

Other modifications to the Affordable Homes in New Developments SPD

Introduction

This document sets out ‘other’ modifications to the SPD which were not directly prompted by consultation responses, but are nevertheless intended to update, clarify, or otherwise improve the document. Very minor edits and typos are not listed.

Row	Paragraph / section	Modification
1	1.1	<p>Insert the following underlined text to add clarity regarding the status of the document once adopted:</p> <p>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) and is a <u>material consideration in the determination of planning applications.</u></p>
2	National planning policy and guidance Paras 3.1 to 3.6	<p>Update the SPD to reflect the December 2024 NPPF as follows:</p> <p>3.1 The A key objective of 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 area’s identified housing need as possible, including an appropriate mix of homes for the local community <u>is to significantly boost the supply of homes and ensure that local housing needs are addressed;</u></p> <p><u>“61. ...The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community.”</u></p> <p>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.</p> <p>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. <u>The December 2024 NPPF elevates the importance of Social Rent as a tenure. It specifically requires that the need for Social Rent homes is assessed</u></p>

		<p>(paragraph 63), and that the minimum proportion of Social Rent homes required is set out within planning policy (paragraph 64). The same paragraph retains the default position that affordable homes should be provided on site:</p> <p><u>“64. Where a need for affordable housing is identified planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required), and expect it to be met on-site unless:</u></p> <p><u>a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and</u></p> <p><u>b) the agreed approach contributes to the objective of creating mixed and balanced communities”.</u></p> <p>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.</p> <p>3.5 Design of new development is also a key consideration. National guidance currently includes:</p> <ul style="list-style-type: none"> • Building for a Healthy Life, 2020 – as referenced in paragraph 138 of the NPPF 2023; and, • National Design Guide, 2021. <p>Proposed reforms to the NPPF</p> <p>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.</p>
3	Supplementary guidance Para 3.11	Add text to para 3.11 for clarity/completeness:

		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 and biodiversity (see the Planning Guidance webpage). In addition, this document refers to <u>external sources of good practice guidance</u> .
4	Supplementary guidance 3.12	Delete the following text which is out of date and no longer applies. 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.
5	4.45	Insert the following underlined text to add clarity: 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: <ul style="list-style-type: none"> • 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. <u>to avoid potential noise nuisance and disturbance to occupants.</u>
6	Heading before paragraph 4.54	Insert the following underlined text to add clarity: Specialist <u>or supported</u> housing
7	5.1	Insert the following underlined text to add clarity:

		<p>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. <i>These discussions are expected and strongly advised for any proposals where Policy H2 Affordable Housing applies to reduce the risks of planning applications being refused due to affordable housing issues.</i></p>
8	5.3	<p>Delete following text to avoid repetition:</p> <p>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.</p>
9	6.6	<p>Insert the following underlined text to add clarity:</p> <p>6.6 Social rents are <u>set in accordance with the Government’s rent policy for Social Rent and are typically 60-65% of open market rent levels for an equivalent property.</u></p>
10	Glossary	<p>Update the Glossary to accord with December 2024 NPPF:</p> <p>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 (<u>footnote 90: this definition should be read in conjunction with relevant policy contained in the Affordable Homes Update Written Ministerial Statement published on 24 May 2021. As noted in footnote 31, however, the 25% minimum delivery requirement for First Homes no longer applies</u>):</p> <p>a) Social Rent: <u>meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent; (b) the landlord is 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.</u></p>

		<p>ba) Other 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).</p> <p>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.]</p> <p>c) Discounted market sales housing: is that 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.</p> <p>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.</p>
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11	Glossary	<p>Update the Glossary to accord with December 2024 NPPF:</p> <p>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. <u>The rent for affordable rent housing (inclusive of service charges) must not exceed 80% of gross market rent. 'Gross market rent' means the rent (inclusive of any applicable service charges) for which the accommodation might reasonably be expected to be let in the private rented sector. Property size, location type and service provision must be taken into account when determining what gross market rent a property might achieve if let in the private rented sector.</u></p>
12	Glossary	<p>Delete the following text to reflect the removal of First Homes requirements from the new NPPF. First Homes are not referred to in the SPD as proposed to be modified.</p> <p>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.</p>
13	Glossary	<p>Insert the NPPF definition of Older People to add clarity:</p> <p><u>Older people: People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.</u></p>
14	Glossary	<p>Delete the following definition of Social Rent homes as they are now defined within the overall NPPF definition of affordable homes (see row 10 above)</p> <p>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.</p>

