.3. Funding arrangements .....	9
6.4. Section 106 Agreements .....	11
6.5. Mix and Types of Affordable Housing .....	11
7. Delivering Affordable Housing Provision & Commuted Sums .....	14
7.1. Onsite and Offsite Provision.....	14
7.2. Commuted Sums .....	15
7.3. Establishing the value of the commuted sum payment .....	15
7.4. How will commuted sums be spent? .....	17
8. Reviewing Development Viability .....	20
8.2. Development Viability Appraisal Requirements.....	21
8.3. Mechanisms for Dealing with Development Viability Issues.....	25
9. Affordable Housing in Rural Areas .....	28
9.1. Rural Exception Affordable Housing .....	28
9.2. Cross-subsidised Rural Exception Housing .....	29
9.3. Local Community Engagement .....	30
9.4. Local Connection Criteria and Cascade Arrangements .....	30
9.5. Agricultural Workers and Rural Enterprise Dwellings.....	31
10. Design Considerations .....	32
10.2. Welsh Development Quality Requirements 2021: Creating Beautiful Homes and Places (WDQR) .....	32
10.3. Secured By Design .....	33
11. Schemes for 100% Affordable Housing of 25 units or less .....	34
12. Exemption for Self-Build Housing Developments.....	35
12.2. Procedure.....	35
12.3. Withdrawal of the Exemption for Self-build Housing .....	37

13. Contacts.....	38
Development Management.....	38
Housing Strategy .....	38
Appendices .....	39
Appendix A – Transfer Values for Social Rented Units.....	39
Appendix B - Development Viability Assessment Template .....	40
Appendix C - Self-Build Exemption Claim Forms.....	51

## **1. Introduction**

- 1.1. The purpose of this Supplementary Planning Guidance (SPG) is to set out the Council's approach to delivering affordable housing through the planning system. It sets out the Council's planning requirements and mechanisms for securing and delivering affordable housing within the Vale of Glamorgan.
- 1.2. This SPG updates and replaces the Council's previous Affordable Housing SPG (last updated July 2022) and has been produced to support the policies of the Vale of Glamorgan Local Development Plan (LDP) which address the affordable housing needs within the Vale of Glamorgan as evidenced in the Council's latest Local Housing Market Assessment (LHMA), and Affordable Housing Viability Assessment (AVHA 2015).

## **2. Purpose of the Document**

2.1. The SPG provides guidance on:

- The Council's requirements for affordable housing, including level of provision, type, tenure, size and standards of affordable housing sought from housing developments;
- The use of Section 106 agreements to secure affordable housing provision;
- The Council's approach to off-site provision of affordable housing and financial contributions;
- How issues surrounding development viability may be taken into account in respect of affordable housing provision; and
- The Council's approach to rural exception sites for affordable housing.

2.2. The SPG also summarises the key sources of evidence used to inform the Council on current levels of affordable housing and viability assessments used to justify the affordable housing contributions set out in the LDP and SPG.

### **3. Status of this Guidance**

- 3.1. The SPG was originally prepared as background evidence to the Public Examination of the Vale of Glamorgan Local Development Plan. Following public consultation the amended SPG was approved by Cabinet on 31st July 2017 to be used as a material consideration in the determination of planning applications and appeals in the Vale of Glamorgan. Following a review of the SPG, it was amended and approved by Cabinet on 5th November 2018. The SPG was amended again on 9<sup>th</sup> May 2022 via delegated powers by the Head of Regeneration and Planning (in accordance with Cabinet Minute C467, Recommendation 3), to reflect policy changes.
  
- 3.2. It was updated again in October 2024 to set out a new methodology for transfer values and other minor updates to reflect policy changes and to provide clarification.

## 4. Policy Context

### 4.1. National Policy

4.1.1. The National Planning Policy context for the provision of affordable housing through the planning system is set out in Future Wales: the National Plan 2040, Planning Policy Wales (PPW Edition 12, 2024) and Technical Advice Note 2 (TAN) Planning for Affordable Housing (June 2006). Further advice is provided in ‘Delivering Affordable Housing Using Section 106 Agreements – Practice Guidance’ (2008) and ‘Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update’ (2009).

4.1.2. Future Wales: The National Plan is the national development framework setting out the direction for development in Wales to 2040. Policy 7 “Delivering Affordable Homes” sets out Welsh Government’s ambition to increase the delivery of affordable housing through the planning system.

4.1.3. PPW (Paragraphs 4.2.26 and 4.2.27) sets out a definition of affordable housing:

*“Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.*

*Affordable housing includes social rented housing owned by local authorities and RSLs and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents. Affordable housing may also include that owned by community-led housing organisations where this meets the Welsh Government’s definition set out in paragraph 4.2.26 above. All other types of housing are referred to as ‘market housing’, that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority.”*

4.1.4. PPW highlights the important contribution that affordable housing makes to community regeneration, social inclusion and in the development of sustainable communities. It requires Local Planning Authorities (LPAs) to have full understanding of the level of affordable housing need within their area, alongside development viability and the availability of public subsidy.

- 4.1.5. Paragraphs 4.2.29 to 4.2.34 set out the requirements for development plans in respect of the provision of affordable housing:

*“Development plans must include a target for affordable housing (expressed as numbers of homes). The target for affordable housing should be based on the LHMA and identify the expected contributions that the policy approaches identified in the development plan (for example, site thresholds, site specific targets, commuted sums and affordable housing exception sites) will make to meeting this target. The target should take account of deliverability and viability which will be influenced by the anticipated levels of finance available for affordable housing, including public subsidy, and other community benefit contributions being sought by the planning authority.”*

*“Development plans should include either site thresholds or a combination of thresholds and site-specific targets for affordable housing. Planning authorities should set site capacity thresholds for residential developments above which a proportion of affordable housing will be sought from developers. This applies both to sites specifically allocated in the development plan and to unallocated (windfall) sites and will normally take the form of on-site affordable housing contributions. In principle all new market housing sites, irrespective of site size, may contribute to meeting the need for affordable housing.”*

*“... For sites which fall below the site threshold planning authorities may secure commuted sums using a Section 106 agreement. Commuted sums should be used by the planning authority solely for facilitating or providing affordable housing. When setting the affordable housing thresholds and/or site-specific targets planning authorities must consider their impact on site viability to ensure residential sites remain deliverable.”*

- 4.1.6. In preparing this SPG the Council has taken into account the latest affordable housing viability work that supports the site capacity thresholds and targets contained within the SPG, consistent with the affordable housing requirements of the LDP.

## **5. Affordable Housing Need in the Vale of Glamorgan**

- 5.1. The Vale of Glamorgan Local Housing Market Assessment (LHMA 2023) provides the latest evidence on affordable housing need. Based on the principal projections in the tool, there is a net annual need for 1,075 affordable units in the Vale of Glamorgan during the next five-year period comprising 687 units of social rent, 47 units of intermediate rent and 341 units of Low Cost Home Ownership. There is a need for a further 154 units per annum over the following 10 years. If considered over a 15 year period, there is a need for 461 affordable units per annum (6,918 in total). The greatest need is for one and two bedroom properties, across all areas of the Vale of Glamorgan, although in some areas the LHMA identifies a requirement for 3 and 4 bedroom properties.
- 5.2. In terms of spatial distribution, there is a general need for affordable housing across all housing market areas in the Vale of Glamorgan, with the highest areas of need identified as Barry, Penarth and Llandough Llantwit Major and, Dinas Powys.
- 5.3. Policy SP4 of the Adopted LDP identifies a target of up to 3,252 affordable homes across the Vale of Glamorgan over the Plan period in accordance with the findings of the evidence at the time of plan preparation.



## **6. Planning Requirements for Affordable Housing in the Vale of Glamorgan**

6.1.1. The Council's policy on affordable housing is set down in Policy MG4 of the Vale of Glamorgan LDP which states:

### **POLICY MG 4 - AFFORDABLE HOUSING**

*Residential developments (including mixed use schemes) will be required to contribute to meeting affordable housing need and should meet the levels of affordable housing set out below:*

*30% affordable housing on residential developments resulting in a net gain of 5 or more units in:*

- *Barry.*

*35% affordable housing on residential developments resulting in a net gain of 5 or more units in:*

- *Llantwit Major;*
- *Rhose; and*
- *St Athan.*

*40% affordable housing on residential developments resulting in a net gain of 1 dwelling or more; or the conversion of existing buildings resulting in a net gain of 2 or more dwellings in:*

- *Cowbridge;*
- *Dinas Powys;*
- *Llandough;*
- *Penarth;*
- *Sully;*
- *Wenvoe;*
- *The minor rural settlements; and*
- *The rural Vale of Glamorgan.*

*The provision of affordable housing will be negotiated on a site by site basis taking into account the evidenced viability of the development.*

*On sites of 10 or more dwellings affordable housing shall be provided on site, unless exceptional circumstances are demonstrated, with the requirement being rounded up to the nearest whole number. On sites of fewer than 10 dwellings the affordable housing requirement will be calculated and any whole units shall be provided on site, unless exceptional circumstances are demonstrated, with the residual amount being provided as an equivalent financial contribution. Off-site contributions received will be used to deliver alternative affordable housing in the Vale of Glamorgan.*

*Contributions will be made in accordance with the requirements set out in the council's affordable housing SPG, which provides guidance on viability and the circumstances under which contributions may be varied or reviewed.*

- 6.1.2. For the purpose of Policy MG4 the requirements shall apply to those areas within the delineated settlement boundary of the relevant settlement cited, as shown on the Proposals Map. The 'Rural Vale of Glamorgan' means the area outside any defined settlement boundary. Development sites adjoining or close to the settlement boundaries of Barry, Llantwit Major, Rhoose and St. Athan will be treated as the 'Rural Vale of Glamorgan' and will be expected to deliver 40% affordable housing, unless the developer provides viability evidence to justify an alternative.
- 6.1.3. Policy MG4 shall apply to all self-contained dwellings (i.e. all uses that fall within class C3 the Use Class Order) including C3 residential elements of mixed-use schemes as well as self-contained units for people of pensionable age (e.g. 'retirement' apartments), and supported/sheltered housing or extra care developments where these are not affordable housing in their own right i.e. developed by a Registered Social Landlord (RSL). An exception is Rural Enterprise dwellings that would not be expected to make a contribution to affordable housing as these do not benefit from normal market conditions and are subject to the planning condition suggested in Technical Advice Note 6 that require them to be retained as rural enterprise dwellings or otherwise become 'affordable housing' in perpetuity. The Council has also introduced an exemption for self-build properties (see Section 10 below).
- 6.1.4. On sites of 10 or more dwellings, where the percentage of affordable housing does not equate to a whole number, the requirement will be assumed to be a minimum and therefore, the figure should be rounded up to the nearest whole number, unless it is demonstrated that the requirement undermines the viability of the development, which is considered in more detail below. The approach on smaller sites is explained below at section 6.
- 6.1.5. Development Viability as set out in section 8 below will be considered for any application triggering an affordable housing contribution. If a development viability appraisal satisfactorily demonstrates that a reduced contribution should be sought, then this will be considered as set out in section 8.

## **6.2. Subdivided and phased development sites**

- 6.2.1. Where a site is subdivided, the Council will treat such sites in their totality if the schemes, together, would accommodate more than the relevant number of dwellings. Under such circumstances, each subdivided plot will be required to provide a contribution towards the relevant obligation proportionate to its size and relative to the overall site requirements for

affordable housing. If sites are proposed in such a way as to undermine the delivery of affordable housing, this could lead to a refusal of planning permission. For outline planning applications a commitment to the delivery of affordable housing will be necessary at this stage and will be secured through a Section 106 Agreement, and then detailed in any subsequent Reserved Matters application.

6.2.2. Where developments are proposed which fall short of the threshold by up to 10%, it will be necessary for the Local Planning Authority to consider whether this is deliberate underdevelopment of the site to avoid the affordable housing threshold. If so, there is planning case law to support a stance that the requirement should be applied.

6.2.3. As a general rule, LDP Policy MD 6 (Housing Densities) sets out that a minimum density of 30 dwellings per hectare will be considered appropriate to most sites, with a lower density of 25 dwellings per hectare being appropriate in the minor rural settlements. However, site specific or contextual constraints may make lower densities necessary and this will need to be considered by the Local Planning Authority on a site by site basis.

### **6.3. Funding arrangements**

6.3.1. Traditionally, the funding for the delivery of affordable housing has come from subsidy in the form of grant funding available from Welsh Government (WG), such as Social Housing Grant (SHG). However, as a result of the increased levels of affordable housing need across Wales and reduced levels of public subsidy available, the WG is now placing greater emphasis on the planning system to deliver affordable housing through developer subsidy.

6.3.2. Consequently, in order to satisfy the Council's affordable housing requirements, developers and landowners should, in the first instance assume that no grant or other funding sources are available. Indeed the Council's viability assessment prepared as evidence for the LDP Examination tested development viability with zero grant availability, and therefore the Council considers that in most cases the absence of grant funding should not be an issue with regard to development viability in the Vale of Glamorgan. It is therefore expected that developers will build the affordable units without the assistance of grant and transfer them to a social landlord (Housing Association or the Council) for management at a set transfer value for social rented, or at a percentage of Open Market Value for intermediate/LCHO properties.

- 6.3.3. Having regard to the findings of the Council's LHMA (2023), and the evidence on development viability, the Council will usually seek a tenure split of 70% social rented housing and 30% intermediate housing, which may be intermediate rent or low cost home ownership. Both tenures are delivered differently and require a different amount of developer subsidy, as set out below. However, tenure mix can be considered on a case by case basis where evidence suggests that the Council's preferred mix is not appropriate or deliverable.
- 6.3.4. The Council has historically used the WG's Acceptable Cost Guidance (ACG) as the basis for determining transfer values. These ACG figures reflect the combined 'land and works' costs at which RSLs should expect to build social rented homes within the Vale of Glamorgan. The ACG figures vary by unit size and type. Developers are required to subsidise the affordable housing units at a rate of 58% of ACG in line with the level of funding otherwise secured through grant funding. In other words, the price a Registered Social Landlord (RSL) or the Council will be expected to purchase a social rented property for will be no more than 42% of the relevant ACG figure for that type of property.
- 6.3.5. Until recently, WG issued updates to the ACG values on a regular basis. However, a change in the model for determining grant funding has meant that Welsh Government are no longer publishing ACGs based on the cost of 'land and works' and instead recent updates only reflect the 'works' cost of development. The last 'land and works' figures were published in August 2021 and therefore are becoming increasingly out of date. In order to ensure the figures being paid for new social rented units reflect inflation, it is necessary to apply a new methodology to determine the transfer values. The Council will continue to use the August 2021 ACG values as a baseline, but will apply an annual uplift to the figures in line with the WG's maximum published rent inflation. The requirement will remain that RSLs will be expected to pay no more than 42% of the uplifted transfer values. The figures for 1st April 2024 are set out in Appendix A and also incorporate uplifts for 2022 and 2023. The transfer values will be updated on an annual basis or as necessary.
- 6.3.6. **Intermediate properties** are usually purchased at 70% of the Open Market Value (OMV) of the relevant property which is usually determined once the OMV of the units can be reasonably established on the development. Such matters should be agreed between the developer, the RSL and the Council in light of appropriate evidence. Therefore, the level of developer subsidy for intermediate properties is usually 30% OMV for the relevant property.

## **6.4. Section 106 Agreements**

6.4.1. Affordable Housing will normally be secured by means of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended). These are usually between a local planning authority and developers or land owners and specify that a proportion of the dwellings to be built on site are built and thereafter maintained as affordable housing. Section 106 agreements run with the land as a land charge and apply to successive owners.

6.4.2. Section 106 agreements will normally specify:

- The number or percentage, type and tenure mix of affordable homes to be provided on the site;
- The amount and timing of any financial contribution to be paid in lieu of on-site delivery (if appropriate);
- The control and management of the housing to ensure it is secured in perpetuity which will usually be by the transfer of the affordable homes to a social landlord and any hand-over arrangements;
- The occupancy of the housing which will be reserved for people in housing need according to criteria determined by the WG and the Council;
- The location and phasing of affordable housing provision in relation to the development of the site and any trigger points when affordable housing must be provided, and;
- Arrangements for the fall-back provision of financial contributions in lieu of on-site provision in exceptional circumstances and arrangements for unusual circumstances such as mortgage default.

## **6.5. Mix and Types of Affordable Housing**

### **6.5.1. House Types**

6.5.1.1. The Council's LHMA highlights the need to provide a range of dwelling sizes across the Vale of Glamorgan, with the greatest current demand

being for 1 and 2 bedroom properties. The Council will continue to seek to provide a mixture of dwelling sizes and, in some circumstances, may look to negotiate a proportion of dwellings suitable for older persons such as bungalows or supported housing. However, the house type and mix should also reflect the overall house type mix of the development proposed such that the affordable housing integrates well with the overall development.

- 6.5.1.2. In terms of the types of properties developed the Council's preference is likely to be for two bedroom properties to be provided in the form of houses since flats are largely unsuitable to meet the needs of households with children. Where smaller 1 or 2 bedroom properties are located within flatted developments, these should be provided in the form of walk up flats as they offer long term sustainability for tenants. In order to establish the actual dwelling mix and type, it is recommended that developers seek advice from the Council's Housing Strategy Team at an early stage so that the tenure and mix preferences can be established as part of the application process.

## **6.5.2. Tenure Mix**

- 6.5.2.1. The Council's LHMA revealed that the greatest affordable housing tenure need within the Vale of Glamorgan is Social Rented, followed by Low-Cost Home Ownership/intermediate rent. Accordingly, the Council will usually require the affordable housing tenure to be provided at a ratio of 70% social rented, 30% low cost home ownership/intermediate rent consistent with the local housing needs. The Council's viability appraisal prepared to inform LDP Policy MG4 considered this tenure ratio when establishing the impact of affordable housing on development viability across the Vale of Glamorgan. However, on smaller sites where the affordable housing provided would be a single unit, the Council will require this to be social rented dwelling.
- 6.5.2.2. **Social Rented Housing** is rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime.
- 6.5.2.3. **Intermediate Housing** is that which is available to either rent or purchase at prices above those of social rent, but below market prices, providing an important role in bridging the gap between social and affordable rented homes and owner occupation, hence the term "intermediate". This tenure includes Intermediate Rented dwellings and Low Cost Home Ownership dwellings.

- 6.5.2.4. **Intermediate Rented Dwellings** are generally set at or below Local Housing Allowance (inclusive of service charges), set by WG for the Vale of Glamorgan.
- 6.5.2.5. **Low Cost Home Ownership (LCHO)** can take the form of shared equity, shared ownership and HomeBuy schemes. A number of RSL's within the Vale of Glamorgan are also members of the "Homes Within Reach Scheme" a shared equity home ownership scheme for first time buyers. These schemes enable a household to purchase an equity share (initially a minimum 70%) and the remaining equity is retained by an RSL, although purchasers are offered the opportunity to purchase the property outright in the future, known as "staircasing". To enable the mortgage to be at an affordable rate, the purchase price of the LCHO unit is discounted against open market values
- 6.5.2.6. It is vitally important to the Council for all affordable housing secured through the planning system to be made financially accessible particularly to those household on lower incomes who cannot afford open-market housing. The Council shall therefore usually require open market housing to be discounted at 30% below open market value. In areas of the County where there is a particularly pronounced affordability problem, with higher house price to income ratios, developers will be encouraged to consider setting the price at a lower level of market value. The legal agreement will ensure the same discount from full price is used in all future sales of the property. This will be considered on a site by site basis, based upon average house prices, income evidence and housing need in the area.

## 7. Delivering Affordable Housing Provision & Commuted Sums

### 7.1. Onsite and Offsite Provision

7.1.1. At paragraph 12.5 TAN 2 states: *“The strong presumption is that affordable housing secured through planning obligations will be provided on the application site so that it contributes to the development of socially mixed communities. Development plans (or SPG) should set out the exceptional circumstances where provision may not need to be on an application site (for example where the management of the affordable housing cannot be effectively secured).”*

7.1.2. In line with the above advice, the Council will normally expect developments to deliver affordable housing on development sites, usually in the form of units built for and transferred to the Council or a Registered Social Landlord. LDP Policy MG4 specifies this to be required unless exceptional circumstances are demonstrated as to why this cannot be achieved, such as:

- Insurmountable development viability issues caused or exacerbated by the affordable housing requirements;
- Site specific circumstances which would make affordable housing delivery and/or management extremely difficult; or
- There is a demonstrable local over-supply of affordable housing and/or severe shortage of affordable housing elsewhere in the Local Authority Administrative Area that could be best catered for through off-site contributions to deliver affordable housing in the areas of highest need.

7.1.3. Where it has been established (see viability section below) that affordable housing cannot (or should not) be secured on site, the second preferred approach will be off-site provision that is where the equivalent amount of affordable housing is delivered by the developer on an alternative suitable site. In such cases, a site should be identified, have secured planning permission and be delivered within an agreed timescale to coincide with the delivery of the ‘parent’ market housing site. Developers will be expected to demonstrate that they have made reasonable efforts to identify appropriate alternative sites for the delivery of off-site affordable housing in the area. The Council would expect, as a minimum, the developer to have contacted the Council’s Housing Division to consider the delivery of off-site affordable housing via this arrangement, and undertaken an appropriate site search in the locality prior to dismissing this method.



## 7.2. Commuted Sums

- 7.2.1. Where the delivery of affordable housing cannot readily be delivered either on or offsite, a financial contribution in lieu of on-site provision may be accepted and would need to be secured through a Section 106 Agreement.

## 7.3. Establishing the value of the commuted sum payment

- 7.3.1. Commuted sums will be directly linked to what the contribution would have been if the affordable dwellings would have been on site, and calculated using the uplifted Acceptable Cost Guidance (ACG) figures set out in Appendix A.
- 7.3.2. Where the Council agrees that a commuted sum payment is appropriate this will be calculated on the basis of the below formula:

$$\text{Affordable Housing Contribution (AHC)} = \text{ACG uplifted value } \pounds \text{ per unit} \times \% \text{ SHG} \times N$$

Where:

- *ACG= Acceptable Cost Guidance per dwelling, related to dwelling type and occupancy (e.g. 2 person 1 bed flat) in Wales, being the uplifted ACG values set out in Appendix A.*
  - *% SHG= Social Housing Grant rate. This is normally expressed as the total proportion of actual scheme costs that was historically funded by WG at 58%*
  - *N= Number of affordable housing units (at parity and rounded to the nearest whole unit).*
- 7.3.3. On sites of 1 or 2 dwellings a commuted sum is more likely in a practical sense to deliver affordable housing through payment of a financial contribution in lieu of on-site provision. On sites between 3 and 9 dwellings, the Council will expect some affordable housing to be provided on site, with financial contributions to be paid where the number of dwellings does not equate to a whole number.
- 7.3.4. Within the Barry, Llantwit Major, St. Athan and Rhoose housing market areas the Council's Affordable Housing policy requires all residential sites resulting in a net gain of 5 or more dwellings to provide an element of affordable housing:

## **Barry**

On sites between 5-9 dwellings, requiring **30%**, this would work as follows:

*5 dwellings - 4 market units and 1 affordable unit plus contribution  
(AHC x 0.5)*

*6 dwellings – 5 market units and 1 affordable units plus contribution  
(AHC x 0.8)*

*7 dwellings - 5 market units and 2 affordable units plus contribution  
(AHC x 0.1)*

*8 dwellings - 6 market units and 2 affordable unit plus contribution  
(AHC x 0.4)*

*9 dwellings – 7 market units and 2 affordable unit plus contribution  
(AHC x 0.7)*

## **Llantwit Major, Rhoose, St. Athan**

On sites between 5-9 dwellings, requiring **35%**, this would work as follows:

*5 dwellings - 4 market units and 1 affordable unit plus contribution  
(AHC x 0.75)*

*6 dwellings – 4 market units and 2 affordable units plus contribution  
(AHC x 0.1)*

*7 dwellings - 5 market units and 2 affordable units plus contribution  
(AHC x 0.45)*

*8 dwellings - 6 market units and 2 affordable unit plus contribution  
(AHC x 0.8)*

*9 dwellings – 6 market units and 3 affordable unit plus contribution  
(AHC x 0.15)*

## **The rest of the Vale of Glamorgan**

Within the rest of the Vale of Glamorgan the Council's Affordable Housing policy requires all residential sites resulting in a net gain of 1 or more dwellings to provide an element of affordable housing:

In areas with a **40%** requirement, this would work as follows:

- 1 dwelling - financial contribution only (AHC x 0.4)*
- 2 dwellings – financial contribution only (AHC x 0.8)*
- 3 dwellings – 2 market units and 1 affordable unit plus contribution (AHC x 0.2)*
- 4 dwellings - 3 market units and 1 affordable unit plus contribution (AHC x 0.6)*
- 5 dwellings - 3 market units and 2 affordable units*
- 6 dwellings – 4 market units and 2 affordable units plus contribution (AHC x 0.4)*
- 7 dwellings - 5 market units and 2 affordable units plus contribution (AHC x 0.8)*
- 8 dwellings - 5 market units and 3 affordable unit plus contribution (AHC x 0.2)*
- 9 dwellings – 6 market units and 3 affordable unit plus contribution (AHC x 0.6)*
- 10 dwellings - 6 market units and 4 affordable units*

### ***Tenure split for on-site provision***

In term of on-site requirements for small sites, the tenure split for small sites would reflect the 70:30 tenure split as elsewhere, as follows:

- 1 dwelling = social rented*
- 2 dwellings = 1 x social rented, 1 x Intermediate*
- 3 dwellings = 2 x social rented, 1 x Intermediate*
- 4 dwellings = 3 x social rented, 1 x Intermediate*

## **7.4. How will commuted sums be spent?**

- 7.4.1. At paragraph 12.5 TAN 2 states: *“any off-site provision of affordable housing or a financial contribution in lieu of on-site provision must contribute towards the objective of providing affordable housing. This could be achieved by bringing existing housing back into use for affordable housing or supporting the delivery of affordable housing on another site (either for*

*100% affordable housing or another site where affordable housing is to be provided).”*

7.4.2. The Council will seek to make the most effective use of any financial contributions for affordable housing, taking into account the availability of suitable opportunities at the time they are received. The following list of potential spending options is not in order of priority nor is it exhaustive, and may change over time, depending on needs and opportunities. Affordable housing contributions may be used to:

- Support the renewal of existing Council housing stock;
- Support specific initiatives to regenerate the existing housing stock, e.g. empty property grants.
- Support Registered Social Landlords (RSLs) or the Council to purchase suitable properties on the open market and adapt them for affordable housing
- Fund the purchase of land for development by a RSL or the Vale of Glamorgan Council for affordable housing; and
- Support site development and / or construction costs on land already owned by the Council or RSL - to bring forward development and/or improve tenure mix and enhance affordability for rental and affordable home ownership options.
- Support Community Land Trusts to bring forward schemes that accord with the definition of affordable housing.

7.4.3. The Council may combine financial contributions from different sites if appropriate and will spend contributions in the way that best achieves the Council's and local communities' priorities for affordable housing. The number of units resulting from expenditure may be more or less than the units used to calculate the contribution as dwelling types, tenure, specifications and other aspects will vary from scheme to scheme.

7.4.4. Section 106 agreements will include a clause requiring the Council to refund any unexpended financial contributions to the developer within a set timeframe. For affordable housing contributions, this will normally be a minimum of 10 years from the date of receipt. This reflects the complex nature of delivering affordable housing, including the time taken to identify

appropriate sites and to identify a partner for delivery and future management of the affordable housing.

## 8. Reviewing Development Viability

- 8.1.1. Planning Obligations and affordable housing will have an impact on land values and landowner expectations, therefore the Council will expect that applicants have considered in full the overall cost of development, including the required planning obligations and any abnormal costs, when negotiating the purchase of land. The Council has developed this document alongside the Planning Obligations SPG to enable Developers to undertake this assessment. A template is provided at **Appendix B** for developers to complete to demonstrate the viability assessment of their proposals and the Council's Section 106 Officer or Planning Case Officer will be able to provide advice and support to applicants on the information required. In addition the Council offers pre-application advice to Developers to fully establish the policy position in respect of these matters in advance.
- 8.1.2. Where a site is still under option it will always be expected that the policy requirements can be met provided that the scheme is not abnormally costly or abnormally under value for the area. These costs should be reflected in the price that the developer purchases the site for so ensuring that the proposed development site is economically viable to meet the Council's affordable housing requirements. If there is any doubt about viability on a particular site, it will be the responsibility of the developer to offer the land owner less for the site, or to maximise the mix on site to achieve policy prior to entering into discussions with the Council.
- 8.1.3. In setting its planning policies for affordable housing and other planning obligations, the Council has undertaken strategic viability assessments which demonstrate that, in most cases, the Council's policy requirements are achievable and realistic. This will be the starting point for negotiations and therefore, the burden of proof shall lie with the developer to demonstrate why there are extraordinary viability constraints on their development.
- 8.1.4. The WG guidance on Delivering Affordable Housing Using Section 106 Agreements, A Guidance Update (2009) states that Local Planning Authorities should be clear about those situations where the Council will be willing to accept reduced planning obligations or affordable housing contributions and notes that in some cases it may be appropriate for an authority to refuse to agree these (paragraph 5.4 refers). The Council considers that reduced planning obligations or affordable housing contributions will only be justified on the grounds of development viability

where there is sufficient planning merit weighing in favour of the development, such as:

- The delivery of a strategically important development site in the context of the Local Development Plan;
- There are unusual or extraordinary site constraints affecting viability that must be overcome for the site to be developed and the development would be in the wider public interest (e.g. protection of a listed building, contaminated land, urban renewal project etc.) or;
- The development itself is being used as a means of delivering / subsidising a mixed use, commercial or community project (in the public interest) which would not be deliverable without financial support.

8.1.5. In order to demonstrate that a reduction in the affordable housing provided is absolutely, necessary to make a development financially viable and deliverable, the Council will require the applicant to undertake a full and robust Development Viability Appraisal for assessment by the Council, which can then be used for negotiating a reduction in affordable housing or other planning obligations.

8.1.6. Before commencing with a site viability appraisal, the Council will require evidence from the developer that shows that they have fully considered ways that may reduce development costs and/or increase the scheme value to enable the scheme to deliver the required level of affordable housing. Such measures may include consideration of alternative site densities, dwelling mixes and tenure, site layouts, landscaping and construction specifications. Consultation with RSLs can also help ascertain design standards which will be expected for affordable units, which can help with developing accurate costs.

## **8.2. Development Viability Appraisal Requirements**

8.2.1. The Council can only make sound judgments about site specific development viability on the basis of full and robust development appraisals. Therefore, the Council will require applicants to provide the following detailed information. The level of supporting evidence required (i.e. valuations, costs reports etc.) will depend upon how far the viability inputs deviate from acceptable parameters based on industry norms. Any 'assumptions' must be clearly explained and justified.

- 8.2.2. The evidence will be assessed on whether the figures prove that the scheme would be unviable if it were to meet all affordable housing and other planning obligation requirements. In accordance with paragraph 4.2.34 in PPW (Edition 12), the Council and developer will operate in an open and transparent manner with all information provided on an “open book” basis.
- 8.2.3. All information submitted will need to be independently verified by either a suitably qualified quantity surveyor with local market knowledge and/or the District Valuer, the cost of which should be borne by the developer. Information should be set out under the headings below so that this can be cross referenced back to the Wales Development Appraisal Toolkit. Developers should only provide those costs applicable to their development.

**(i) General Requirements:**

- *The Council's policy requirements should be the starting point for applicants and viability appraisals should work backwards from this. The Council will expect land transactions to reflect policy, rather than the other way around.*
- *Evidence should be provided to show what consideration has been given to alternatives in order to improve viability. Such measures can include altering development densities, layout, dwelling tenure, and design and build specifications.*

**(ii) Development incomes / Revenues**

**Open Market Sales Income**

- 8.2.4. Projected sales values should be evidenced by either a bespoke valuation provided by an independent chartered surveyor (RICS), using the red book valuation approach, or three local estate agent market appraisals specific to the unit type and location. Recent sales evidence of comparable development sites should be submitted in support of these assumptions.

**Social Rented and Intermediate Tenure Income**

- 8.2.5. Projected values of rented units to be sold to an RSL must be based on what an RSL would pay taking into account the maximum rent levels and reasonable costs associated with managing and maintaining the properties. In respect of LCHO the value of units to be sold to an RSL, will be required to take into account the relevant required discount percentage from open market value (as set out in section 5 of this SPG).



**Any other potential revenues to the scheme, such as:**

- Grant/subsidy
- Ground rents
- Cross subsidy from a commercial element

***(iii) Development costs***

8.2.6. Cost estimates should be provided by a Quantity Surveyor or other suitably qualified professional. Build costs should be provided as £ per m<sup>2</sup> of Gross Internal Area (GIA) and should cover sub and super structure. This will be different for different types of dwelling (e.g. flats compared with housing; conversion compared with new-build).

***(iv) External works and infrastructure.***

8.2.7. Site Preparation/Demolition – site preparation/prelims and a reasonable allowance for demolition is included within BCIS so additional cost should not be included in this section if BCIS data is used. If substantial demolition is required the costs should be evidenced by quotes. Written evidence will be required to support site infrastructure costs/external works, such as the following:

- Roads and sewers
- Services (power, water, gas, telecommunications and IT)
- Strategic landscaping
- Off-site works
- Public open space
- Site specific sustainability initiatives
- Plot specific external works

***(v) Professional fees.***

8.2.8. These may include fees for planning application(s), land acquisition, architect, planning agent, quantity surveyor, building control and stamp duty.

***(vi) Finance costs (including how these have been calculated).***

8.2.9. Details of project finance, related to phasing of construction and sales, should be clearly set out. The proportion of the overall cost to be met by securing bank loans, and the rate of interest applicable to these, should be included in the open book assessment. Developer internal overheads are often included within developers return/profit, however, where these are

shown as a separate item they should be reflected in the reasonable projected profit margin.

**(vii) Fees relating to the marketing and sale of the units.**

- 8.2.10. These may include the reasonable costs of sales (e.g. marketing agent commission) and legal input for the sale or transfer of units. These costs must be benchmarked in line with current industry standards and phased appropriately.

**(viii) Abnormal / exceptional development costs.**

- 8.2.11. Any developer buying a site would be expected to undertake a proportionate amount of due diligence work to ensure that the price paid for the land reflects the prevailing conditions. Whilst the following may be considered as 'abnormal costs' the Council would expect the land transaction price to reflect these costs:

- demolition works - included in external works and infrastructure
- noise bunds
- knotweed removal
- decontamination
- archaeological and ecological surveys
- land stabilisation
- drainage and flood prevention measures

- 8.2.12. The above list is not exhaustive, and it is recognised that there may be other genuine unknown abnormal/exceptional development costs. All costs will need to be robustly evidenced.

**(ix) Build contingency.**

- 8.2.13. The Council recognise that an inclusion of a contingency allowance to cater for the unexpected is often necessary. The amount is usually reflected as a percentage of the construction build cost, dependent upon the nature of the development and associated risk. The developer will be required to justify the level of contingency included within their viability appraisal.

**(x) Land Value Benchmark and /or Land Acquisition Cost**

- 8.1.14. The Council will need to agree with the applicant an appropriate Land Value Benchmark (LVB). Normally the LVB will be the Existing Use Value (EUV) of the site, although in some instances an AUV (Alternative Use Value) may be considered appropriate. A reasonable amount of uplift from EUV will be expected to incentivise a landowner to release land for development, and

typically this would be expected to be between 10-20% more than existing use values.

- 8.1.15. Examples of EUV are agricultural value, or industrial value; typically £10,000 per hectare and £200,000 per hectare respectively in South Wales. The Council will consider the uplift and whether returns to land owner are competitive. Normally a 10 to 20 fold increase in value from agricultural is considered viable (Homes and Communities Agency Area Wide Viability Model).
- 8.2.16. The Council will be receptive to cases where an applicant has property evidence an existing use value. But this must be based on the current use value and not hope value for residential or any other use.

***(xi) Developer margin / profit***

- 8.2.17. The developer margin on open market units should be shown as a % of the Gross Development Value (GDV). Developer margin on affordable units should be shown as a % of costs. The level of developer profit will reflect the degree of risk to the developer. The required profit margin should be fully justified. For affordable units the level of profit should be significantly less than for open market units, to reflect the lower risk profile. Typically, the level of developer profit on the open market housing will be between 15% and 20% depending on the prevailing market conditions, the site-specific circumstances and the degree of risk involved. Typically, the level of developer profit on the affordable housing would be around 6%.
- 8.2.18. Where a developer is seeking a reduction in affordable housing or other planning obligations, they should be prepared to be flexible on the amount of developer profit and should not expect to protect a 20% profit margin at the expense of affordable housing or planning obligations. A balanced approach should be taken to have regard to both the commercial interests of the developer and the public interest being secured through planning obligations and affordable housing delivery.

***(xii) Phasing***

- 8.2.19. In some cases, a phased approach will be recommended. The anticipated build period should be stated, along with an estimate of projected sales values and projected development costs for the period of the build. The applicant should state whether the affordable housing or other planning obligation requirements have been front loaded in their appraisal.

**8.3. Mechanisms for Dealing with Development Viability Issues**

8.3.1. Following the independent validation of the evidence provided, the Council will assess the viability of the development against the land value benchmark under consideration. Where the Council is satisfied that the development cannot meet the affordable housing requirement the Council will discuss with the developer the options available to achieve economic viability. Before exploring the potential for either off site provision or a commuted sum payment, the council will also consider the balance between seeking affordable housing and its other planning obligation requirements and wider strategic planning issues.

8.3.2. In considering how planning obligations will be prioritised, the Council will consider the specific needs arising from the development, using the following categories:

**Essential Infrastructure** required to enable the development of the site e.g. Transport infrastructure and services for pedestrians, cyclists, public transport and vehicular traffic; service and utilities infrastructure; ecological mitigation (where a protected species is affected by the development) and flood prevention.

**Necessary Infrastructure** which includes:

- Infrastructure required to mitigate the impacts of the proposed development on local services and to provide for the needs generated by the development, where they cannot be met by existing facilities e.g. educational facilities; community facilities; healthcare facilities; public open space and recreational facilities.
- The delivery of affordable housing to meet local need.
- Infrastructure required to satisfy the Council's aim of delivering high quality developments that bring environmental and other benefits to the Vale of Glamorgan e.g. public art; environmental protection and enhancement; town centre regeneration; pollution management; historic renovation; recycling and waste facilities.

8.3.3 This categorisation should only be relevant where the developer has demonstrated that the development cannot deliver all of the Council's planning obligation requirements because of viability constraints.

8.3.4 The WG guidance on Delivering Affordable Housing Using Section 106 Agreements, A Guidance Update (2009) identifies a range of mechanisms which aim to enhance scheme viability while guarding against the developer/landowner 'pocketing' an advantageous planning permission, which they implement when development viability improves. The Council endorses

this guidance, which also states that reducing or otherwise altering planning obligations (including affordable housing requirements) should not be agreed without such mechanisms in place. Appropriate mechanisms include:

*Altering the affordable housing delivery on site, including the tenure mix or phasing which may assist to release early capital receipt;*

- *Re-phasing planning obligations;*
- *Reduced obligations associated with a time-limited permission;*
- *Reviewing obligations through the life of a permission; or*
- *A deferred payment arrangement.*

*The Council will seek to agree with developers, which is the most appropriate mechanism on a case by case basis.*

## **9. Affordable Housing in Rural Areas**

### **9.1. Rural Exception Affordable Housing**

9.1.1. The Council recognises that communities need housing to meet their local housing requirements and in many of the small villages in the Vale of Glamorgan, it may only be possible to provide housing of an appropriate scale on sites outside the existing built up area, traditionally in the way in which settlement patterns have evolved to what they are today.

9.1.2. Consequently, within the smaller rural communities, where it would not normally be appropriate to develop housing because of limited availability of facilities and services, there may be circumstances where the provision of housing to meet a local need outweighs these factors.

9.1.3. Such proposals are commonly described as “rural exception housing”, where permission is granted solely for affordable dwellings that are built to meet the housing needs of the immediate village or community ward within which the housing is proposed. Before the Council will grant planning permission for affordable housing on a rural exception site, it must therefore be satisfied that there is an evidenced need for affordable housing in the locality. LDP Policy MD10 sets out criteria against which these proposals will be assessed.

#### ***POLICY MD10 – AFFORDABLE HOUSING DEVELOPMENTS OUTSIDE SETTLEMENT BOUNDARIES***

*Small scale affordable housing developments will be permitted outside settlement boundaries where they have a distinct physical or visual relationship with an existing settlement and where it is demonstrated that:*

- 1. The proposal meets an identified local need which cannot be satisfied within identified settlement boundaries;*
- 2. The number of dwellings is in proportion to the size of the settlement;*
- 3. The proposed dwelling(s) will be of a size, tenure and design which is commensurate with the affordable housing need;*
- 4. In cases where the dwelling is to be provided by either a private landlord or the intended occupier, secure mechanisms are in place to ensure the property shall remain affordable in perpetuity; and*
- 5. The development has reasonable access to the availability and proximity of local community services and facilities.*

9.1.4. Additionally, the Council will expect rural exception sites to:

- Comply with local and national planning policy;
- Be of a scale appropriate to the size and character of the individual village concerned and the level of services and facilities available in the village;
- Demonstrate that the affordable housing could not reasonably be provided elsewhere on a site allocated for residential development;
- Undertaken consultation with the community or ward council and local residents;
- Be subject to a “local lettings and sales policy” developed in partnership with the local Community Council (see below), and remain affordable in perpetuity.

## **9.2. Cross-subsidised Rural Exception Housing**

- 9.2.1. In exceptional circumstances, the Council may allow rural exception housing to include an element of market housing where it is clearly demonstrated that the market housing element is essential to the delivery of the affordable housing, by increasing the viability of the development and incentivise landowners to bring forward sites, rather than maximising development value.
- 9.2.2. In this regard proposals must be affordable housing led and the tenure mix of both the market and affordable dwellings are aligned with local need. Accordingly, it is expected that the market housing element should seek to address any particular shortages of property types and sizes locally. Such proposals will be restricted to sites of less than 10 dwellings and the housing mix strictly controlled to a ratio of at least 70% affordable dwellings to 30% market dwelling.
- 9.2.3. The Council will expect such proposals to involve a RSL so as to ensure that the affordable housing element of the scheme remains available to those in local need; at an affordable rate initially and in perpetuity; and is managed appropriately. Other providers may be considered if it can be demonstrated satisfactorily that the affordable housing will be retained as such in perpetuity.

### **9.3. Local Community Engagement**

- 9.3.1. The Council will expect all rural exception affordable housing proposals to be developed in partnership with the local community. This can be achieved through effective community engagement at the pre-application stage to take into account of the view of local residents and the community council as well as explore any alternatives and the earliest stages. When submitting a planning, applicants should provide a brief statement outlining the measures undertaken to engagement with the community and how the proposal has taken on board any feedback received.
- 9.3.2. Engagement with the Community Council may also provide the opportunity to discuss any specific housing needs of the community, as well as the scope of criteria to be considered in the local lettings criteria (see below) to enable priority for affordable housing to be given to existing residents and those who have a local connection to the area. In this regard, the Council has its own rural housing enabling officer who seeks to deliver rural exception sites, working alongside Community Councils, local communities and landowners and can assist in this process.

### **9.4. Local Connection Criteria and Cascade Arrangements**

- 9.4.1. Affordable Housing in the Vale of Glamorgan is allocated via the Homes4U lettings scheme. Homes4U 'bands' applicants according to their housing need and members are then able to 'bid' for properties they wish to live in.
- 9.4.2. For rural exception sites the Council uses a local letting criteria, developed in partnership with RSL's and the local Community Council's to identify the priorities that will be given to the allocation of affordable housing lettings and in the determining of what qualifies as a local connection. Local lettings and sales policies will apply to all new affordable housing, including social housing and low cost home ownership properties developed on rural exception sites.
- 9.4.3. The purpose of the local connection criteria is to ensure that priority for affordable housing is given ensuring affordable housing meet the needs of the local resident population and wherever possible provide for the needs of the immediate community. For this reason, all rural exception schemes will be subject to a Local Lettings Policy.
- 9.4.4. In all cases relevant occupancy controls will be included within a section 106 legal agreement to ensure than the local connection criteria applies to initial and subsequent occupants.



## **9.5. Agricultural Workers and Rural Enterprise Dwellings**

- 9.5.1. Where proposals for new dwellings in support of an agricultural business or rural enterprises are justified and found to satisfy the assessment tests of Technical Advice Note 6 Planning for Sustainable Rural Communities, it will be necessary to ensure that the dwellings are kept available for this need. Accordingly, the dwelling(s) shall be subject to occupancy conditions restricting occupation to those employed in either agriculture or a rural enterprises; and where it is shown that the dwelling is no longer required for such purposes, the dwelling will be made available to persons eligible for affordable housing under the Council's housing policies.

## **10. Design Considerations**

- 10.1.1. The Council is determined to ensure that affordable housing should not imply substandard accommodation, poor quality design or materials. Affordable housing should blend in with the neighbouring open market housing in order that they are integrated properly whilst providing quality and choice in the neighbourhood. Consequently, in order to facilitate greater social mix and enable a greater variety in building form and design, the different types of affordable houses will be dispersed throughout the site, in clusters of no more than 10 dwellings unless the Council agrees that the amount of affordable housing and the nature of development makes this impractical or undesirable.
- 10.1.2. The identification of the affordable housing areas will be secured through a Section 106 agreement and where relevant require the involvement of a RSL at the outset to ensure that the completion and occupation of the affordable housing groups is phased in relation to the market housing.
- 10.1.3. In this regard, the ratio of market dwellings to affordable housing to be completed and available for occupation at any time should normally be no more than 3:1. This will ensure a phased development of a mixed and integrated development.
- 10.1.4. Attention should be given to the complementary policies contained within the LDP, relevant development briefs or other supplementary planning guidance (e.g. amenity standards and parking standards). This will ensure that the design, layout and development standards that apply to other residential development proposals are maintained within affordable housing schemes, are appropriate to the residential character of the area, and provides a satisfactory standard of accommodation.

### **10.2. Welsh Development Quality Requirements 2021: Creating Beautiful Homes and Places (WDQR)**

- 10.2.1. “Welsh Development Quality Requirements 2021” (WDQR 2021) “Creating Beautiful Homes and Places” sets out the minimum functional quality standards for new and rehabilitated general needs affordable homes.
- 10.2.2. WG require all new affordable homes delivered through planning agreements (under section 106 of the Town and Country Planning Act 1990) and planning conditions to meet the “space requirements” prescribed in Appendix A and Appendix B of WDQR 2021, for agreements entered into after 01 October 2021.

10.2.3. The Council will require the applicant to demonstrate that proposals for all new and refurbished social rented and intermediate housing built for RSLs for the purposes of affordable housing, including LCHO, meet these standards. The onus will be on the applicant to demonstrate compliance by clearly annotating the plans and confirming in writing that the scheme complies with the requirements.

10.2.4. WDQR 2021 advises:

*“Provided that designs do not compromise the quality of homes intended to be delivered by this standard, a reduction of up to 5% of the above GIA may be applied”.*

10.2.5. In the event an applicant is seeking a 5% reduction, they will need to demonstrate that the reduction does not compromise the quality of the homes.

### **10.3. Secured By Design**

10.3.1. The WG requires all homes funded by Social Housing Grant to be built to “Secured by Design” standards. These are provided in the Welsh Assembly Design Quality Requirements and Standard Contract Documentation ([www.securedbydesign.com](http://www.securedbydesign.com)). When RSLs are considering developing a site, they are required to discuss at the outset how to incorporate Secured by Design standards with their Police Force Design Out Crime Officer.

## **11. Schemes for 100% Affordable Housing of 25 units or less**

- 11.1. On 5th September 2016, Cabinet agreed that schemes for 100% affordable housing developments of twenty-five residential units or less delivered either by the Council or its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations (Minute C3271 refers).
- 11.2. Historically, for the majority of 100% affordable housing developments financial contributions were usually sought for sustainable transport, education, public open space, community facilities and public art, in order to mitigate the impact of such a development, in accordance with the Council's Planning Obligations SPG and evidence contained with the LDP background papers. However, due to the relatively limited subsidy available and the overall cost of delivering new affordable housing, such contributions often made sites marginally unviable. Consequently, this approach seeks to maximise the use of Council funding and any subsidy available to RSLs, in order to maximise the delivery of affordable housing units.
- 11.3. This approach does not seek to waive any necessary 'in kind' contributions necessary to make a development acceptable in planning terms. There may still be site-specific impact mitigation requirements, without which a development should not be granted planning permission. Some of these needs may be provided for through planning obligations, particularly if they are very local in their impact. Each individual scheme will be considered on its own merits, on a site by site basis.
- 11.4. It is recognised that the lack of section 106 financial contributions for matters such as sustainable transport, public open space, community facilities and education will inevitably lead to pressure from future residents for those service areas to meet their needs through their own budgets as service providers. However, there is a critical need in the Vale of Glamorgan for affordable housing and previous research has shown that if a person does not live in a stable and good quality home, it can have a detrimental impact on both their health and educational attainment. Therefore this is a policy decision to prioritise affordable housing over other service areas.

## 12. Exemption for Self-Build Housing Developments

12.1.1. The Council recognise that the self-build housing industry is important to the economy and has been delivering sustainable, innovative and custom-designed homes for many years. It is recognised that self-build housing provides an important route into home ownership for individuals who want to play a role in developing their own homes, whilst also contributing to overall housing provision. Therefore, the requirement to pay an off-site affordable housing contribution is not applicable for self-build housing developments. For the avoidance of doubt, the mechanism cannot be applied to schemes where there is a requirement for an affordable housing unit to be provided on site, as part of a larger development proposal.

12.1.2. This exemption applies to a person(s) building a new house as a Self-Build Dwelling, meaning a dwelling built, or commissioned to be built, by a person, who will occupy it as their sole or main residence for a minimum period of 3 years from first occupation. A Section 106 Agreement will still need to be entered into requiring the payment of an Affordable Housing Contribution unless an exemption is claimed and approved by the Local Planning Authority. The procedure is set out below:

### 12.2. Procedure

12.2.1. A person who wishes to benefit from the exemption for a Self-Build Dwelling must submit a claim in accordance with the following provisions.

#### **Stage 1**

(1) *The claim must:*

*(a) be made by a person who intends to build, or commission the building of, a new dwelling, and intends to occupy the dwelling as their sole or main residence for the duration of the Clawback Period (meaning a period of 3 years from the date of first Occupation of the Self Build Dwelling);*

*(b) be received by the Council prior to the commencement of the development;*

*(c) be submitted on a specified Form (Appendix C) and include the information specified or referred to in the form;*

(2) *A claim under this policy will lapse if the development to which it relates is commenced prior to the Council notifying the claimant of its decision on the claim;*

(3) *As soon as practicable after receiving a valid claim the Council shall grant the exemption and notify the claimant in writing of the exemption granted;*

(4) *A claim for an exemption for a Self-Build Dwelling is valid if it complies with the requirements of paragraph 1.*

(5) *A person who is granted an exemption for a Self-Build Dwelling ceases to be eligible for that exemption if a commencement notice is not submitted to the Council before the day the development is commenced.*

## **Stage 2**

(1) *Within 6 months of the date of Occupation of the Self-Build Dwelling the claimant must submit a specified form (Form 2 Appendix C) to the Council confirming that the development is a Self-Build Dwelling.*

(2) *The submitted Form 2 must include the information specified or referred to in the form and be accompanied by the documents specified or referred to in the form [NB – Documents will be two of the following: Utility bill; Bank Statement; Council Tax bill; or Local Electoral Roll Registration]*

## **Stage 3**

(1) *On the first, second and third anniversary of the date of Occupation of the Self Build Dwelling the claimant must submit a specified form (Form 2 Appendix B) to the Council confirming that the development remains a Self-Build Dwelling.*

(2) *The submitted Form 2 must include the information specified or referred to in the form and be accompanied by the documents specified or referred to in the form [NB – Documents will be two of the following: Utility bill; Bank Statement; Council Tax bill; or Local Electoral Roll Registration]*

### **12.3. Withdrawal of the Exemption for Self-build Housing**

- (1) A Self Build Dwelling will cease to be eligible for the exemption if a Disqualifying Event occurs before the end of the Clawback Period*
- (2) For the purpose of this paragraph a Disqualifying Event is:
  - (i) the sale of the Self Build Dwelling;*
  - (ii) the letting out of the Self Build Dwelling;*
  - (iii) a failure to comply with the provisions of Stage 2 or Stage 3 of the procedure set out above.**
- (3) If a Disqualifying Event occurs the exemption for the Self Build Dwelling is withdrawn, the Relevant Person is liable to pay the Affordable Housing Contribution pursuant to the s.106 Agreement.*

## **13. Contacts**

### **Development Management**

Dock Office

Barry Docks

Barry

CF63 4RT

Telephone: (01446) 704681

E-mail: [Planning@valeofglamorgan.gov.uk](mailto:Planning@valeofglamorgan.gov.uk)

### **Housing Strategy**

The Civic Offices

Holton Road

Barry

CF63 4RU

Tel: (01446) 700111

E-Mail: [Housingstrategy@valeofglamorgan.gov.uk](mailto:Housingstrategy@valeofglamorgan.gov.uk)



## Appendices

### Appendix A – Transfer Values for Social Rented Units

Unit size	Unit Type	Uplifted ACG Value	Transfer value from 1 <sup>st</sup> April 2024 (42%)
7 Person 4 Bed	House	£347,257	£145,848
6 Person 4 Bed	House	£321,248	£134,924
5 Person 3 Bed	House	£275,673	£115,783
4 Person 3 Bed	House	£258,217	£108,451
4 Person 2 Bed	House	£248,141	£104,219
3 Person 2 Bed	House	£240,409	£100,972
2 Person 1 Bed	House	£201,864	£84,783
3 Person 2 Bed	Bungalow	£240,409	£100,972
3 Person 2 Bed	Flat	£195,771	£82,224
2 Person 1 Bed	Flat	£162,733	£68,348

The figures are derived from the August 2021 WG Acceptable Cost Guidance (ACG) figures for Band 5 General Needs Homes 11 units or more and have been uplifted in line with the WG maximum rent inflation cumulatively for the 3 years since the last set of land and works ACGs were published. The figures are based on the Registered Social Landlord or Council purchasing the units for no more than 42% of the uplifted ACG value.

The figures have been uplifted by the following per annum:

- 1<sup>st</sup> April 2022 – 3.1% (September 2021 CPI)
- 1<sup>st</sup> April 2023 – 6.5% (WG social rent cap)
- 1<sup>st</sup> April 2024 – 6.7% (WG social rent cap)

## Appendix B - Development Viability Assessment Template

Date Prepared: \_\_\_\_\_

1. Overview and proposed scheme details	
Site Address	
Current Use of Site	
Gross Site Area (Hectares)	
Net Developable Area (Hectares)	
Existing constraints impacting on the net developable area  (e.g. levels constraints, flood zone, noise impact, protected trees etc.)	
2. Details of Proposed Scheme	

<p>Description of development</p> <p>e.g. Development of 2 no. dwellings</p>	
<p>Dwelling type (including house type and no. of bedrooms)</p>	
<p>Size of dwellings (internal floorspace) (sqm)</p>	
<p>Number of storeys</p>	
<p>Dwelling tenure (affordable / market split)</p>	
<p><b>3. Gross development value (GDV)</b></p>	
<p>Anticipated residential sales values and/or rental estimates*</p> <p>*Residential sales values and/or rental estimates should be evidenced by either a bespoke valuation provided by an independent chartered surveyor (RICS), using the red book valuation approach, or three local estate agent market appraisals specific to the unit type and location. Recent sales evidence of comparable development sites should be submitted in support of these assumptions.</p>	
<p>Any existing income that will continue to be received over the development period</p>	

<p>Anticipated grant funding for affordable Housing*</p> <p>*This will only be applicable where an affordable housing unit is provided on site and where grant is available.</p>	
<p>Anticipated value of affordable units (with supporting evidence/explanation of how these have been valued and assumptions)*</p> <p>*This will only be applicable where an affordable housing unit is provided on site.</p>	
<b>4. Development Costs</b>	
Estimated build costs (supported by a full QS cost report also showing how costs have been estimated)	
Demolition costs	
Site preparation costs	
External works / Infrastructure costs (only include those costs not included elsewhere such as estimated build costs)	
Any anticipated abnormal/exceptional costs and evidence to support such costs	

Finance costs (usually a percentage of market value)	
Marketing fees (usually a percentage of market value)	
Development Programme i.e. construction period, marketing period.	
Contingency (usually reflected as a percentage of the construction build cost).	
Professional fees (Usually a percentage of build costs) such as: <ul style="list-style-type: none"> <li>– Architect</li> <li>– Planning consultant</li> <li>– quantity surveyor</li> <li>– structural engineer</li> <li>– mechanical/electrical engineer</li> <li>– project manager</li> </ul>	
Developer profit on market housing (usually a percentage of GDV)	
Developer profit on affordable housing (usually a percentage of development cost)	
<b>5. Planning Obligation Costs</b>	

<p>Planning Obligation costs*</p> <p>*See Planning Obligations SPG for details and discuss with Planning Department to verify site-specific requirements.</p>	
<b>6. Site Value / Acquisition Costs</b>	
<p>Site value / acquisition cost*</p> <p>The developer will need to justify that the site value appropriately reflects the market value having regard to planning policy and any unusual site constraints</p>	
<b>7. Residual development value</b>	
<p>Residual value</p> <p>(development value minus development costs)</p>	

The following supporting evidence should be attached to the above completed template:

- *Valuation report provided by an independent chartered surveyor, or three local estate agent market appraisals specific to the unit type and location.*
- *Recent sales evidence of comparable development sites to support valuation assumptions*
- *Development cost report provided by an independent Quantity Surveyor including a full breakdown of costs*
- *Justification for contingency allowance (e.g. site / development risk appraisal)*

- *Justification for professional fees (e.g. consultants quotes)*
- *Justification for the anticipated profit level (e.g. site / market risk appraisal)*
- *Any other supporting information relevant to evidence constraints on the site affecting costs or values of the development.*

## Development Viability Assessment Template (Example)

Date Prepared: 4<sup>th</sup> January 2018

<b>1. Overview and proposed scheme details</b>	
Site Address	<i>Land adjacent to Little Cottage, Green Village</i>
Current Use of Site*	<i>Paddock for horses next to existing house</i>
Gross Site Area (Hectares)	<i>0.03 hectares</i>
Net Developable Area (Hectares)	<i>0.03 hectares</i>
Existing constraints impacting on the net developable area  (e.g. levels constraints, flood zone, noise impact, protected trees etc.)	<i>N/A</i>
<b>2. Details of Proposed Scheme</b>	
Description of development  e.g. Development of 2 no. dwellings	<i>Development of 1 no. dwelling</i>



Dwelling type (including house type and no. of bedrooms)	<i>1 x 3-bed detached house</i>
Size of dwellings (internal floorspace) (sqm)	<i>148 sqm</i>
Number of storeys	<i>2</i>
Dwelling tenure (affordable / market split)	<i>100% Market</i>
<b>3. Gross development value (GDV)</b>	
Anticipated residential sales values and/or rental estimates*  *Residential sales values and/or rental estimates should be evidenced by either a bespoke valuation provided by an independent chartered surveyor (RICS), using the red book valuation approach, or three local estate agent market appraisals specific to the unit type and location. Recent sales evidence of comparable development sites should be submitted in support of these assumptions.	<i>£325,000 (see supporting evidence from local estate agent valuations)</i>
Any existing income that will continue to be received over the development period	<i>None</i>
Anticipated grant funding for affordable Housing*  *This will only be applicable where an affordable housing unit is provided on site and where grant is available.	<i>N/A</i>

Anticipated value of affordable units (with supporting evidence/explanation of how these have been valued and assumptions)*	N/A
*This will only be applicable where an affordable housing unit is provided on site.	
<b>4. Development Costs</b>	
Estimated build costs (supported by a full QS cost report also showing how costs have been estimated)	£237,600 (see QS breakdown of costs)
Demolition costs	None
Site preparation costs	None
External works / Infrastructure costs (only include those costs not included elsewhere such as estimated build costs)	£15,000 for utilities connections
Any anticipated abnormal/exceptional costs and evidence to support such costs	£25,000 for land engineering works and retaining works (see supporting surveyor' report)
Finance costs (usually a percentage of market value)	£14,898
Marketing fees (usually a percentage of market value)	£5,850 (1.5% plus VAT)

Development Programme i.e. construction period, marketing period.	<i>1 year</i>
Contingency (usually reflected as a percentage of the construction build cost).	<i>None</i>
Professional fees (Usually a percentage of build costs) such as: – Architect – Planning consultant – quantity surveyor – structural engineer – mechanical/electrical engineer – project manager	<i>£27,760 (10% of build costs)</i>  <i>£1,800 legal fees</i>
Developer profit on market housing (usually a percentage of GDV)	<i>£41,640 (12.8%)</i>
Developer profit on affordable housing (usually a percentage of development cost)	<i>N/A</i>
<b>5. Planning Obligation Costs</b>	
Planning Obligation costs*  *See Planning Obligations SPG for details and discuss with Planning Department to verify site-specific requirements.	<i>None</i>
<b>6. Site Value / Acquisition Costs</b>	

<p>Site value / acquisition cost*</p> <p>The developer will need to justify that the site value appropriately reflects the market value having regard to planning policy and any unusual site constraints</p>	<p>£36,250</p>
<p><b>7. Residual development value</b></p>	
<p>Residual value</p> <p>(development value minus development costs)</p>	<p>-£80,798</p> <p>(£405,798 - £325,000)</p>

**Note: In this example development viability is clearly an issue even without the requirement for an affordable housing contribution.**

## Appendix C - Self-Build Exemption Claim Forms



The Vale of Glamorgan Council,  
Dock Office, Barry Docks, Barry, CF63 4RT  
Tel: (01446) 700111  
Email: [planning@valeofglamorgan.gov.uk](mailto:planning@valeofglamorgan.gov.uk)

### Self-Build Exemption Claim Form Part 1

An exemption for a self build home must be submitted on this form and approved by the Vale of Glamorgan Council **prior to the commencement of the development**. The applicant will otherwise be liable for the affordable housing contribution specified in the Section 106 Agreement.

Part 2 of this form must be submitted to the Vale of Glamorgan Council within six months after the completion of the development, and thereafter on the first, second and third anniversary of the date of Occupation of the Self Build Dwelling confirming that the development remains a Self-Build Dwelling. For the avoidance of doubt, a 'Self Build Dwelling' means a dwelling built, or commissioned to be built, by a person, who will occupy it as their sole or main residence for a minimum period of 3 years.

Please complete the form using BLOCK capitals and black ink and send to the Vale of Glamorgan Council.

#### **Section A: Claiming Exemption - General Information**

*(To be completed by the individual(s) claiming self build exemption)*

##### **1. Application Details**

Applicant Name:

Planning Portal Reference (if applicable):

Local authority planning application number (if allocated):

Please provide the full postal address of the application site:

If postal address/postcode not known, please provide grid reference:

Easting:  Northing:

Description of Development:

**Section B: Self Build Declaration**

I declare that this a "self build project" for purposes of the exemption

I declare that I intend to occupy the premises as my sole or main residence for a period of 3 years from completion of the property

I declare that I will provide the required supporting documentation as set out in 'Self Build Exemption Claim Form Part 2' within 6 months of completion of the property and I understand failure to do this will result in the affordable housing contribution becoming payable

*'Self-Build' for the purposes of this exemption is defined as all homes built or commissioned by individuals or groups of individuals for their own use, either by building the home on their own or working with builders.*

*'Completion' for the purposes of this exemption is defined as the issuing of a compliance certificate for this development issued under The Building Regulations 2010 or the Building Act 1984 (final certificates).*

**Declaration**

I/we confirm that the details given are correct.

I/we understand:

The meaning of a 'disqualifying event' for this self build exemption and that where a disqualifying event occurs before or after commencement of development I must inform the Vale of Glamorgan Council within 14 days.

That my claim for self build exemption will lapse where development commences prior to the Vale of Glamorgan Council informing me of its decision.

Signature:

Name - Claimant:

Date (DD/MM/YYYY):

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On receipt of this application the Vale of Glamorgan Council will make a decision on your claim as soon as practicable.



The Vale of Glamorgan Council,  
Dock Office, Barry Docks, Barry, CF63 4RT  
Tel: (01446) 700111  
Email: [planning@valeofglamorgan.gov.uk](mailto:planning@valeofglamorgan.gov.uk)

### Self Build Exemption Claim Form Part 2

This form must be completed and submitted to the Vale of Glamorgan Council within **6 months after the completion of the Self Build Dwelling**, and thereafter on the **first, second and third anniversary of the date of Occupation of the Self Build Dwelling**.

The completion of this form is essential to ensure that the dwelling has remained a 'Self Build Dwelling' since it's construction. For the avoidance of doubt, a 'Self Build Dwelling' means a dwelling built, or commissioned to be built, by a person, who will occupy it as their sole or main residence for a minimum period of 3 years. In the event that this form is not completed at the relevant trigger points, the applicant may otherwise be liable for the affordable housing contribution specified in the Section 106 Agreement.

A Self Build Dwelling will cease to be eligible for the exemption if a Disqualifying Event occurs before the end of the Clawback Period, and the affordable housing contribution will be applicable.

Please complete the form using BLOCK capitals and black ink and send to the Vale of Glamorgan Council.

#### **Section A: Claiming Exemption - General Information**

*(To be completed by the individual(s) claiming self build exemption)*

##### **Application Details**

Applicant Name:

Local authority planning application number:

Please provide the full postal address of the application site:

If postal address/postcode not known, please provide grid reference:

Easting:

Northing:

Description of Development:

**Section B: Submission of Evidence;**

1. Please indicate [x] which trigger point this claim form submission relates to:
- a) 6 months after the completion of the Self Build Dwelling
  - b) The first anniversary of the date of Occupation of the Self Build Dwelling
  - c) The second anniversary of the date of Occupation of the Self Build Dwelling
  - d) The third anniversary of the date of Occupation of the Self Build Dwelling

2. If this form is submitted in respect of 1(a), please confirm whether the dwelling is now occupied by the Applicant?

Yes  No

If yes, please confirm the date of occupation (DD/MM/YYYY):

If no, please confirm the anticipated date of occupation (DD/MM/YYYY):

Please confirm below what evidence you are providing to support your claim for a self build exemption. If this form is submitted in respect of 1(a) above please provide the information requested in 3 and 4 below. If this form is submitted in respect of 1(b)(c) or (d) above please provide the information requested in 4 below.

3. Please enclose a copy of all of the following items:
- a) A compliance certificate for this development issued under either: 
    - i) Regulation 17 (completion certificates) of the Building Regulations 2010 or
    - ii) Section 51 of the Building Act 1984 (final certificates)

What date was the compliance certificate issued (DD/MM/YYYY)?
  - b) Title deeds of the property to which this exemption relates (freehold or leasehold)
  - c) Council Tax certificate
4. Please enclose two further proofs of occupation of the home as sole or main residence. Please enclose a copy of at least two (which for the avoidance of doubt are to be two separate types of item) of the following items showing your name and the address of the property (the self build dwelling):
- Utility bill
  - Bank statement
  - Local electoral roll registration





**The Vale of Glamorgan Council**  
Directorate of Regeneration and  
Planning  
Dock Office  
Barry Docks  
Barry Cf63 4RT

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