



Affordable Homes in New Development

Draft Supplementary Planning Document

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Planning Policy and Economic Development
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1 Introduction

- 1.1 This Supplementary Planning Document (SPD) provides guidance on the provision of affordable homes when preparing a planning application. It supports Policy H2 Affordable Housing of the [Hart Local Plan \(Strategy & Sites\) 2032 \(HLP32\)](#).
- 1.2 Affordable housing must be considered early in the planning process so that the optimum quantity and mix of affordable homes that meet local needs is delivered.
- 1.3 The Council offers [pre-application advice](#) which can help to identify and overcome potential issues before submitting a planning application and can speed up the planning application process (see Section 5).
- 1.4 This SPD is designed to help applicants interpret and meet the requirements for affordable homes set out in national and local planning policies, supporting pre-application discussions and the submission of planning applications.
- 1.5 If the viability of development is relevant please also see the Council's associated guidance set out in the [Viability Appraisals for New Development SPD](#), adopted in 2023.
- 1.6 This SPD does not specifically address rural exception sites (see HLP32 Policy H3) but some of the guidance will nevertheless be helpful to those schemes.

2 Background

- 2.1 The delivery of mixed and balanced communities is a key element of good planning. The provision of a choice of new homes, including well-integrated affordable homes is integral to this.
- 2.2 It is important to meet a wide range of housing needs, including 'affordable homes' i.e. homes for those whose needs are not met by the market. There are several different affordable housing 'products', both for rent or ownership; the full definition of affordable housing is set out in Annex 2 to the [National Planning Policy Framework](#) (NPPF) and repeated in the Glossary to this SPD.
- 2.3 The Council's Corporate Plan sets three areas of focus over the four-year period 2023-2027:
 - Planet - make all areas directly under the control of the Council carbon neutral by 2035 and make Hart a carbon neutral district by 2040,
 - People – fair treatment for all, help for those in need, and a sustainable economy that makes Hart a great place to live, work and enjoy, and
 - Place - delivering warmer, better homes in sustainable locations that people can afford to live in.

2.4 The Corporate Plan includes the priority under Place to ‘delivering warmer, better homes in sustainable locations that people can afford to live in’. It highlights that ‘the home in which we live has a huge influence on the quality of all our lives and health. Access to safe, secure, and affordable housing really is fundamental to supporting wellbeing and creating sustainable communities where people can live and work.’

2.5 The Corporate Plan includes the ambition to:

“Deliver more affordable homes within the district, including in our main villages and provide homes which support independent living as well as homes for other specialist groups”.

2.6 Two of the Council’s four-year goals within the Corporate Plan are to:

“Provide more social rented homes, and more affordable market rented homes for local people and our key workers”.

and

“Ensure an effective and transparent planning service, holding developers and our delivery partners accountable for providing infrastructure and affordable housing”.

2.7 The [Hart District Council Housing Strategy 2020-2025](#) sets out the Council’s commitment for everyone living within the district to enjoy a good quality of life with access to suitable, and affordable housing regardless of their income. A key Housing Strategy Objective is:

“Maximising delivery of high quality, suitable and affordable new homes throughout the district”

2.8 Housing Strategy actions to deliver this Objective include:

“Negotiate the delivery of 40% affordable homes on all eligible sites where viability is proven”

and

“Work in partnership with housing providers and planners to deliver an appropriate mix of affordable housing based on evidence of housing need within the district, including data from the strategic housing market assessment (SHMA) and Hart’s Housing Register.”

2.9 In April 2021 the Council declared a climate emergency and pledged to make the district carbon neutral by 2040, and areas under the full control of Hart District Council carbon neutral by 2035. The Corporate Plan also identifies that tackling climate change is central to all of the Council’s activities and the Council has agreed that significant weight will be given to the climate emergency declaration in all planning decisions.

3 National and local planning policy context

National planning policy and guidance

- 3.1 [The National Planning Policy Framework \(NPPF\) December 2023](#) sets out the Government's objective of significantly boosting the supply of homes with the overall aim being to meet as much of an area's identified housing need as possible, including with an appropriate mix of homes for the local community.
- 3.2 Local authorities should establish the size, type and tenure of housing needed for different groups in the community including those who require affordable housing.
- 3.3 The NPPF also requires that local plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required.
- 3.4 [Planning Practice Guidance \(PPG\)](#) provides extra detail and guidance to support national planning policies, including how to assess the need for market and affordable homes and how to enable their delivery.
- 3.5 Design of new development is also a key consideration. National guidance currently includes:
 - Building for a Healthy Life, 2020 – as referenced in paragraph 138 of the NPPF 2023; and,
 - National Design Guide, 2021.

Proposed reforms to the NPPF

- 3.6 Between 30 July 2024 and 24 September 2024 the Government consulted on reforms to the planning system including changes to the NPPF. Some of the proposals are relevant to affordable housing, including an objective to boost the delivery of Social Rented homes, and a proposal to remove prescriptive policies for affordable home ownership including First Homes. This Draft SPD is consistent with those proposals.

Development plan policy and guidance

Hart Local Plan (Strategy & Sites) 2032 (HLP32)

- 3.7 The [HLP32](#) was adopted in April 2020. The requirements for affordable homes in new development are set out in Policy H2 and its supporting text.
- 3.8 In addition to Policy H2, applicants are advised to be aware of other Local Plan requirements that may be relevant to their application. These include policies on the mix of sizes for market homes and making provision for self and custom build (Policy H1).

- 3.9 Policy H3 allows for Rural Exception Sites. Many of the design requirements set out in this SPD will be relevant to delivering these sites.

Neighbourhood plans

- 3.10 Neighbourhood Plans form part of the development plan and may include their own requirements for affordable homes (see the [Neighbourhood Planning webpage](#)).

Supplementary guidance

- 3.11 Applicants should have regard to the Council's requirements set out in the full suite of adopted SPDs and informal guidance including Technical Advice Notes (TANs). These cover various topics including viability appraisals, cycle and car parking, biodiversity (see the [Planning Guidance webpage](#)).
- 3.12 The exception to this is the Council's [First Homes Interim Planning Policy Statement adopted December 2021](#). The Government has proposed to withdraw the requirement that First Homes be provided as part of the affordable housing mix. First Homes are not required by HLP32 Policy H2 or any Neighbourhood Plans in Hart. The Council therefore affords little weight to its interim policy. If or when the proposed changes to the NPPF are confirmed the Council will rescind its [First Homes Interim Planning Policy Statement](#), or it will be superseded by this SPD.

4 Applying policy to ensure the delivery of affordable homes

When will Policy H2 apply?

- 4.1 Policy H2 of the HLP32 will be applied to major developments that provide homes in Use Class C3, where 10 or more homes will be provided or the site has an area of 0.5 hectares or more.

Use Class C3

- 4.2 Homes in Use Class C3 ordinarily provide the facilities required for day-to-day living, whereby all the rooms (including kitchen, bathroom and toilet) are behind a single door which only that household can use. However, they can also include, but are not necessarily limited to:
- self-contained accommodation which is intended to be occupied by students (either as a single person or single household occupation),
 - extra care housing,
 - sheltered housing; and,
 - retirement homes (in these cases it may be more appropriate for the provision to be affordable retirement, sheltered or extra care housing).

The 10-homes threshold

- 4.3 The 10-dwelling threshold relates to the **gross** (not the net) number of homes proposed.

The 0.5 hectares threshold

- 4.4 The threshold of 0.5 hectares relates to the gross area of the proposed development within the red line indicated on the plans submitted to support a planning application.

Defining the site area

- 4.5 Policy H2 is clear that:

“Developments which appear to artificially restrict the site area, or level of development proposed in order to avoid the provision of affordable housing will be refused.”

- 4.6 The supporting text to the policy states:

“141. The policy will apply to all development sites which meet the threshold set out within the policy. Where such sites are sub-divided we will normally expect each subdivision or smaller development to contribute proportionally towards achieving the amount of affordable housing which would have been appropriate on the whole or larger site.

In applying this policy the Council will ensure that the most effective use is made of development sites at appropriate densities.

142. The artificial restriction of site areas or inefficient use of land to avoid the affordable housing thresholds is not acceptable, as proper planning of an area requires a comprehensive approach. Sites in the same ownership (or with an ownership relationship) will be treated as a single planning unit. Sites which have a clear relationship in physical terms will be treated as one site, such as adjacent underused sites, even if they are in different ownerships.”

- 4.7 In assessing whether the site area has been artificially restricted the Council will consider other land in the applicant’s ownership (within the ‘blue’ line) and whether any ancillary land has been excluded from the site boundary (within the red line) i.e. garden/open space, parking, or other facilities.
- 4.8 The Council considers that a site will include all existing elements of built development that are being materially modified (e.g. extended, reconfigured, or converted). As such, any existing home(s) or other building(s) on a plot proposed for development will only be excluded if there is no material alteration to it/them. If any changes are proposed to the access, garden/open space or parking to an existing home(s) or building(s) that is necessary for the wider development to go ahead, the Council is likely to conclude that the land and building(s) in question form part of the same development site.

Efficient use of land

- 4.9 Proposals that do not make efficient use of land (for example, where unusually large homes are proposed), such that the 10-dwelling threshold is not reached, will be refused where the Council considers that the land should be used more efficiently. The Council will carefully consider whether the number of homes proposed is an efficient use of the site, taking genuine site constraints into account.
- 4.10 In assessing whether the level of development proposed has been artificially restricted to avoid the 10-unit threshold, the Council will consider:
- the density of the proposed development;
 - the mix of home sizes proposed (in terms of numbers of bedrooms): the starting point for the **open market** housing mix is that set out at Paragraph 125 of the [HLP32](#) i.e. **7% 1-bed; 28% 2-bed; 44% 3-bed; 21% 4-bed**;
 - the sizes of the homes when compared to the [Nationally Described Space Standards 2015 \(NDSS\)](#). The NDSS set out minimum Gross Internal [floor] Areas (GIAs) for 1-bed, 2-bed, 3-bed, 4-bed, 5-bed and 6-bed homes. The minimum GIA varies depending on the number of bed spaces (persons) and the number of storeys;
 - whether the proposed GIA of the development exceeds the floorspace which would be required for 10 homes by combining:

- the “average minimum GIA” set put in Appendix 2 (i.e., **48m² for 1-bed homes; 70m² for 2-bed homes; 91m² for 3-bed homes; 110m² for 4-bed homes**)

and

- the open market housing mix above (**7% 1-bed; 28% 2-bed; 44% 3-bed; 21% 4-bed**),

See **Appendix 1** for how the average minimum GIAs are derived.

4.11 In applying the above standards the Council will also take into account the context of the site and local character. However, if the site is in an area of low-density development, then it should not automatically be concluded that a higher density development would result in harm.

Amount and tenure mix of affordable homes

4.12 To ensure the delivery of mixed and balanced communities, and respond appropriately to local housing need, **Policy H2 of the HLP32 requires 40% of new homes on qualifying sites to be affordable homes.**

4.13 The 40% must be provided in accordance with criteria a) to g) of Policy H2 concerning tenure, size and types of properties, the way they are distributed through the site, and payments towards a part-dwelling to achieve the 40% requirement. Proposals that fail to provide 40% affordable housing or fail criteria a) to g) of Policy H2 will only be granted when fully justified.

4.14 Of the 40% affordable housing provided, Policy H2 requires 65% affordable homes for rent and 35% affordable home ownership.

Affordable homes for rent	Affordable home ownership
65%	35%

4.15 Within these categories exist different affordable housing products including Social Rent, Affordable Rent and Shared Ownership (see Glossary).

4.16 A key purpose of this SPD is to clarify the Council’s approach to the 65% affordable homes for rent as follows:

- **The 65% ‘affordable homes for rent’ are required to be provided in the form of *Social Rented* homes.**
- If the 40% affordable housing requirement, with a tenure mix of 65% *social rent* and 35% affordable home ownership is not financially viable, this position must be supported by evidence in the form of an open book viability assessment. In such cases the Council will commission an independent expert review of the viability assessment, for which the

applicant will bear the cost. ***The Council will then negotiate with the applicant to secure the optimum quantity and mix of affordable housing that is viable and meets the identified housing need.***

- 4.17 The Council's priority is for Social Rent. Social Rent is set lower than Affordable Rent and as such meets needs that Affordable Rent fails to meet.
- 4.18 A '[Social and Affordable Rent Affordability Assessment](#)' (October 2024) prepared by AECOM found that 51-57% of the households currently on Hart's Housing Register cannot afford Affordable Rent for the dwelling size they need when spending up to 40% of their income on rent. These households need Social Rent, rather than Affordable Rent. Clearly even fewer can afford Affordable Rent if other benchmarks of 30% or 35% of income is spent on rent.
- 4.19 These findings support the Council's objective to boost the delivery of Social Rented homes. If developments subject to Policy H2 provide only Affordable Rented homes, then Policy H2 fails to meet the needs of most of those households on the housing needs register.
- 4.20 The AECOM study concludes that one of the options to address the need for Social Rent is to require all affordable housing for rent to be provided as Social Rent. This would increase the supply of Social Rented homes and provide clarity to developers and Registered Providers so that they can factor this into their business models.
- 4.21 The study presents other options where viability is an issue, recognising that Social Rent requires greater subsidy than Affordable Rent (the subsidy coming from land value). The study also finds that the most acute need is for larger social rented properties, and that some of the district's other rented affordable housing need could be met from Affordable Rented homes.
- 4.22 The Council has viability tested the approach where all of the 65% affordable homes for rent are provided as Social Rent; see [Viability Findings Note](#) (September 2024), prepared by Three Dragons.
- 4.23 The viability study indicates that meeting the 65% rent element entirely with Social Rented homes will generally be viable except potentially on some brownfield sites in those areas of the district where mitigation measures are required with new homes to avoid significant adverse effects on the Thames Basin Heaths Special Protection Area. Policy NBE3 of the [HLP32](#) sets out the approach to avoidance and mitigation involving Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). Further guidance on SANG and SAMM is available at [on the Council's Planning Guidance webpage](#).
- 4.24 Even on those sites, the study recognises that existing use values of brownfield sites vary immensely and there may be brownfield sites with lower benchmark land values than those used in the study (see paragraph 4.9 of the study). Furthermore, the study does not allow for Vacant Building Credit which on

specific sites may well improve viability (see paragraph 4.10 of the viability study and Appendix 2 of this SPD).

- 4.25 It is therefore appropriate as a start-point for all sites across the district to provide the 65% rented element as Social Rent. It is important that this is made clear for landowners and developers when considering the value of the land.
- 4.26 For all sites, the mix of affordable homes should be discussed with the Council via the Development Management Case Officer during the pre-application stage and/or application stage. The Case Officer will liaise with the Council's Housing Strategy & Development Team as appropriate to obtain the latest available affordable housing needs information and required housing mix.
- 4.27 If viability is an issue also see the Council's [Viability Appraisals for New Development Supplementary Planning Document, November 2023](#).

Vacant Building Credit

- 4.28 If Vacant Building Credit applies any affordable housing contribution due will be reduced by a proportionate amount. This will not apply to a building that is deemed to have been abandoned. Further guidance is set out in **Appendix 2** of this document.

Distribution of affordable homes

- 4.29 Policy H2 criterion (a) of the HLP32 states that: **“the affordable housing will be provided on site and interspersed and distributed throughout the development mixed with the market housing”**.
- 4.30 Whilst small clusters of affordable homes are often appropriate, large concentrations of affordable homes must be avoided to help achieve mixed and balanced communities.
- 4.31 Affordable homes of similar tenures should be located together in small groups (i.e. the rented homes in small groups and the shared-ownership homes in small groups).
- 4.32 Small terraces and pairs of semi-detached properties should be delivered as the same tenure.
- 4.33 Blocks of flats should consist of homes of the same tenure, i.e., just rented, or just shared ownership and not a mix. A maximum of 12-15 flats should be provided together in one block. They should be well distributed across the whole site and across any given phase.
- 4.34 On larger sites which will be developed in phases, affordable housing should achieve 40% across the whole site. The percentage of affordable housing in each phase will be dependent on the dwelling types, layout and numbers in each phase. There should be a minimum of 25% and maximum of 50% affordable housing delivered in each phase. Concentrations of affordable

homes should not be created through placement of large amounts of affordable homes next to one another in adjoining phases.

Tenure blind

- 4.35 Affordable homes should be indistinguishable from market homes in terms of design, form and external appearance, i.e. “tenure blind” and constructed from the same materials.

Property types and sizes

- 4.36 The types of affordable homes provided should normally reflect the types of market homes proposed for the site. For example, if the market homes are predominantly houses, then the affordable homes should also be predominantly houses. This will help to address local housing needs and to achieve a ‘tenure-blind’ development.
- 4.37 The most acute affordable housing need is for Social Rented 3-bedroom and 4-bedroom houses. These should form part of the mix on suitable sites, particularly where 3-bedroom and 4-bedroom market houses are proposed.
- 4.38 The Council prefers the affordable homes to be houses (as semi-detached or small rows of terraced homes) rather than flats. In some instances, the Council may request bungalows, maisonettes or 1-bed houses to be delivered.
- 4.39 2-bedroom houses rather than 2-bedroom flats should be provided wherever possible, and all 3+ bedroom properties should be provided as houses.
- 4.40 Where flats are considered acceptable, consideration should be given to the mix of 1 and 2-bed units. A small number of 1 bed flats within a block of 2-bed units may be acceptable if they are designed to minimise the risk of potential anti-social behaviour issues arising from households with children living in close proximity to households without children.
- 4.41 If it is intended to provide flats as affordable homes it is strongly recommended to speak to a Registered Provider (of affordable housing) and engage with the Council’s pre-application advice service prior to submitting an application. This will give greater confidence that proposals are acceptable, both in terms of the size and format of the accommodation. In the Council’s experience Registered Providers have very specific requirements regarding providing affordable homes as part of flatted schemes and these requirements need to be taken into account by developers. The Council wishes to avoid circumstances where planning permission is granted for a scheme including affordable homes provided as flats, and then the developer advises the Council that there is no Registered Provider interest in those homes.
- 4.42 Affordable housing should not comprise detached properties (unless otherwise requested by the Council to achieve delivery of specific housing, for example accessible housing) or have garages, car barns or en-suite bathrooms in order to retain affordability.

Occupancy Levels

4.43 Affordable homes should enable maximum occupancy levels as follows:

- 1-bed homes accommodate 2-persons;
- 2-bed homes accommodate 4-persons;
- 3-bed homes accommodate 5 or 6 persons; and,
- 4-bed homes accommodate 6, 7 or 8-persons.

Internal layout and space standards

4.44 In line with HLP 32 Policy H6, new homes, including affordable homes, should meet [Nationally Described Space Standards](#) as a minimum.

4.45 The internal layout of properties should be designed carefully to avoid potential noise and disturbance arising from neighbouring homes. For example, the following should be avoided:

- high noise areas e.g. kitchens and living rooms, and low noise areas e.g. bedrooms being positioned adjoining one another in neighbouring attached properties;
- placement of high noise areas above low noise areas in neighbouring properties within blocks of flats; and,
- placement of bedrooms near communal areas, main entrances, communal staircases etc.

4.46 Where open plan living is provided within 2+ bedroom homes, the internal layout should allow for child safety gates to be installed to separate the kitchen area from living spaces.

4.47 In 2, 3 and 4-bedroom homes, the second, third and fourth bedrooms should be positioned so as to avoid noise and disturbance to children occupying the property from within, or from outside the home where possible.

Gardens and outdoor amenity space

4.48 Private gardens should be provided for residents of all houses. Outdoor amenity space should also be provided for occupiers of flats, with private gardens provided where possible, particularly in relation to maisonettes and small blocks of flats. Where it is not possible to provide garden space for flats (whether that be private or communal), outdoor amenity space should be well designed and provided in the form of usable balconies or well-designed, easily accessible landscaped areas.

Accessible and adaptable homes

4.49 Building homes that remain accessible for all stages of life and that can be adapted are necessary to support an ageing population, and to meet the varied needs of the wider community. Policy H2 of HLP32 specifies that 15% of all

affordable homes provided must be accessible and adaptable as defined by requirement Part M4(2) of the Building Regulations. Part M4(2) is encouraged for all new affordable homes.

- 4.50 For further information regarding Part M4(2) regulations, please see [Building Regulations Part M4\(2\) and M4\(3\) accessibility standards](#).
- 4.51 Policy H2 also states that where evidenced by local need, one or more of the affordable homes should be built as wheelchair user homes to meet, or exceed where justified, the requirements of Building Regulations Part M4(3).
- 4.52 The requirement for wheelchair user homes Part M4(3) should be discussed with the Housing Strategy and Development Team via the planning application Case Officer as early as possible in the planning process and provided in accordance with the [accessible homes guidance](#) produced by the Council.
- 4.53 The Council liaises with an independent housing occupational therapist to ensure that the identified household needs are adequately addressed. The design and accessibility issues will therefore be dependent on the particular needs of the individual and their household.

Specialist housing

- 4.54 Policy H2 applies to all types of residential development including private retirement homes, sheltered accommodation, extra care schemes and other housing for older people where these fall within Use Class C3 (Dwelling houses).
- 4.55 Where specialist or supported accommodation within Use Class C3 is being provided applicants should approach the Council via the Development Management Case Officer at an early stage to establish whether on-site or off-site affordable housing provision would be appropriate or whether the contribution should be in the form of a financial contribution. As much affordable housing as is viable (up to 40%) will be sought for specialist and supported housing in C3 use, on a site-by-site basis. This will be informed by a viability assessment provided by the applicant.

Part-dwelling payments

- 4.56 Mathematically the 40% affordable housing requirement rarely results in a round figure for affordable homes to be provided on site. In cases where the 40% calculation provides a part dwelling the Council will calculate a financial contribution equivalent to that part-dwelling using its Affordable Housing Financial Contribution calculator.

The provision of off-site affordable homes

- 4.57 Policy H2 of the HLP32 states:

“Where it is robustly justified and it is clearly demonstrated that the provision of affordable housing on site is impractical, the Council may accept off-site provision, or a financial contribution of equivalent value in lieu of on-site provision.”

4.58 Paragraph 144 of the HLP32 also states:

“in exceptional circumstances, and only where evidenced and justified, we may accept off-site provision, or a financial contribution of equivalent value in lieu of on-site provision. We will consider this matter on a site-by-site basis.”

4.59 This is consistent with Paragraph 64 of the NPPF, 2023 which states:

“Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.”*

4.60 In the case of direct provision by the developer on another site, the amount of affordable housing should amount to 40% of the total number of homes across both sites.

4.61 The financial contribution in lieu of on-site provision will be calculated using the Council’s Affordable Housing Financial Contribution Calculator which is published separately on the Council’s [Planning Guidance webpage](#).

5 The planning application process

Pre-application advice

- 5.1 The Council offers a [pre-application advice service](#). This can identify and overcome potential issues and speed up the application process. This may help to minimise the costs of planning applications or avoid submitting an unacceptable proposal. As part of this advice service applicants can request specialist advice from the Council's Housing Strategy and Development Team according to its fee schedule. ***These discussions are strongly advised for any proposals where Policy H2 Affordable Housing applies.***
- 5.2 The Council's planning protocol set out in the [Positive Engagement: A guide for Councillors involved in making planning decisions – Good Practice Guidance Note](#) and referred to in its constitution is clear that:

“When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the area. This means that any discussions with applicants and developers at both pre-application and application stage will be positively framed as both parties work together to find solutions to problems. This does not necessarily mean however, that development that is unacceptable in principle or which causes harm to an interest of acknowledged importance, will be allowed.

The Local Plan is the starting point for decision making. Proposals that accord with the development plan will be approved without delay. Development that conflicts with the Local Plan will be refused unless other material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will seek to grant permission unless material considerations indicate otherwise – taking into account whether:

- 1. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the development plan taken as a whole, or*
- 2. specific policies in the development plan indicate that development should be restricted.*

The Council will grant planning permission where we are satisfied that it will achieve a positive outcome that meets a recognised planning purpose.

Unsatisfactory applications will, however, be refused without discussion where:

- 1. the proposal is unacceptable in principle and there are no clear material considerations that indicate otherwise, or*
- 2. a completely new design would be needed to overcome objections, or*
- 3. clear pre-application advice has been given, but the applicant has not followed that advice, or*
- 4. no pre-application advice has been sought.”*

5.3 With regards to engagement with Councillors please see [Positive Engagement: A guide for Councillors involved in making planning decisions – Good Practice Guidance Note](#).

5.4 Proposals for new residential development should be discussed with the Council's Planning Development Management Team as early as possible.

5.5 In determining the exact mix of affordable homes the Council will use a range of information including the [Hart District Council Housing Strategy 2020-2025](#), the housing register and where available, local housing needs evidence. The Council's Housing Register is a comprehensive list of individuals and households that have applied for and qualify for affordable homes in Hart district. The data held is used to support the development and housing enabling process and to assist the Council in ensuring that new affordable homes meet an identified need, including for those with mobility issues.

5.6 In relation to the provision of affordable homes, and following initial discussions with the Planning Development Management Team, applicants are encouraged to prepare and submit information including the following when seeking pre-application advice:

- a site plan showing the suggested location and distribution of the affordable homes, including details regarding size and tenure;
- an accommodation schedule for each home detailing:
 - phase number (if applicable)
 - plot number
 - property size (by number of bedrooms)
 - property size (by m²)
 - maximum occupancy (no. People or e.g. 2 bed 4 person)
 - floor level (for flats)
 - property type e.g. semi-detached house, maisonette
 - property tenure
 - number of cycle and car parking spaces and
 - details regarding accessibility provision in line with Building Regulations Part M4(2) or M4(3)
- details regarding the proposed phasing and timing of delivery of the affordable homes on site.

Planning application requirements

5.7 The Council's [Non-householder applications' validation requirements](#) (see Part II - Local Requirements) sets out the requirements for an **Affordable Housing Statement** to be submitted with a planning application on qualifying developments which should include:

- the numbers of affordable homes;
- an accommodation schedule detailing; the number and tenure of the affordable homes with numbers of bedrooms, size (by m²), plot numbers and type of property e.g. flat, house etc.;
- plans showing the location of all affordable homes and their number of habitable rooms and/or bedrooms, and/or the floor space of the affordable homes; and
- details of any Registered Provider acting as partners in the development.

5.8 We also request that the **Affordable Housing Statement** is submitted at *pre-application stage* and *in addition* includes:

- information on dwelling size in terms of maximum occupancy. See section on occupancy levels at paragraph 4.43,
- Specify the rent type e.g. social rent or affordable rent,
- Information on how the accessibility standards are being met (M4(2) and M4(3) of the Building Regulations regarding accessible and adaptable homes and homes for wheelchair users,
- Information on car and cycle parking provision for the affordable homes.

5.9 If the proposal includes a mix of different rental levels or tenures this should be clearly and fully explained. Applicants should also demonstrate how they meet other matters including accessibility requirements and car and cycle parking standards.

Content of Section 106 legal agreement

5.10 A Section 106 agreement is a legal agreement between the developer / landowner and the local planning authority, made under Section 106 of the Town and Country Planning Act 1990 (as amended). It is the means by which the local planning authority secures, and controls, amongst other things, the provision and delivery of affordable homes in a development.

5.11 A Section 106 agreement will normally cover (but is not limited to) the following matters:

- a description of the affordable/specialist homes and the property size (number of bedrooms), type and tenure mix if appropriate;
- the location of the affordable homes within the site;
- the phasing of on-site affordable homes provision within the overall scheme to ensure that affordable homes are developed at an agreed rate in relation to the market housing;

- restrictions on the commencement of development until the affordable housing has been approved by the Council (if this has not already been approved as part of the application);
- ensuring that homes are transferred to a registered provider at a price agreed with the Registered Provider (RP);
- that the allocation of the rented homes should be through the Council's housing register and any other eligibility requirements;
- arrangements for the involvement of RPs or any other appropriate agency;
- the nature of the rented affordable accommodation to be provided e.g. Affordable Rent or Social Rent;
- set discount levels on discounted market homes;
- ensuring the homes remain affordable in perpetuity, including any conditions related to Designated Protected Areas (DPAs), or other relevant restrictions which may prevent 100% purchase of the homes;
- the mechanism, if appropriate, to secure and spend a financial contribution towards off-site affordable homes;
- a mechanism to assess or change the scope of the S106 Agreement; and,
- recycling arrangements where staircasing up to full ownership takes place.

5.12 The Section 106 agreement will also cover other issues not related to affordable housing. Applicants are encouraged to provide draft Heads of Terms with their planning applications to ensure that their application can be dealt with as quickly as possible.

6 Property management, allocations and affordability

- 6.1 The Council expects affordable homes to be owned and managed by one of the Registered Providers (RPs) on the [Council's list of preferred partners](#). Elements of the rent levels and allocations process will be set out in the S106 legal agreement.
- 6.2 There should be a Nomination Agreement between the Council and the RP for the rented affordable housing giving the Council the right to nominate 100% of the homes on first let. The subsequent lets to be allocated will be as per the Nomination Agreement in place at that time.
- 6.3 The Council's [Allocations Policy](#) enables applicants on the Housing Register to participate in the allocations process and make informed choices about their housing options. It also aims to make the best possible use of the available housing stock.

Tenancies

- 6.4 Registered Providers (RPs) will let their properties according to their tenancy policies. RPs should have regard to the Council's [Tenancy Strategy 2023-28](#) when setting their policies.

Affordability and rent levels

- 6.5 Affordable housing includes Social Rented, Affordable Rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regards to local incomes and local house prices.
- 6.6 Social rents are typically 60-65% of open market rent levels for an equivalent property.
- 6.7 Affordable Rent levels for 1, 2 and 3 bed rented properties should be set at no more than the maximum of Local Housing Allowance (LHA) rate for the Broad Rental Market Area (BRMA) in which the properties are located to ensure they are affordable in perpetuity. Hart district falls under three BRMA areas - Blackwater Valley, Basingstoke and Reading, with the majority of homes falling within the Blackwater Valley or Basingstoke LHA rates. Further information can be found on the [Government's website](#).
- 6.8 Affordable Rent levels for 4 bed properties should be set at a maximum of 64% of LHA rate in the Blackwater Valley BRMA area, 78% of LHA in the Basingstoke BRMA area and 66% of LHA in the Reading BRMA area.
- 6.9 The Government has published [guidance on the LHA](#).
- 6.10 Rent levels will be secured through the S106 legal agreement.

6.11 Any service charge costs for occupiers of all affordable home tenures should be kept to a minimum.

Appendix 1 - Deriving average minimum gross internal floor area

- A.1.1 This SPD, at paragraphs 4.3-4.10, sets out how the Council will assess whether efficient use is being made a development site looking at density and the sizes of homes proposed.
- A.1.2 With regards to the sizes of homes proposed, paragraph 4.9 includes the following statement: “The average minimum GIAs are: **48m² for 1-bed homes; 70m² for 2-bed homes; 91m² for 3-bed homes; 110m² for 4-bed homes.**”
- A1.3 These figures are based on the [Nationally Described Space Standards](#) which set out minimum gross internal floor areas (GIAs) for 1-bed, 2-bed, 3-bed, 4-bed, 5-bed and 6-bed homes. The minimum GIAs vary depending on the number of bed spaces (persons) and the number of storeys: the more bed spaces (persons) and/or the more storeys the higher the minimum GIA.
- A1.4 The table below shows for homes with different numbers of bedrooms the smallest minimum GIA and the largest minimum GIA. The final column shows the average between the two.

Number of bedrooms	Smallest minimum GIA (m ²)	Largest minimum GIA (m ²)	Average minimum GIA (m ²)
1	37	58	48
2	61	79	70
3	74	108	91
4	90	130	110
5	103	134	119
6	116	138	127

Appendix 2 Vacant Building Credit

- A2.1 Vacant Building Credit (VBC) was introduced by the Government with the aim of stimulating the development of vacant buildings on brownfield sites. In certain circumstances VBC offers developers a financial credit based on the existing gross internal floor area of any vacant building on the development site.
- A2.2 In order to qualify as a vacant building, the entire building must be demonstrated to be vacant. Where a building is partly occupied it will be deemed ineligible for the vacant building credit. It is a vacant building credit, not a vacant floorspace credit. The credit is only applicable to relevant vacant buildings; the Council will not accept, for example, sheds and non-permanent buildings as being relevant for the purposes of calculating a vacant building credit.
- A2.3 If VBC is being sought a Vacant Building Credit Statement must be submitted alongside the relevant planning application in which a reduced affordable housing contribution is being sought.
- A2.4 Within this statement the developer will need to submit the following information:
- evidence that any referenced building is a 'Vacant Building'. A building will not be considered as 'vacant' if the building has been in continuous use for any six months during the last three years up to the date that the planning application is validated. The building must also be vacant at the time the application is determined (the applicant will be required to (re)confirm this at the date of determination or as close as possible to that date);
 - evidence a building on site is not an 'Abandoned Building' or vacated solely for the purpose of redevelopment. The onus will be on the applicant to demonstrate this. The four factors the Council will take into account are:
 - the physical condition of the building;
 - the length of time that the building had not been used;
 - whether it had been used for any other purposes; and
 - the owner's intentions;
 - information on the existing Gross Internal Floor Area (GIFA) against the proposed GIFA. GIFA is the area of a building measured to the internal face of the perimeter walls at each floor level. We will use the Royal Institution of Chartered Surveyors' (RICS) definition of GIFA for assessing VBC.
- A2.5 If the Council accepts that VBC applies to the proposed site, the information on floor space will inform the reduction in the level of affordable homes.
- A2.6 The Council will determine on a case-by-case basis whether a building is vacant or abandoned. As is commonly the case with outline planning applications it may not be clear what the actual number of homes, or the size of

those homes, may be. Therefore, it will be difficult to quantify what vacant building credit will be applicable. Where the local planning authority agrees that the VBC may be applicable, the applicant will be expected to enter into a Section 106 Agreement at the outline stage to enable the matter to be deferred to a later stage when the relevant details of the scheme have been finalised. If the VBC is applicable to the proposed site, the information on floor space will inform the level of affordable housing contributions. The building should not be demolished until the application providing details of the replacement homes has been approved.

A2.7 Further information on VBC can be found in the [Planning Obligations PPG](#).

Glossary

Affordable housing (as defined in the National Planning Policy Framework (NPPF)):

Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions (this definition should be read in conjunction with relevant policy contained in the Affordable Homes Update Written Ministerial Statement published on 24 May 2021):

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used. *[note: the Government has proposed to delete Starter Homes from the definition of Affordable Housing in its [2024 NPPF consultation](#).]*

c) **Discounted market sales housing:** is housing sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government, or the relevant authority specified in the funding agreement.

Affordable Rent homes: Homes that are let at least 20% below local market rents. The market rent or market value refers to the cost of housing either for rent or for sale in the private sector. Calculating market costs takes into account the property size, type, and location.

Affordable home ownership: can include a range of products but will generally be taken to mean shared ownership homes. Shared ownership homes are partly sold to the occupiers and partly rented to them by a Registered Provider (RP). The initial sale can be between 10% and 75% of the open market value of the home and a rental income is then required on the remaining unsold equity. RPs are encouraged by Homes England to sell the maximum share that the purchaser can afford.

Allocations Policy: A policy published by the Council which sets out Hart's approach to allocating affordable homes for rent within the district. The policy includes all aspects of how applicants' eligibility and housing need is assessed and how applicants are prioritised for available homes. The policy also sets out the Council's processes and procedures for advertising and nominating applicants to vacant homes for let through Registered Provider partners.

Build to Rent (BtR): Purpose built homes that are typically available at 100% rent (i.e. rent is 100% of the charge for each property). It can form part of a wider multi-tenure development comprising either flats or houses but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more and will typically be professionally managed stock in single ownership and management control.

Designated Protection Area (DPA): The Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 sets out specific Designated Protected Areas within England to protect the scarce supply of shared ownership housing within rural areas. Certain restrictions are applied to shared ownership homes which are located within a Designated Protected Area to restrict occupiers from buying further equity shares ('staircasing') to full ownership, or where permitted ensuring that if 100% shares are acquired by the leaseholder, the lease must specify that on re-sale of the home it must be sold back to a Registered Provider in order to retain affordable housing supply in perpetuity. The lease of any shared ownership homes which are delivered within a Designated Protected Area must reflect these restrictions, other than in cases where a waiver has been granted.

Discounted market sales homes: are those sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure homes remain at a discount for future eligible households.

First Homes: a form of discounted market sale affordable housing which is available for a minimum of 30% below Open Market Value (OMV) and is subject to a number of qualifying criteria.

Housing Strategy: a document prepared by a local authority which sets out its housing need. It establishes priorities for action consistent with wider regional and national issues.

Intermediate Rent: (also known as Intermediate Market Rent) is a rental option that offers homes at less than the market rate. The rent charged is normally approximately 20% lower than what someone would expect to pay for a similar home in a similar area if they were renting from a private landlord. It is designed to help people who cannot afford to buy a home on the open market to save for a deposit to enable them to purchase a property in the future.

Local Plan: The plan for the future development in the area, drawn up by the local planning authority in consultation with the community.

National Planning Policy Framework (NPPF): Sets out the Government's planning policies for England and how these are expected to be applied.

Neighbourhood Plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the [Planning and Compulsory Purchase Act 2004](#).

Nomination agreement: An agreement that is entered into between the Council and the Registered Provider which sets out the rights of the Council to nominate persons from the Council's Housing Register for Registered Provider owned affordable housing units in line with the Council's Allocations Policy. Terms set out within the Nomination Agreement apply to all Registered Provider owned affordable units for rent located within the Hart district and may also apply to specific homes located outside of Hart where relevant historical/supplementary agreements are in place.

Planning obligation: A legal agreement entered into under Section 106 of the Town and Country Planning Act, 1990 to mitigate the impacts of a development proposal.

Planning Policy Guidance (PPG): The planning practice guidance supports the NPPF.

Preferred Partner Registered Provider: A Registered Provider of Social Housing in line with Section 80 of the Housing and Regeneration Act 2008 (or any subsequent amendments to the Act) who is approved by the Regulator of Social Housing (RSH) and has been assessed by the Council and accepted onto Hart's list of Preferred Partner Registered Providers for delivery of new affordable housing within the Hart district.

Registered providers (RPs): Government funded not-for-profit organisations that provide affordable housing. They include housing associations, trusts and cooperatives. They work with local authorities to provide homes for people meeting the affordable homes criteria. As well as developing land and building

homes, they undertake a landlord function by maintaining properties and collecting rent. See paragraph 6.1 for 'Preferred Partner RPs).

Section 106 Agreement (S106): A legal agreement, under Section 106 of the Town and Country Planning Act 1990, between a local authority and a landowner, to regulate the development or use of land in a way that cannot effectively be controlled by planning conditions. This may be used to secure benefits or financial contributions, such as for the provision of community facilities, play space or transport related improvements.

Shared ownership homes: A form of intermediate affordable housing which is partly sold and partly rented to the occupiers, with a Registered Provider being the landlord. Shared ownership homes should normally offer a maximum initial share of between 10% and 75% of the open market value of the home. The annual rental charges on the unsold equity (share) should not exceed the Government guidance relevant at the time of purchase. RPs are encouraged by Homes England to sell the maximum share that the purchaser can afford.

Social Rent homes: Homes that are let at a level of rent generally set much lower than those charged on the open market, available to those recognised by the Council as being in housing need and offering long term security of tenure (through Secure or Assured tenancies). The rent should be calculated using the most up to date Government approved formula.