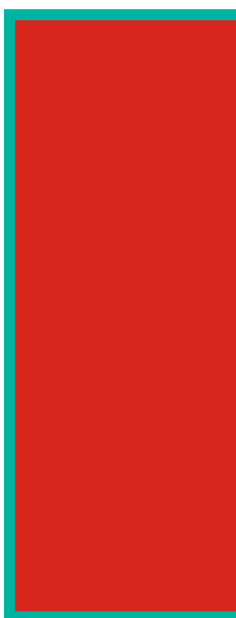
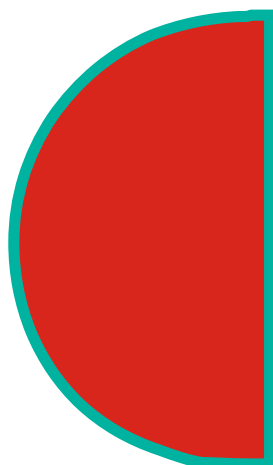


Supplementary Planning Guidance

AFFORDABLE HOUSING



*The Vale of Glamorgan
Adopted Unitary Development Plan
1996 - 2011*





*The Vale of Glamorgan UDP
Supplementary Planning Guidance*

AFFORDABLE HOUSING



Rob Quick, B.A. (Hons), Dip. TP, MRTPI.
Director of Environmental & Economic Regeneration

Rob Thomas, B.A. (Hons), MRTPI.
Head of Planning & Transportation

The Vale of Glamorgan Council. © 2006

2. *The Vale of Glamorgan UDP Supplementary Planning Guidance*
Affordable Housing



AFFORDABLE HOUSING

<i>CONTENTS</i>	<i>Page</i>
1. Background	5.
2. Status of the Guidance	5.
3. What is Affordable Housing?	5.
4. Local Housing Need	6.
5. Affordable Housing (Policy HOUS 12)	7.
6. Affordable Housing "Rural Exceptions" (Policy HOUS 13)	9.
7. Eligibility Criteria	10.
8. Off Site Provision and Cash in lieu Payments	11.
9. Process of Negotiation for Affordable Housing	12.
10. Site Layout	12.
11. Design Principles	13.
12. Contacts	14.

Appendix 1

Policies from the Adopted Vale of Glamorgan Unitary Development Plan 2005

Policy HOUS 12 Affordable Housing

Policy HOUS 13 Exceptions Sites for Affordable Housing in the Rural Vale

Appendix 2

Section 167 (2) of the Housing Act 1996 as amended by the Homeless Act 2002

Appendix 3

Summary of public consultation

4. *The Vale of Glamorgan UDP Supplementary Planning Guidance
Affordable Housing*

AFFORDABLE HOUSING

1. BACKGROUND

This Supplementary Planning Guidance (SPG) has been prepared in the context of *Planning Policy Wales* (March 2002) and Technical Advice Note (Wales) 2 (TAN) Planning and Affordable Housing (November 1996), as additional information for the Adopted Vale of Glamorgan Unitary Development Plan (UDP). The purpose of the SPG is to set out in detail how the Council shall implement the UDP's affordable housing policies HOUS 12 and 13, (see Appendix 1), in order to meet the need for affordable housing identified in the Vale of Glamorgan Local Housing Needs Study. The aim is to provide private landowners and developers with concise information for all matters relating to affordable housing within the Vale of Glamorgan.

2. STATUS OF THE GUIDANCE

This document is non-statutory in nature, and supplements the affordable housing policies contained within the UDP. Only the policies in the Development Plan can have the special status afforded by S54A of the Town and Country Planning Act, 1990 (As Amended), in determining planning applications. However, the Welsh Assembly Government advises that SPG may be taken into account as a material consideration, the weight afforded to it being increased if it has been prepared in consultation with the general public and interested parties and it has been the subject of a Council resolution.

Before being adopted as Supplementary Planning Guidance, the Guidelines were subject to public consultation and were amended to take into account comments received during the consultation process. A summary of the representations received, and the Council's response to these representations is given at Appendix 3. The amended SPG was approved by Cabinet on 6th April 2005 (Minute no. C1820 refers)

3. WHAT IS AFFORDABLE HOUSING?

Affordable housing is defined as housing for those whose incomes generally deny them the opportunity to purchase suitable housing on the open market as a result of the relationship between income and market price. Such housing encompasses both low cost market and subsidised housing, irrespective of tenure, ownership or financial arrangements, that will be available to those households who cannot afford to purchase or rent adequate housing generally available on the open market.

Affordable housing can take a number of forms including housing for rent, low cost housing for private ownership, self-build or leasehold schemes, and may be delivered either directly through the Council or in partnership with a Registered Social Landlord (RSL) or developers directly, as determined by the Council, in discussion with all relevant parties. Normally, affordable housing will fall within the following 2 categories:

i) Low Cost Market Housing

There are a range of ways of achieving low cost market housing that generally require a subsidy either through Social Housing Grant, directly from the developer or other subsidy mechanism. Low cost market housing schemes can include properties for sale at a suitably discounted price (to reflect local affordability) to nominees from the Council's housing register, shared ownership and other equity share schemes.

ii) Affordable Rented

All those households that cannot afford to rent or purchase on the open market, and do not wish to pursue low-cost ownership, can be considered to be in need of some form of affordable rented property. This is property owned and managed by a RSL or the Council and is usually financed by the provision of a Social Housing Grant or other form of subsidy.

Persons requiring social rented housing generally constitute those groups identified under s.167 (2) of the 1996 Housing Act, whom the Council is required to give reasonable preference in terms of prioritisation of allocations (See Appendix 2).

4. LOCAL HOUSING NEED

4.1 Housing Needs Study

In 1998 the Council commissioned a housing needs study for the Vale of Glamorgan. The main objective of this study was to assess the overall housing needs within the Vale over the next five years (2001-2006), including the need for affordable housing. The study involved a full postal census of all households living in the Vale as well as face-to-face interviews. These were undertaken in three distinct phases, Phase 1 covered the rural areas of the Vale, Phase 2 focused on Penarth, Dinas Powys, Sully and Llandough, and Phase 3 concentrated on Barry. *The Vale of Glamorgan Housing Needs Study 1998-2001* was subsequently published in 2001.

The survey revealed there is an existing mismatch between affordability and supply of suitably affordable housing, indicating that between 2002-2006 there would be a shortfall of 35 low-cost homes and 1,202 socially rented dwellings. This low demand for low cost home ownership, including shared ownership, has been accounted by a lack of awareness about the options available and therefore it is possible that the demand for such homes may increase during this period. These results are further supported by the Local Housing Market Analysis, undertaken by the Council in 2003 and has provided the Council with evidence on a range of housing issues. In turn both studies have informed the Council's five-year housing strategy (2004-2009), which is available from the Council's Housing Department.

4.2 Households in Need

In the light of the findings of the Vale of Glamorgan Housing Needs Study 1998-2000, households defined as being in need of affordable housing are:-

- (1) Those households who do not have a deposit equivalent to 5% of the price of a suitable home;
- (2) Those households with a gross income less than one third of the total mortgage borrowings

for a suitable home at the time of purchase, and/or

- (3) Those households where either a 4-week private rent in advance cannot be afforded and/or the cost of private rent for a suitable home would account for more than 30% of net household income.

4.3 Addressing the Need

Since existing property is already outside the reach of those households in need, in order for new low cost market housing to be affordable, the Council considers that there should normally be a discount of at least 30% on the normal market value. This reflects the Council's experience with smaller discount rates that have been insufficient to enable properties to be afforded by persons nominated by the Council. Since household incomes and house prices vary considerably across different parts of the Vale of Glamorgan, the Council will determine the actual rate of discount on a site by site basis, with discounts relating to the local housing market, property type, household income and the effect of the economics of the overall development.

The discount or affordability rate will be calculated according to the methodology detailed below:

Discounted Sale Price = (Average Local Annual Earnings (LAE) x 3+5% of LAE)

Discount = Market Price minus X (where X is the Discounted Sale Price)

This is calculated assuming a 5% deposit and that a yearly salary should be equal to one third of the mortgage costs at the time of purchase.

Since household incomes and house prices vary considerably across different parts of the Vale of Glamorgan, the Council will determine the actual rate of discount on a site by site basis, with discounts relating to the local housing market, property type household income and the effect of the economics of the overall development (see 4.4 below).

As a guide, to calculating the price of low cost home ownership units current property price differentials are shown in the below table. The base property is a 2 bedroomed, 4-person house, with adjustments up

or down to reflect the size/type of property in question. This methodology can be applied to any scheme simply by applying the adjustment figure.

Property Type	Adjustment %	Adjustment Figure
7 persons 4 bedrooms House	147.29%	1.4729
6 persons 4 bedrooms House	128.16%	1.2816
5 persons 3 bedrooms House	110.43%	1.1043
4 persons 3 bedrooms House	104.11%	1.0411
3 persons 2 bedrooms Bungalow	100.74%	1.0074
4 persons 2 bedrooms House	100%	1
3 persons 2 bedrooms House	82.92%	0.8292
3 persons 2 bedrooms Flat	71.26%	0.7126
2 persons 1 bedroom Flat	61.9%	0.619
1 person 1 bedroom Bedsit	46.31%	0.4631

4.4 Economics of Provision

An appropriate adjustment to the price of land should normally have been made by the developer to cover foreseen abnormal site development costs before finalising the purchase price of the land. However, the Council acknowledges that there may be occasions where significant abnormal development costs arise that reduce the ability of a developer to provide affordable homes, through, for example the presence of previously unknown contamination or unstable land. Under such circumstances, the Council will require detailed documented evidence to support the existence of abnormal site conditions and the costs involved rectifying them. These will need to be validated by

an independent quantity surveyor nominated by the Council, the cost of which will be borne by the developer.

Where unforeseen abnormal development costs render on-site provision unviable, other forms of provision will be sought through either off site provision or through cash in lieu payments (see sections 8.1 and 8.2)

5. AFFORDABLE HOUSING (POLICY HOUS 12)

Proposals for affordable housing in new residential developments should meet all the relevant policies in the UDP. An explanation of how the Council will implement Policy HOUS13 in new residential development is given below and amplified through the additional guidance given at sections 7, 8 and 9.

5.1 Site Thresholds

A requirement for affordable housing in new residential development applies to all allocated and windfall sites that can accommodate over 50 dwellings. This also applies to sites that are subdivided into smaller areas but have a cumulative capacity that would meet or exceed the threshold.

The Council will negotiate an element of affordable housing provision on all appropriate sites which can accommodate over 50 dwellings, but, in determining the extent of such provision, will take into account other planning policies, the results of the Local Housing Needs Study 1998-2000, market considerations and site conditions. However, the Council is concerned that sites should not be artificially subdivided so as to create separate development schemes that may prejudice the ability for the site to accommodate an element of affordable housing. Where this is considered to be the case, the Council will treat such sites in their totality if the schemes, together, would accommodate more than 50 dwellings. Under such circumstances, *each* subdivided plot will be required to provide an element of affordable housing proportionate to its size and relative to the overall site requirements for affordable housing. In this way the Council will ensure that an element of affordable housing will be provided, and that such housing

stock will be dispersed throughout the development, rather than being concentrated in one area.

5.2 Affordable Housing Quotas and Residential Mix

In the light of the current assessment of need it is expected that on eligible housing sites, at least 20% of the total dwellings will be affordable. The size and type of dwelling provided shall reflect the needs of those households requiring affordable accommodation, as identified by the Council's Housing Needs Study.

The shortfall of 1,237 affordable homes identified in the Vale of Glamorgan Housing Needs Study (1998-200) equates to just over 20% of the 6079 dwellings required over the plan period. For this reason, the Council shall seek to secure at least 20% affordable housing on substantial allocated and windfall sites. As part of the planning submission, applicants will be expected to demonstrate how the affordable element will be realised in the overall development. This requirement will apply to new build schemes, rehabilitation schemes and changes to residential use, which meet the criteria.

The actual affordable housing mix for a particular development will require to take account of the site specific considerations as well as the Local Housing Needs Survey in each case. However, this may be relaxed where a particular form of development is required to maintain residential character, or a RSL is seeking to meet a specific form of housing need.

5.3 Planning Obligations

Planning obligations will be required in order to secure the affordable housing provision, either on-site or through a financial or other contribution.

Planning obligations, under Section 106 of the Town and Country Planning Act 1990 (As Amended) will be applied to all planning permissions where affordable housing is required under UDP policies HOUS13 and HOUS14 to ensure that the affordable housing is provided, occupied and managed in accordance with this guidance. Section 106 agreements run with the land and apply to successive owners. Where the RSL undertakes the development, the perpetuity requirement will be

satisfied in accordance with its objectives and regulatory rules.

The Section 106 agreement will, where possible include clauses setting out requirements with regard to the following issues:

- The mix of affordable housing types and sizes sought as part of the development
- The location and distribution of affordable housing within the development site
- The minimum design standards required for affordable dwellings built
- The timing of the construction and occupation of the land or affordable housing element in relation to the development of the whole site, including appropriate restrictions on the occupation of a proportion of the general market housing
- The timing and conditions for the transfer of the land or affordable housing to a RSL
- The arrangements regarding the future affordability, management and ownership of the affordable dwellings

The precise form of condition or obligation will depend on the circumstances of each case including the ownership of the site and the terms of any obligation or agreement between the owner and a RSL. Nevertheless, it will be standard for all affordable housing agreements to ensure that the affordable housing provided remains affordable to initial and subsequent occupants in perpetuity. However, there may be occasions where a RSL needs to sell a property on the open market, for example, where nominees are unable to proceed with the purchase of a discounted property. Under such circumstances, this will be subject to review under Section 106A of the Town and Country Planning Act, 1990 (As Amended) and exercise of the power of sale by mortgagees.

5.4 Securing Occupation by Eligible Persons

The future affordability, management and ownership of any affordable dwellings will be ensured forever through the imposition of covenants and/or appropriate legal agreements.

The Council recognises that one of the most effective ways of achieving control over occupancy is through the involvement of a RSL as regulated by the Welsh Assembly Government, or other social landlords as defined in the Housing Act, 1996.

Where a registered social housing provider is involved in a mixed scheme, the developer will be requested to enter into a planning obligation and/or the Council will impose conditions which specify that:

1. A proportion of general market housing on the site cannot be occupied until the affordable housing element has been built and transferred to a RSL, and any low cost housing has been constructed and is available for sale;
2. The affordable housing should only be used for the purposes of providing housing accommodation to meet the objectives of a RSL (except where they exercise their rights to purchase properties under the Right to Acquire Scheme included in the Housing Act, 1996), and that
3. If funding, which is necessary for the development of affordable housing is not forthcoming by an agreed date, then a specified alternative provision can be used, e.g. low cost market housing.

The future affordability, management and ownership of affordable dwellings will be ensured forever through the imposition of covenants where the Council owns all or part of the site or, more typically, through Section 106 agreements where the land is in private ownership. Although the policy would not preclude any developer carrying out a suitable scheme with an appropriate covenant on the land or a Section 106 agreement, the Council will normally expect the properties to be managed by a RSL.

6. EXCEPTIONS SITES FOR AFFORDABLE HOUSING IN THE RURAL VALE (POLICY HOUS 13)

In the rural areas of the Vale of Glamorgan there are particular difficulties in securing an adequate supply of affordable housing for local needs. Affordable housing will only be permitted if the site is within or adjoining an existing residential settlement boundary and where it can be demonstrated that there is an identified local need for affordable housing. Such

proposals will only be permitted where they meet number of specified criteria:

6.1 Location

The proposed development is located within or adjacent to an existing settlement boundary.

It should be noted that the scale of affordable housing maybe greater than the "small scale rounding off" permitted under policy HOUS2, that is more than 5 dwellings. However, in view of the general restrictive approach to new development within the rural Vale, particular emphasis will be given to protecting the character and countryside setting of the settlement.

6.2 Access to Local Services

The proposed development provides reasonable accessibility to local services.

Proposals for affordable housing should provide reasonable accessibility to local services. The Council will only permit affordable housing within those villages identified within Policy HOUS2, where there is considered to be sufficient physical capacity and community facilities to accommodate additional residential development.

6.3 Scale and Character

The scale of the proposed development is appropriate in relation to the size of the settlement. Development should be in keeping with the character of adjoining development and the locality, and with local building styles.

Careful consideration must be given to the scale and character of the proposal. The scale of the proposed development should be appropriate in relation to the size of the settlement. The principle consists of assimilation the development into the existing settlement. In all cases the impact on the landscape and character of the area will also be a key factor affecting the acceptable scale of development.

6.4 Impact on the Countryside

The proposed development is not intrusive in the countryside and is not harmful to the character of the landscape.

As the policy also includes sites immediately adjoining residential settlement boundaries, the Council will have to be satisfied that the proposal will not have an adverse effect on areas of attractive landscape. Proposed development should be well integrated into the landscape and should ensure that trees or hedgerows are retained wherever possible. New development in countryside locations that are open to distant views can be intrusive and damaging to the character of the landscape or to the setting of the village itself. In this regard, development must accord with the landscape character and design policies of the UDP

6.5 Local Housing Need

There is clear evidence of an unsatisfied local housing need in a community that cannot be met through normal market mechanisms.

Release of land for rural exception dwellings will not be supported solely on the basis of an individual or households need. In order to warrant such exceptional release of land, it will be based on the affordable housing needs of the local community, (i.e. the community/town council area) in which the site lies. The development of affordable housing outside normal planning policies is only acceptable where this condition is met. Consequently, there should be clear evidence of an unsatisfied local affordable housing need in the area that cannot be met through normal market mechanisms. The Vale of Glamorgan Housing Needs Study (1998-2000) and the Council's Housing Register, provide an indication of the general extent and nature of local housing need. Further detailed investigation by the Council's Housing Department or a RSL will be required when a suitable development site has been identified in order to identify the types and sizes of dwellings needed

6.6 Size and type of dwellings

The proposed development is of a size, type and cost, directly appropriate and affordable for those people in proven local housing need.

The evidence from the Housing Needs Study (1998-2000) suggests that, in the light of income levels among those in need, the appropriate tenure is likely to be rental through assured tenancies, i.e.

with no right to acquire under leasehold enfranchisement legislation. Outright purchase of a property is likely to be inappropriate because the cost of provision is likely to exceed the purchasing power of local people in need, even when initial discounts are offered, but also due to the difficulty of retaining the property for meeting local needs on resale.

7. ELIGIBILITY CRITERIA

Where development is undertaken by a RSL the eligibility of the occupants shall be determined by the landlord in accordance with the criteria outlined in Section 167 (2) of the Housing Act 1996 (Appendix 2).

In cases where an individual proposes to develop and privately manage affordable rented accommodation, the Council would require the developer to work closely with a RSL so that the affordable housing can be made available to persons registered with the Council/RSL as being in housing need. Notwithstanding this, in all cases the Council shall require the developer to enter into an agreement that will require the property to remain available as an affordable dwelling in perpetuity.

Where an individual or family wishes to self build a property on a site that would be considered by the Council to fall within the rural exception policy, the Council shall require the applicant to provide the evidence to show that the household is in need of affordable housing. The Council will consider qualifying households to be in local housing need by demonstrating that they:-

- A. Lack their own housing or live in housing that is inadequate or unsuitable to meet their existing and future requirements, due to its tenure, size, type, design, location, condition or security;
- B. Do not already have a mortgage or own a residential property or shall not have sold a property within the previous 5 years, unless the Council is satisfied that the occupier has an exceptional need for the affordable home.
- C. Are unlikely to be able to meet their needs in the existing local housing market without some assistance; and meet the following criteria:-

- They must constitute a separately identifiable household;
- Their present accommodation must be shown to be inadequate by virtue of its location or condition, or that it is overcrowded or shared with another household;
- The members of the household must together have insufficient income to purchase a house on the open market in the community in which the proposed dwelling is to be situated.
(This is referred to as the low income requirement);
- At least one member of the household must have strong local connections, as defined in the Housing Act 1996, as amended by the Homelessness Act 2002.

As with all types of affordable housing the Council will require the applicant to enter into an agreement that will require the property to remain available as an affordable dwelling in perpetuity and to be occupied only by qualifying households.

8. OFF-SITE PROVISION AND CASH IN LIEU PAYMENTS

Only in exceptional circumstances will a financial or other contribution towards affordable housing on a suitable alternative site be acceptable and only when it can be demonstrated that the affordable housing will be provided.

8.1 Off Site Provision

The Council prefers to secure affordable housing on-site wherever possible. However, in exceptional circumstances the Council will be prepared to consider entering into agreements either to provide affordable housing on alternative sites or to require financial contributions to enable such provision. The type of exceptional circumstances may include those where:

- Complementary social housing funds are not available and there is no defined need for low cost home ownership;

- Planning and environmental considerations restrict the provision of an appropriate mix of private and affordable housing (section 4.4 above) .

Where the contribution is in the form of affordable housing provision on an alternative site, the Council will secure this provision through a legal agreement. In these circumstances the following guidelines will apply:

- The capacity of the site will be based on the optimum scheme for the site/ location, which maintains residential character and amenity;
- The proportion required to meet the affordable housing requirement on a transferred site will be that of the original scheme, and
- The alternative provision may be transferred to a site, or sites, where there is a need for such housing and being capable of accommodating the transferred requirement for affordable housing.

In order to maintain the proportion of affordable off-site provision would be calculated on the basis of the following formula:

$$\frac{\text{No of private units proposed on site}}{\text{Percentage of affordable housing}} \times \text{percentage of private housing}$$

8.2 Cash in Lieu Payments

In certain circumstances it may be appropriate to seek or provide a financial or other contribution towards the provision of affordable housing on a different site located in the local authority area. This approach may be acceptable in relation to sites which are considered suitable for an element of affordable housing, having regard to the size threshold and other factors identified in this SPG, but where an appropriate mix of development is difficult to achieve.

However, the principle of in situ affordable housing secured through the planning process must not be compromised by offers of cash in lieu payments, and in considering contributions the Council would want to ensure that there is no loss of opportunities to provide affordable housing where it is needed. Before a calculation the cash in lieu payment, it will

be necessary to have agreed the appropriate proportion of affordable housing and a surrogate stock mix based on housing need.

Under such circumstances, planning obligations shall be drafted so that they ensure that the developer makes a contribution towards the cost of providing affordable housing on a different site. Where this is proposed, the amount of money agreed should be sufficient to enable provision of an equivalent amount of affordable housing to that sought on the principal site, which would otherwise not be provided.

8.3 Calculating Cash in Lieu Payments and Off Site Provision of Affordable Housing

Where a financial contribution in lieu of actual on-site provision is appropriate, the contribution will be calculated according to the formula set out below.

$ACG \text{ £ per unit} \times \% \text{ SHG} \times N = \text{£ financial contribution}$

Where:

ACG= Acceptable Cost Guidance per dwelling, related to dwelling type and occupancy (e.g. 2 person 1 bed flat) for different cost bands in Wales, being the current ACG published by WAG.

% SHG= Social Housing Grant rate. This is normally expressed as the total proportion of actual scheme costs that will be funded by WAG.

N= Number of affordable housing units (at parity and rounded to the nearest whole unit).

Where cash in lieu payments are to be paid at a future date, the commuted sum will be revised to account for any changes arising in the interim to the ACG figures published by the Welsh Assembly Government. These arrangements will be the subject of an agreement under Section 106 of the Town and Country Planning Act 1990.

9. PROCESS OF NEGOTIATION FOR AFFORDABLE HOUSING

In implementing the affordable housing policies, the Council will seek to ensure that there is close consultation between planning, housing and legal

officers concerned with the operation of these policies, and with other external agencies, including developers and RSLs. In order to ensure negotiations are conducted as effectively as possible, the Council will expect all parties involved to follow the procedures outlined below:

1. The submission of an outline proposal with reference to relevant housing policies outlined in this SPG, and with an element of affordable housing which meets the housing needs identified in the Local Housing Needs Study 1998-2000.
2. The proposal should clearly identify how the affordable housing requirements are to be met, including the appropriate mix, number, type and location,
3. In conjunction with the Council's Planning and Housing Departments, further detailed negotiations will then take place, which define the detailed provision, and, where relevant, sources of funding for social housing and identification of the RSL partner,
4. Submission of a planning application is made that meets the considerations of the UDP,
5. Granting of planning permission where appropriate, subject to the signing of the Section 106 Agreement and planning conditions, including an agreed Affordable Housing Scheme,
6. The implementation of the permission in accordance with the requirements of the Section 106 Agreement.

10. SITE LAYOUT

The affordable housing should be well integrated with the rest of the development and distributed in small groups of up to 10 dwellings throughout the development. The location and the timing of affordable housing provision relative to the market housing will be secured through a S106 planning agreement.

The Council is determined to ensure that affordable housing should not imply substandard accommodation, poor quality design or materials.

Additionally, affordable housing should not be 'ghettoized', by being concentrated in one area of a much larger site. 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 about the site, in clusters of no more than 10 dwellings.

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. 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.

11. DESIGN PRINCIPLES

Attention should be given to the complementary policies contained within the UDP, 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, is appropriate to the residential character of the area, and provides a satisfactory standard of accommodation.

The Welsh Assembly Government's 'Good Practice Advice: Site Layout Design for New Housing Schemes' (1998) explores the principles to be considered when designing new housing estates and how these principles can be put into practice. Further details can be obtained from the Construction and Domestic Energy Branch at the Welsh Assembly Government.

In addition to these standards, the Welsh Assembly Government have created a range of standard 'Pattern Book' house types to ensure that the internal layout of new houses built by RSLs in Wales are of consistently good quality and exemplify Development Quality requirements. The pattern book is a series of standard floor layouts with the emphasis on functional space standards. Designers have the freedom to develop elevations

and use materials that reflect the specific context of each site. This provides RSLs with a selection of designs for houses, flats and bungalows, which are flexible in catering for most residents' needs. The plans incorporate 'lifetime homes standards' and will help to create a more flexible housing stock by providing homes that are adaptable to the changing needs faced by most families over time. This will allow residents to stay in their homes longer, and could also help relieve some of the demand for residential care and expenditure on grant funded adaptations.

Secured by Design

"Secured by Design" is a police initiative to encourage the building industry to adopt crime prevention measures in development design to assist in reducing the opportunity for crime and the fear of crime, thereby creating a safer and more secure environment. It is intended to achieve a better quality of life by addressing crime prevention at the earliest opportunity in the design, layout and construction of homes. In doing so, Secured by Design supports one of the government's key planning objectives

The Welsh Assembly requires all homes funded by Social Housing Grant to be built to "Secured by Design" standards. These are provided in the Assembly's Design Quality Requirements and Standard Contract Documentation. When RSLs are considering developing a site, they are required to discuss at the outset how to incorporate Secured by Design principles with their Police Force Architectural Liaison Officer.

Contact details for all Police Forces are available at: www.securedbydesign.com/forces/index.html

12. CONTACTS

Vale of Glamorgan Council

Planning and Transportation Policy

The Docks Office
Barry Docks
Barry
CF63 4RT
Telephone: (01446) 704670
E-mail:
Planning&transport@valeofglamorgan.gov.uk

Development Control

The Docks Office
Barry Docks
Barry
CF63 4RT
Telephone: (01446) 704649
E-mail:
Developmentcontrol@valeofglamorgan.gov.uk

Public Sector Housing

2-8 Holton Road
Barry
CF63 4HD
Tel: (01446) 709501
E-Mail:
Housingcommunitysafety@valeofglamorgan.gov.uk

Welsh Assembly Government

Housing Directorate
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ
Telephone (02920) 825111
E-mail: HousingIntranet@Wales.GSI.gov.uk

APPENDICES

APPENDIX 1

THE VALE OF GLAMORGAN ADOPTED UNITARY DEVELOPMENT PLAN 1996 - 2011

POLICY HOUS 12 - AFFORDABLE HOUSING

THE COUNCIL WILL WHERE THERE IS DEMONSTRABLE NEED, SEEK TO NEGOTIATE WITH DEVELOPERS FOR THE INCLUSION OF A REASONABLE ELEMENT OF AFFORDABLE HOUSING IN SUBSTANTIAL DEVELOPMENT SCHEMES. CLEAR AND ADEQUATE ARRANGEMENTS SHOULD BE MADE TO ENSURE THAT THE BENEFITS OF SUCH HOUSING ARE SECURED FOR INITIAL AND SUBSEQUENT OCCUPANTS.

POLICY HOUS 13 - EXCEPTION SITES FOR AFFORDABLE HOUSING IN THE RURAL VALE

IF IT CAN BE DEMONSTRATED THAT IN THE RURAL VALE THERE IS AN IDENTIFIED LOCAL NEED FOR AFFORDABLE HOUSING, THE DEVELOPMENT OF A LIMITED NUMBER OF ADDITIONAL SITES WILL BE PERMITTED IF **ALL OF THE FOLLOWING CRITERIA ARE MET:**

- (i) THE SITE IS WITHIN OR ADJOINING AN EXISTING SETTLEMENT BOUNDARY;
- (ii) THE SITE IS COMMENSURATE IN SCALE, DESIGN AND LOCATION WITH THE IDENTIFIED NEED;
- (iii) CLEAR AND ADEQUATE ARRANGEMENTS ARE MADE TO ENSURE THAT THE BENEFITS OF SUCH HOUSING ARE SECURED FOR INITIAL AND SUBSEQUENT OCCUPANTS;
- (iv) THE SCALE AND FORM OF THE PROPOSED DEVELOPMENT IS IN KEEPING WITH SURROUNDING USES;
- (v) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION;
- (vi) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 OR 3a), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORIC, ARCHAEOLOGICAL, ECOLOGICAL, GEOLOGICAL OR GEOMORPHOLOGICAL IMPORTANCE;
- (vii) OPEN SPACE IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED STANDARDS;
- (viii) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (ix) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY OR ECONOMICALLY PROVIDED.

FOR THE PURPOSE OF THIS POLICY THE RURAL VALE IS DEFINED AS BEYOND THE SETTLEMENTS OF BARRY, PENARTH, LLANDOUGH (PENARTH), DINAS POWYS AND SULLY.

APPENDIX 2

SECTION 167 (2) OF THE HOUSING ACT 1996 AS AMENDED BY THE HOMELESS ACT 2002.

In framing their allocation scheme so as to determine priorities in the allocation of housing, housing authorities must ensure that reasonable preference is given to the following categories of people, as set out in s167 (2) of the 1996 Act:

- (a) People who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless, and those who are not in priority need;
- (b) People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3);
- (c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (d) People who need to move on medical or welfare grounds; and
- (e) People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

It is important that the priority for housing accommodation goes to those with greater housing need. In framing their allocation scheme to give effect to s.167 (2), housing authorities must have regard to the following considerations:

- (a) The scheme must include mechanisms for:
 - 1) Ensuring that the authority assess an applicant's housing need, and for
 - 2) Identifying applicants in the greatest housing need.
- (a) The scheme must be framed so as to give reasonable preference to applicants who fall within the categories set out in s.167(2), over those who do not;
- (a) The reasonable preference categories must not be treated in isolation from one another. Since the categories can be cumulative, schemes must provide a clear mechanism for identifying applicants who qualify under more than one category, and for taking this into account in assessing their housing need;
- (a) There is no requirement to give equal weight to each of the reasonable preference categories. However, housing authorities will need to be able to demonstrate that, overall, reasonable preference for allocations has been given to applicants in all the reasonable preference categories. Accordingly it is recommended that housing authorities put in place appropriate mechanisms to monitor the outcome of allocations; and
- (a) A scheme may provide for other factors than those set out in s.167 (2) to be taken into account in determining which applicants are to be given preference under a scheme, provided they do not dominate the scheme at the expense of those in s.167 (2).

Otherwise, it is for housing authorities to decide how they give effect to the provisions of s.167 (2) of the 1996 Act in their allocation scheme. *Source:* Allocation of Accommodation (Code of Guidance for Local Housing Authorities) ODPM, November 2002.

APPENDIX 3

SUMMARY OF PUBLIC CONSULTATION

N.B. The comments within this table date back to 6/4/05. Please note that the Policy numbers have changed from **HOUS 13 & 14** to **HOUS 12 & 13** respectively in the Adopted UDP

Representor	Paragraph/ Section	Comment	Council Response	Change
Persimmon	2	We would request that the Council does not resolve to use the SPG until the Vale of Glamorgan UDP is adopted.	The Vale of Glamorgan Unitary Development Plan Draft Deposit 1998 (as amended 2004) is at an advanced stage, with the Affordable Housing policies of the Plan, and accompanying text having been subject to a Public Inquiry and further consultation. Therefore it is considered that with no further changes proposed to the UDP in respect of housing. Consequently, the SPG provides greater clarity on how the Council shall implement the Affordable Housing policies of the UDP.	No change
Persimmon	3	We do not agree to the reference that the Council will determine who will provide the affordable homes, the Council should however, aim to ensure that the negotiated arrangements should help to deliver the policies set out in the UDP.	Agreed.	After as determined by the Council include "in discussion with all relevant parties"
Persimmon	4	The assessment of need must be genuine to the local needs associated with particular planning application and not general to the Council's Administration area.	The Council's Housing Needs Study (2000) examined all the administrative wards overseen by the council in 3 distinct phases: Barry, Eastern Vale and Rural Vale. Thus allowing the Council to relate the affordable housing needs of these areas to future housing developments within the 3 areas. In this respect, on eligible housing sites, that is sites that accommodate over 50 dwellings, the SPG states that: "the size and type of dwellings provided shall reflect the needs of those households requiring affordable accommodation, as identified by the Council's Housing Needs Study".	No change

Representor	Paragraph/ Section	Comment	Council Response	Change
Persimmon	4	We support the recognition that low cost home ownership has been underestimated and we would urge the Council to undertake a more in depth-market analysis of demand requirements and awareness of market needs.	In respect of determining the need for low cost home ownership, the Council shall use its list Housing Needs Study, Local Housing Market Analysis and the emerging Regional Housing Market Analysis as commissioned by the South East Wales Housing Forum to determine the requirement of such housing on a site by site basis.	No change

Representor	Paragraph/ Section	Comment	Council Response	Change
Persimmon	4.3	We disagree to the reference to the LCHO houses being discounted by at least 30% and this is unlawful. The mechanisms for delivery and arriving at a discounted value must remain negotiable between the Council and the developer. The proposed formula should be deleted.	<p>The use of discounted rates for LCHO within SPG's is not unusual, and in preparing the SPG the Council has sought legal advice on the use of this approach.</p> <p>The SPG indicates that the Council's previous experience on discounted rates of less than 30% have been insufficient to enable properties to be afforded by persons nominated by the Council. Therefore the minimum 30% discount is justified.</p> <p>Moreover, 'Local Housing Needs Assessment – A Good Practice Guide' (1999) defines need as “a households living in housing which falls below minimum standards or fails to meet their essential needs in other ways and does not have sufficient income to rent or buy even the cheapest housing at prices prevailing in the housing market...”Section 1.26 (page 10) In this respect income and affordability are inextricably linked.</p> <p>Nevertheless, the SPG also states that “ the Council will determine the actual rate of discount on a site by site basis, with discounts relating to the local housing market, property type, household income and the effect of the economics of the overall development. Therefore, the SPG does provide mechanisms for negotiating the actual discounted rate.</p> <p>However, additional information on this matter shall be included in the final SPG.</p>	No change. However on the basis of comments received on the draft SPG, further clarification on how the Council will calculate actual discounts will be included in the final SPG.

Representor	Paragraph/ Section	Comment	Council Response	Change
Persimmon	5.2	Reference to a 20% quota is a material change to Policy HOUS13 and is contrary to PPG Wales, TAN (W) 2 and circular 13/97.	<p>The use of a 20% affordable housing figure is already established within the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) for housing at the Waterfront. Having been accepted by the inspector on his recommendation 4.17, the council considers that that seeking a figure of at least 20% on substantial sites elsewhere within the Vale is justified given the shortage affordable housing identified within the Council's Housing Needs Survey. Furthermore, it is considered that the inclusion of this within the SPG clarifies how the Council shall secure an element of affordable in accordance with Policy HOUS 13.</p> <p>In relation to TAN W (2), this states that local authorities should : “set indicative targets for specific suitable sites (expressed as either numbers of homes or a percentage of homes on the site), and indicate in policies the intention to seek to negotiate with developers for the inclusion of an element of affordable housing on such sites” (Paragraph 8b refers).</p> <p>Furthermore, the SPG is one of a number of material considerations, and as such other issues will be considered taken on a case by case basis.</p>	No change
Persimmon	5.3	Affordable housing is like any other planning obligation and should be determined by negotiations between the developer and the Council. The Council should recognise the abnormal costs associated with a particular development and therefore the Council cannot impose requirements for affordable housing as a non-negotiable requirement.	<p>Policy HOUS 13 stipulates that the council shall seek to negotiate a percentage of affordable housing in substantial development schemes. The SPG outlines that this shall be at least 20%. However, Section 5.3 also states that: “The precise form of condition or obligation will depend on the circumstances of each case”. Therefore the list of clauses given within the SPG is illustrative and recognises that such issues are not exhaustive.</p>	No change

Representor	Paragraph/ Section	Comment	Council Response	Change
Persimmon	5.3	We do not agree with the reference to in perpetuity as there may be material changes over a period of time which may result in there being no long term need for affordable dwellings in the locality. Any future sale of an affordable dwelling by an RSL should provide clawback arrangements in favour of the original developer who subsidised the unit value in the first place.	TAN (W) 2 indicates that conditions and obligations may be legitimately used, where justified to ensure that some of the housing built is “occupied, either initially or in perpetuity, only by people falling within particular categories of need for affordable housing” (Paragraph 14 refers.) Issues of future sales and clawback would be included within any Section 106 agreement.	No change
Persimmon	5.4	Reference to the Council normally expecting properties to be managed by a RSL should be deleted, as this does not encourage innovative solutions to maximising outputs.	The SPG does not preclude the ability of organisations other than RSL’s to manage affordable housing schemes, as clearly stated at paragraph 3 of section 5.3. This has been clarified by changes to Paragraph 3 as described above.	No change
Persimmon	9	Where there is no availability of Social Housing Grant for a particular development via an RSL then the Council should seek not to impose requirements of its SPG on affordable housing to the same degree. The SPG should allow for flexibility to negotiate with the developer for a reduced overall percentage where such circumstances arise.	The purpose of this section is to set out the typical approach for negotiating affordable housing, including discussions between developers, the Council and RSL’s. Should these discussions highlight the absence of Social Housing Grant, this would be raised as part of point 3, allowing for appropriate alternative solutions to be negotiated. This accords with TAN (W) 2.	No change
Persimmon	10	The mechanics of the ratio of market dwellings to affordable housing unit completions should be deleted, as each site needs to be considered, as each site needs to be considered on an individual basis. It may not be practical to phase the completions as suggested and furthermore an RSL may not have the funds available to complete units in line with the private dwellings. Therefore, any reference to phasing should be deleted.	The use of Section 106 agreements to control the phasing of affordable housing and occupancy prior to that of general market housing is advocated in TAN (W) 2. Stating that: “...the local planning authority might ask the developer to execute planning obligations or impose conditions which provide that: a specific proportion of the general housing on site cannot be occupied until the affordable housing element...has been built and transferred to a registered housing association” (Paragraph 26A.a refers). The actual ratio of this phasing shall be determined through discussion held between the Council developer(s) and RSL(s).	No change

Representor	Paragraph/Section	Comment	Council Response	Change
Persimmon	11	Issues relating to design principles should be deleted as these are not matters for this document and are too prescriptive. Pattern book designs are not appropriate for many urban and brownfield sites.	<p>The purpose of section 11 Design Principles is to highlight the need for developers and RSL's to be aware of other SPGs and policies elsewhere within the UDP. Similarly, the section also ensures that developers are made aware of the standards required by the Welsh Assembly Government in respect of the internal layouts of new houses built by RSL's.</p> <p>The SPG also states that "Designers have the freedom to develop elevations and use materials that reflect the specific context of each site". Therefore such requirements are not considered to be too prescriptive.</p>	No change
Wales & West Housing Association	3	Whilst standards and specification is covered later in the document, the term "Affordable Housing" is defined as housing <u>designed</u> for those..." This suggests that affordable homes have a specific (cheaper sub standard) design approach. The word design could be replaced with "built".	Comments noted. However, to avoid confusion the Council considers it more appropriate to delete the word "design" rather than replace with "built".	Change definition to read: "affordable housing is defined as housing for those whose income..."
Wales & West Housing Association	5.1	<p>The proposal to apply a broad threshold of sites that can accommodate over 50 dwellings appears to be exceedingly high. In addition, there is no reference made to a minimum density to overcome the possibility of a fabricated low-density development to avoid the inclusion of affordable homes.</p> <ul style="list-style-type: none"> • A suggested reasonable minimum density could be 30/ha (12/acre) • Suggest a much lower threshold 	<p>Comments noted. However, the thresholds contained within the policy HOUS13 have been subject to a public local inquiry and public consultation as part of the UDP process. Consequently, any further changes would be deemed as material changes and as such there is no scope to amend these thresholds. This will however be reviewed in the future as part of the Council's Local Development Plan.</p> <p>With regards to the use of densities, the Council considers that these are very much dependent on each site. Therefore the use of densities is considered more appropriate within a site-specific development brief.</p>	No change

Representor	Paragraph/ Section	Comment	Council Response	Change
Wales & West Housing Association	5.2	<p>Whilst the provision of at least 20% affordable housing is relative to the overall requirement identified within the Housing Needs Study, this assumes that each new site will provide the appropriate percentage. However, with a threshold of over 50, the majority of new development (other than the largest of sites) will not have any affordable homes.</p> <ul style="list-style-type: none"> Does the Land Availability Study identify sufficient sites to meet to meet the shortfall of 1,237 	<p>The purpose of the Housing Land Availability Study monitors the supply of land, ensuring that a minimum 5-year supply is the readily available. Whereas the UDP allocates sufficient housing over the plan period to accommodate housing growth. In this respect the UDP has allocated land for 6079 dwellings.</p> <p>Hence the UDP is one of several a policy mechanisms that is available to the Council to address the shortfall in affordable housing identified in the housing needs survey. Other such mechanisms include the Council's Local Housing Strategy, which includes initiatives such as the rehabilitation of existing Council owned housing stock, the Council's Housing Register and Local Housing Market Analysis, which also contains evidence on a range of housing issues.</p>	No change

Representor	Paragraph/ Section	Comment	Council Response	Change
Wales & West Housing Association	5.3	<p>In addition to the occasions where a RSL needs to sell a property on the open market, dealt with under Section 106A, due to the nature of an RSL as an organisation with its regulatory requirements, there may be additional perpetuity restrictions that apply.</p> <p>These include:</p> <ul style="list-style-type: none"> • Allowance for a mortgage in possession clause • Allowance for ensuring compliance with regulatory requirements in terms of LCHO or Homebuy procedures • Allowance for the residents to exercise the Right to Buy or Right to Acquire (reference could be made to exempt and non exempt areas) <p>The above could be simply addressed by stating that the perpetuity requirement will be satisfied where the RSL carries out the development in accordance with its objectives and regulatory rules.</p>	Agreed.	Include the following sentence: Where the RSL undertakes the development, the perpetuity requirement will be satisfied in accordance with its objectives and regulatory rules.
Wales & West Housing Association	5.4	Point 2 is unachievable because the developer will not have any control following the transfer of land/dwelling to the RSL. This will become the ongoing responsibility of the RSL and is subject to the above comments	Disagree. Consents run with the land, and will therefore be binding on all involved parties, including Registered Social Landlords.	Delete Bullet point 2.

Representor	Paragraph/Section	Comment	Council Response	Change
Wales & West Housing Association	8.1	<p>Prior to considering the off-site provision option when complementary social housing funds are not available, why has the option for the developer to discount the scheme by the appropriate level not been introduced? As an option, this is referenced within 3.i) Low Cost Market Housing. This could be similar to the model used at Penarth Heights development (albeit that the Council may not be the site owner).</p> <p>Greater detail and clarification is required on restrictions relating to planning, environmental and market considerations. The UDP and SPG will inevitably influence market conditions.</p>	<p>This section deals specifically with circumstances where off site provision is considered appropriate by the Council. This includes occasions where the developer is unable to provide discounted housing due to planning and environmental considerations, making it un-viable to provide discounts.</p>	No change
Wales & West Housing Association	8.2	<p>Assuming that the site to be part funded by the cash in lieu payment is not owned by the developer (otherwise this could be off-site provision) and is below the affordable housing threshold, what would the impetus be for the site owner to have affordable homes on the land, potentially reducing its value.</p>	<p>The option for cash in lie payments for affordable housing would be considered on a site by site basis. Therefore such issues are not a matter for the SPG.</p>	No change
Wales & West Housing Association	11	<p>Whilst Development Quality Requirements is necessary for RSL developments, a minimum of the Welsh Housing Quality Standard should be added as a requirement for direct developer provision. Apart from providing fair and equitable standards for future residents, this would aid the Council in achieving future WHQS targets for its private stock.</p>	<p>The purpose of Section 11 is to highlight design and site layout issues in relation to affordable housing, rather than prescribe standards for all housing types.</p>	No change
House Builders Federation	1	<p>Paragraph 2.13 of Unitary Plan Wales clearly states that SPG should be cross-referenced to the relevant policy or proposal which it supplements. It would be helpful if there was a reference to Appendix 1 within this paragraph.</p>	<p>Agreed.</p>	<p>Include cross reference to Appendix 1 within paragraph 1.</p>

Representor	Paragraph/ Section	Comment	Council Response	Change
House Builders Federation	2.	The HBF request that the council does not resolve to use the SPG until the Vale of Glamorgan UDP is Adopted. Planning Policy Wales advice is that the council can only use this SPG if it is related to a policy in an Adopted Plan.	<p>The Vale of Glamorgan Unitary Development Plan Draft Deposit 1998 (as amended 2004) is at an advanced stage, with the Affordable Housing policies of the Plan, and accompanying text having been subject to a Public Inquiry and further consultation. Therefore it is considered that with no further changes proposed to the UDP, the SPG provides greater clarity on how the Council shall implement the Affordable Housing policies of the UDP.</p> <p>In respect of Planning Policy Wales, there is no reference to the using SPG's only where an Adopted Plan is in place. Unitary Development Plans Wales (2001) states that SPG's should be "issued separately from the Plan" but does not preclude that an adopted plan must be in place before SPG's are issued.</p>	No change
House Builders Federation	3.	The HBF supports the definition of affordable housing.	Support is welcome	No change
House Builders Federation	3.	We are however concerned with the reference to the Council determining who will provide the houses. TAN W (2) specifically states that local planning authorities should not prescribe with whom developers should work to deliver the affordable housing, but rather should aim to ensure that arrangements will deliver the objectives of the policies set out in the development plan. The reference to "as determined by the Council" must be deleted.	Disagree. However, to provide clarity include the following: After as determined by the Council include "in discussion with all relevant parties"	After as determined by the Council include "in discussion with all relevant parties"

Representor	Paragraph/ Section	Comment	Council Response	Change
House Builders Federation	4.1	The first stage of any assessment must be if there is a genuine affordable housing need in the local area. It is not sufficient to state that there is a need in the whole of the Vale of Glamorgan.	<p>The Council's Housing Needs Study (2000) examined all the administrative wards overseen by the council in 3 distinct phases: Barry, Eastern Vale and Rural Vale. Thus allowing the Council to relate the affordable housing needs of these areas to future housing developments within the 3 areas.</p> <p>In this respect, on eligible housing sites, that is sites that accommodate over 50 dwellings, the SPG states that: "the size and type of dwellings provided shall reflect the needs of those households requiring affordable accommodation, as identified by the Council's Housing Needs Study".</p>	No change
House Builders Federation	4.2	Defining affordable housing in terms of income levels and housing or rents will only provide a very broad understanding of affordability, and even then only for a limited period. This approach also distorts affordability by assuming that income level is the only financial means by which people can access the housing market and is artificially increasing the proportion of households apparently requiring housing at below market price. The reality is a far more complex series of interactions and equity tied up in existing properties.	'Local Housing Needs Assessment – A Good Practice Guide' (1999) defines need as "a household is living in housing which falls below minimum standards or fails to meet their essential needs in other ways and does not have sufficient income to rent or buy even the cheapest housing at prices prevailing in the housing market..."Section 1.26 (page 10). Highlighting that income and affordability are inextricably linked.	No change
House Builders Federation	4.2	Bullet point 1. Should be deleted as it fails to take account of developers who offer to pay the deposit for buyers. It could be used against people who have managed to save for a new home.	The fact that a developer may offer to pay a 5% deposit does not negate the fact that the mortgage repayments on open market housing are still unaffordable for many. Moreover, all three criteria taken wholly not singularly are used to determine those households in need of affordable housing.	No change

Representor	Paragraph/ Section	Comment	Council Response	Change
House Builders Federation	4.2	Bullet point 3. Use 35%, which is commonly used by other local authorities. As stated above this is only a valid indicator for a short period of time and many first time buyers are prepared to stretch themselves as they expect their incomes to increase.	The calculations set out within the SPG reflect local circumstances, and therefore it is considered inappropriate to use figures used by local planning authorities elsewhere.	No change
House Builders Federation	4.3	The Council is suggesting that all low cost ownership houses will be required to be discounted by at least 30%. This is totally unacceptable and is unlawful. Finance and mechanisms for the delivery of affordable housing are for negotiation between the council as the housing authority and the developer. These are not matters for the council as a planning authority. The effect on the economic viability of the overall development will be catastrophic, making many schemes un-viable.	<p>The use of discounted rates for LCHO within SPG's is not unique, and in preparing the SPG the Council has sought legal advice on the use of this approach.</p> <p>The SPG indicates that the Council's previous experience on discounted rates of less than 30% have been insufficient to enable properties to be afforded by persons nominated by the Council. Therefore the minimum 30% discount is justified. However, the SPG also states that " the Council will determine the actual rate of discount on a site by site basis, with discounts relating to the local housing market, property type, household income and the effect of the economics of the overall development. Therefore, the SPG does provide mechanisms for negotiating the actual discounted rate.</p>	No change

Representor	Paragraph/ Section	Comment	Council Response	Change
House Builders Federation	5.2	<p>Reference to at least 20% introduces a material change to Policy HOUS 13, which is contrary to Planning Policy Wales, TAN (W) and Circular 13/97. It is not acceptable to introduce a material change to policy in SPG. In addition the reference to at least 20% is contrary to circular 13/97 on the grounds that is a blanket requirement. Also, TAN (W) 2 allows authorities to set targets in local plans for the number of affordable homes to be provided throughout the Plan area and to set indicative targets for specific suitable sites. The latter may be expressed as a number or a percentage of units to be accommodated on the site. However, the former can only be expressed as a number. This is because Government is keen to ensure that the provision of affordable housing is needs based and those vary from settlement to settlement and site to site.</p> <p>Therefore the reference to 20% must be deleted</p>	<p>The use of a 20% affordable housing figure is already established within the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) for housing at the Waterfront. Having been accepted by the inspector on his recommendation 4.17, the council considers that seeking a figure of at least 20% on substantial sites elsewhere within the Vale is justified given the shortage affordable housing identified within the Council's Housing Needs Survey. Furthermore, it is considered that the inclusion of this within the SPG clarifies how the Council shall secure an element of affordable in accordance with Policy HOUS 13.</p> <p>In relation to TAN W (2), this states that local authorities should :</p> <p>“set indicative targets for specific suitable sites (expressed as either numbers of homes or a percentage of homes on the site), and indicate in policies the intention to seek to negotiate with developers for the inclusion of an element of affordable housing on such sites” (Paragraph 8b refers). In this respect the indicative target of 20% accords with the advice contained with TAN (W) 2.</p>	No change

Representor	Paragraph/ Section	Comment	Council Response	Change
House Builders Federation	5.2	<p>The document refers to the actual affordable mix for a particular development will require to take account of the development potential". The HBF is concerned with the reference to 'development potential' and would prefer to see this replace with 'site specific considerations'. This term would enable the full list of issues that TAN (W) suggest need to be considered when determining the affordable housing requirements of sites:</p> <ul style="list-style-type: none"> • Suitability and the economics of provision; • Whether there will be particular costs associated with the development of the site; • Whether the provision of affordable housing will prejudice the realisation of other planning objectives that need to be given priority in development of the site. 	Agreed.	Change 'development potential' to 'site specific considerations'
House Builders Federation	5.2	This paragraph also fails to accord with TAN (W) 2 which suggests that "developers should be given reasonable flexibility to decide the mix of affordable housing types most appropriate to a particular site, provided it contributes to satisfying local need for affordable housing as demonstrated by the assessment" (Paragraph 15).	5.2 also states that "The actual affordable mix for particular development will require to take account of the development potential ...this may be relaxed where a particular form of development is required to maintain residential character". Thus the SPG does provide flexibility in accordance with the TAN.	No change
House Builders Federation	5.3	The provision of affordable housing is for negotiation between the developer and the council. The council cannot require an element of affordable housing as a non-negotiable requirement on development nor can they insist on the type of affordable housing that is provided. The Section 106 agreement therefore sets out what has been agreed and not the requirements.	<p>Policy HOUS 13 stipulates that the council shall seek to negotiate a percentage of affordable housing in substantial development schemes. The SPG outlines that this shall be at least 20%. However, Section 5.3 also states that: "The precise form of condition or obligation will depend on the circumstances of each case".</p> <p>Consequently, the list of clauses given within the SPG is illustrative and recognises that such issues are not exhaustive.</p>	No change

Representor	Paragraph/Section	Comment	Council Response	Change
House Builders Federation	5.3	The HBF is concerned with the reference to in perpetuity as there may come a time when there is no longer a need for the affordable dwelling.	TAN (W) 2 indicates that conditions and obligations may be legitimately used, where justified to ensure that some of the housing built is “occupied, either initially or in perpetuity, only by people falling within particular categories of need for affordable housing” (Paragraph 14 refers.)	No change
House Builders Federation	5.4	Reference to the Council normally expecting properties to be managed by a RSL should be deleted as this does not encourage imaginative solutions.	The SPG does not preclude the ability of organisations other than RSL’s to manage affordable housing schemes, as clearly stated at paragraph 3 of section 5.3. This has been clarified by changes to Paragraph 3 as described above.	No change
House Builders Federation	8	Paragraph 8b of TAN (W) is clear that such factors as site size, suitability and the economics of provision; whether there will be particular costs associated with development of the site; and whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority of the site, may make it inappropriate to seek affordable housing on some sites. These factors should be listed.	These issues are considered in Bullet point 2 of section 8, as well as section 5.2, paragraph 3.	No change
House Builders Federation	10	The ratio of market dwellings to affordable housing to be completed should take into account the ratio on the particular site and the development economics of the site.	The purpose of section 11 Design Principles is to highlight the need for developers and RSL’s to be aware of other SPGs and policies elsewhere within the UDP. Similarly, the section also ensures that developers are made aware of the standards required by the Welsh Assembly Government in respect of the internal layouts of new houses built by RSL’s. The SPG also states that “Designers have the freedom to develop elevations and use materials that reflect the specific context of each site”. Therefore such requirements are not considered to be too prescriptive.	No change

Representor	Paragraph/Section	Comment	Council Response	Change
House Builders Federation	11	These are not matters for this document	<p>The purpose of section 11 Design Principles is to highlight the need for developers and RSL's to be aware of other SPGs and policies elsewhere within the UDP. Similarly, the section also ensures that developers are made aware of the standards required by the Welsh Assembly Government in respect of the internal layouts of new houses built by RSL's.</p> <p>The SPG also states that "Designers have the freedom to develop elevations and use materials that reflect the specific context of each site". Therefore such requirements are not considered to be too prescriptive.</p>	No change
House Builders Federation (Second Consultation)	4.3 House Differentials	It is the view of the HBF that such details are matters for negotiation between the housing division and the developer. Requiring a sum in accordance with a formula is unlawful. " <i>Policies concerning obligations in development plans should not be unduly prescriptive but should address land use planning matters first and foremost rather than e.g. funding or financial matters</i> " (WO Circular 13/97 paragraph B17). Paragraph (vi) specifically refers to "allocate precise costs in advance" as being unacceptable to the Secretary of State.	<p>Welsh Office Circular 13/97 paragraph B17, sets out guidance on the use of planning obligations, stating that the use of blanket formulas are unacceptable where their application "<i>may not take proper account of whether the contribution is fairly and reasonably related to the development proposed</i>".</p> <p>Since house differentials are only applicable where there is a requirement for the provision of low cost housing, its use will be related to the development proposed.</p>	No Change
Chesterton	General	The document leaves little flexibility for negotiation. Experience for example in London has shown that over prescriptive social housing requirements bound in policy are now having adverse effect on of restricting the market. Schemes for instance to convert redundant offices into housing are now becoming less viable as a result.	<p>The SPG provides clear guidance on how the Council shall seek to negotiate an element of affordable housing on all substantial sites. Thus clarifying further the UDP's policies that are being implemented for affordable housing.</p> <p>Whilst it is considered inappropriate to draw comparisons between London and the Vale of Glamorgan, the fact that London is seeking to ensure that 50% of all new housing is affordable, clearly highlights that the issue of affordability is one of national importance.</p>	No change

Representor	Paragraph/ Section	Comment	Council Response	Change
Chesterton	5.2	A 20% requirement is merely arbitrary. Different circumstances will apply to different sites and different locations, which suggests that 20% should be regarded as a maximum threshold rather than a minimum on an individual site basis.	<p>The use of a 20% affordable housing figure is already established within the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) for housing at the Waterfront. Having been accepted by the inspector on his recommendation 4.17, the council considers that seeking a figure of at least 20% elsewhere within the Vale is justified given the shortage affordable housing identified within the Council's Housing Needs Survey. Furthermore, it is considered that the inclusion of this within the SPG clarifies how the Council shall secure an element of affordable in accordance with Policy HOUS 13.</p> <p>In relation to TAN W (2), this states that local authorities should :</p> <p>“set indicative targets for specific suitable sites (expressed as either numbers of homes or a percentage of homes on the site), and indicate in policies the intention to seek to negotiate with developers for the inclusion of an element of affordable housing on such sites” (Paragraph 8b refers). In this respect the indicative target of 20% accords with the advice contained with TAN (W) 2.</p>	No change
Chesterton	General	Delivery of affordable housing through RSL's will require confidence in the provision of grant funding, an area where a number of RSL's are unable to deliver an on going development programme because of financial constraints. Will there be therefore sufficient grant funding to support the initiatives that are now being proposed.	The SPG does not exclusively rely on RSL's to provide affordable housing.	No change

Representor	Paragraph/Section	Comment	Council Response	Change
Chesterton	4	Paragraph 4 relates to housing need. The definition seems to indicate criteria resting on a relationship between house price and average earnings. Currently this now stands at 5.7 compared with the long running average of just 4.1. That ratio, is on its own, inappropriate, otherwise Ireland would not be able to sustain a ration of 8:1. We would concur with the HBF on this issue suggesting therefore that this particular criteria needs to be examined more thoroughly.	Local Housing Needs Assessment – A Good Practice Guide' (1999) defines need as “a household is living in housing which falls below minimum standards or fails to meet their essential needs in other ways and does not have sufficient income to rent or buy even the cheapest housing at prices prevailing in the housing market...”Section 1.26 (page 10). Highlighting that income and affordability are inextricably linked.	No change
Chesterton	5	Prescriptive discount rates on open market sales are not in our view a matter for the Council. This denies developers flexibility in their policy strategy and moreover might undermine viability.	The use of discounted rates for LCHO within SPG's is not unique, and in preparing the SPG the Council has sought legal advice on the use of this approach. The SPG indicates that the Council's previous experience on discounted rates of less than 30% have been insufficient to enable properties to be afforded by persons nominated by the Council. Therefore the 30% discount is justified. Moreover, this provides clarity in terms of the Council's policy on affordability criteria, and should allow developers to determine more accurately land values during negotiations with land owners	No change
Chesterton	6	Planning obligations suggest minimum design standards. In many cases design standards for affordable housing are now exceeding the equivalent offered by the private sector, which is unrealistic in a market context. Similar comments apply to perpetuating binding Section 106 obligations, which might otherwise fetter RSL's and their abilities to secure private funding.	All social housing in Wales is required to build to the standards set by the Welsh Assembly Government. The SPG merely reiterates this.	No change
Chesterton	5.4	Paragraph 5.4 assumes the thrust of affordable housing provision should be through the RSL sector. Comments concerning funding provisions are detailed at our paragraph 3 above are therefore relevant. Moreover, such implications seem to run contrary to Paragraph 3 of Planning Guidance, which suggests that a broad range of providers should be encouraged.	The SPG does not preclude the ability of organisations other than RSL's to manage affordable housing schemes, as clearly stated at paragraph 3 of section 5.3.	No change

Representor	Paragraph/ Section	Comment	Council Response	Change
Chesterton	8	Cash payments in lieu are very often a more identifiable process of delivering social housing and can be easily calculated as part of the development process. They should be encouraged in that context particularly in circumstances where the provision of affordable housing in certain circumstances is, not appropriate to a specific development.	The Council considers the use of cash in lieu payments only appropriate in circumstances outlined with the SPG.	No change
Chesterton	9	Design principles are a separate issue entirely. The relevance of this in this document is therefore questionable.	The purpose of section 11 Design Principles is to highlight the need for developers and RSL's to be aware of other SPGs and policies elsewhere within the UDP. Similarly, the section also ensures that developers are made aware of the standards required by the Welsh Assembly Government in respect of the internal layouts of new houses built by RSL's.	No change
Llanfair Community Council	6	Implies that the provision of 'exceptional affordable housing' within or adjoining an existing settlement can override general planning restrictions on existing settlement expansion- which if I am right, could affect any of the villages in our area.	Exception sites for affordable housing will only be permitted in or adjacent to existing villages that are identified within UDP policy HOUS2. As the SPG indicates these will only be provided as an exception to the general planning policies of the Council, only where there is a shown and justifiable need for such housing. This approach accords with the advice issued by the Welsh Assembly Government.	No change
Pendoylan Community Council	General	The Council support this document.	Support is welcomed	No change required
Penarth Town Council	General	The Town Council considers the SPG to be a laudable document containing some good points, e.g. location (pepperpot approach) and design to be of similar specifications to other development, which is felt to be positive.	Support is welcomed	No change required
Penarth Town Council	4.1	The housing need survey is challenged on local experience suggests that there is a need for more affordable rental accommodation in Penarth. The existence of a number of letting agencies locally is indicative of this fact and a more balanced housing provision is required.	The SPG is aimed at addressing the housing needs across the Vale of Glamorgan, rather than specific areas. However, the Housing Needs Survey and the SPG shall assist the Council in identifying the appropriate type and mix of affordable housing for a specific area where affordable housing is proposed.	No change.

Representor	Paragraph/ Section	Comment	Council Response	Change
Penarth Town Council	5.1	The suggestion that the Vale shall negotiate an element of affordable housing on sites of more than 50 dwellings is felt to be misplaced in that the threshold is too high. Smaller developments of 20-30 would be more realistic and could accommodate 2-3 affordable units. The rationale for a threshold of 50 is questioned, is this Vale policy or Government advice?	Comments noted. However, the thresholds contained with the policy HOUS13 have been subject to a public local inquiry and public consultation as part of the UDP process. The site threshold itself was recommended by the Inspector appointed to Public Local Inquiry held on the UDP. Consequently, any further changes would be deemed as material changes and as such there is no scope to amend these thresholds. This will however be reviewed in the future as part of the Council's Local Development Plan.	No change
Penarth Town Council	5.2	The aim to secure at least 20% affordable housing over the plan period on substantial allocated and windfall sites is considered to be too low. The Vale Council is in a strong enough position to negotiate a higher % without the need for developers to seek a social housing grant. The shortage of land in the Penarth area and the popularity of the location generates demand which places the Vale Council in a strong position to negotiate, which has not been one of its strong points in the past. The purpose to sell off public housing land at Harbour View and Royal Close in Penarth is an example of where there should be a higher % of affordable housing.	The use of a minimum 20% affordable housing figure is already established within the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) for housing at the Waterfront. Having been accepted by the inspector on his recommendation 4.17. Therefore the council considers it appropriate to use this baseline percentage elsewhere in the Vale. However, there will be an opportunity to review this when the Council commences work on its Local Development Plan, and shall consult widely on such issues.	No change.
Penarth Town Council	8.1/ 8.2	In relation to offsite provision and cash in lieu payments, it is considered that such arrangements prevail only in very exceptional circumstances and not for simply entering into an agreement. Affordable housing needs to be available in existing localities where people currently live.	The SPG specifies that only in exceptional circumstance will off site provision and cash in lieu payment is acceptable. Where this does occur, the Council shall seek to ensure that the element of affordable housing is provided within the community which the main development takes place.	No change
Penarth Town Council	11	Design principles in relation to affordable housing provision need to take account of likely household composition in terms of adequacy of local facilities such as children's play spaces.	Issues of amenity space would be considered as part of any housing development and the Council has produced a separate SPG on this issue.	No change

Representor	Paragraph/ Section	Comment	Council Response	Change
Barry Town Council	General	<p>The Town Council recognises the pressing need for the provision of additional affordable housing units within the Town of Barry. It has been noted with real concern that recent planning consents for large-scale developments have included disappointingly low percentages of affordable housing units-notably in North Pencoedtre, sites within the Waterfront, on Barry Island etc. The Council therefore;</p> <ol style="list-style-type: none"> 1. Welcomes the Supplementary Planning Guidance-Affordable Housing 2. Urges the immediate implementation of the Guidance in full during the determination of planning applications, which include residential development <p>It would however, wish particular emphasis to be placed on;-</p> <ol style="list-style-type: none"> a) the achievement of at least 20% of affordable units on eligible sites, b) the appropriate distribution, location and timing of such units within development areas, c) the realisation of high standards of design and materials for affordable units, d) the inclusion of “secure by design” principles, e) the arrangements regarding future affordability, management and ownership of affordable units. 	<p>Support is welcome.</p> <p>The production of the SPG has been a s a result of a realisation that there was a need for the Council to provide clear and concise policies and procedures for securing affordable housing within the Vale of Glamorgan.</p> <p>In applying the SPG, all the issue raised within the document shall be applied equally, ensuring that affordable housing is of a high standard of build and design, and is integrated within any development proposal.</p>	No change required



The Vale of Glamorgan Council
Directorate of Environmental & Economic Regeneration,
Dock Office, Barry Dock, Barry. CF63 4RT.

www.valeofglamorgan.gov.uk