



# Aylesbury Vale Area

# Affordable Housing Supplementary Planning Document

**May 2022**

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# 1. Overview

1. This document provides planning guidance on how affordable housing policy should be applied to proposals for residential development within the Aylesbury Vale Local Plan area, for ease referred to as the Aylesbury Vale area throughout this document. The guidance expands upon that already provided in the policies in the Adopted Vale of Aylesbury Local Plan 2021 (VALP) (web link [here](#)). VALP is the starting point and where relevant, made neighbourhood plans and the latest National Planning Policy Framework are material considerations.
2. This Supplementary Planning Document (SPD) sits alongside other documents, including:
  - VALP (in particular, Policies H1, H2, H6a, H6c, BE2)
  - Made neighbourhood plans in the Aylesbury Vale area
  - Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA) Update 2016 and Addendum 2017
  - VALP Viability Assessment Final Report August 2017
  - Aylesbury Vale Design SPD (once adopted)
  - The Housing and Homelessness Strategy 2019-2022
  - Aylesbury Garden Town Framework and Infrastructure SPD (once adopted)
3. The Issues and Summaries below summarises the key elements and the detail that is included in this document.

## Issues and Summaries

### Issue - What is affordable housing?

Summary - This SPD uses the definition of Affordable Housing set out in the VALP at para 5.1.

### **Issue - Which developments should provide affordable housing?**

Summary - Developments (including allocated sites in VALP) of 11 or more dwellings gross or sites of 0.3ha or larger. (VALP Policy H1).

### **Issue - How much affordable housing will be sought?**

Summary - A minimum of 25% of the total number of units. The council requires at least 25% unless viability evidence proves this would not be viable.

### **Issue - Factors that might reduce the amount of affordable housing being sought**

Summary - (i) Permitted development conversions (ii) Unviable sites (Policy H1 b, with development proposals supported by an independently assessed open book financial appraisal of the proposed development)

### **Issue - What tenure mix is being sought?**

Summary - The most up-to-date evidence supports a tenure split of 80% affordable or social rent and 20% intermediate housing.

### **Issue - Phasing of the affordable housing provision**

Summary - Delivery will be specified by a trigger mechanism in the Section 106. Where scheme viability is an issue, this can be assessed further and reviewed during the lifetime of the development.

### **Issue - Design – layout**

Summary - The affordable housing should be:

- Fully integrated with the rest of the development
- Not visually distinguishable
- The equivalent quality to the market housing on the site
- Distributed appropriately limited in cluster size (see paras 54-55)

### **Issue - Where should the affordable housing provision be located?**

Summary - Affordable housing should be provided on site. Off-site provision or financial contributions may be considered by the council in exceptional circumstances (see paras 59-64 of this SPD) and in those instances, it should contribute to the objective of creating mixed and balanced communities. An on-

line calculator will be available on the website to provide details of this provision and what it equates to in terms of a financial payment.

### **Issue - Design of the affordable housing**

Summary - Will need to comply with the VALP Policy BE2, Aylesbury Vale Design SPD and Accessibility Standards in VALP Policy H6c.

### **Issue - What dwelling size mix is being sought?**

Summary - Affordable housing will be agreed with the council, taking account of the council's most up-to-date evidence on housing need and any available evidence regarding local market conditions. This is outlined in Policy H6a.

### **Issue - Housing for older people**

Summary - Affordable Housing requirements apply to houses and flats within Class C3 of the Use Classes Order, and serviced flats and other accommodation (of what-ever use class), which may provide communal facilities, but which provide all the facilities of a single dwelling in self-contained units. The VALP Table 14 explains types of C3 and C2 accommodation and the factors that determine the appropriate use class.

### **Issue - Rural exception sites**

Summary - The council may exceptionally permit the development of Affordable Housing to meet a locally identified need in rural areas that would not normally be acceptable, by making an exception to adopted policy, subject to material considerations. This is outlined in VALP Policy H2 Rural exception sites along with the criteria.

## 2. What is Affordable Housing?

4. The adopted Vale of Aylesbury Local Plan (VALP) contains policies setting out the requirements for affordable housing (see Policy H1 Affordable housing and Policy H2 Rural exception sites).
5. VALP at para 5.1 uses the definition of Affordable Housing, as set out in the NPPF September 2012 in the Glossary. This means

*“Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision. The definition explicitly excludes ‘low-cost market’ housing.”*

6. Only organisations that are registered with the Regulator of Social Housing are accepted as being registered providers (RPs). RPs own and manage affordable housing stock in the Aylesbury Vale area. Early engagement with RPs is beneficial as this can reduce design related issues with the dwellings. The council maintains a list of RP partners that are active in the Aylesbury Vale area, which can be provided upon request.
7. In 2021 the government introduced the requirement that 25% of affordable homes must be First Homes. These are properties that have a maximum purchase price of £250,000 and include a minimum 30% discount for first time buyers who meet qualifying criteria.
8. First Homes do not appear in this SPD as they are not required to be provided in Aylesbury Vale as the VALP was adopted in September 2021 and so covered by transitional arrangements (see Government’s First Homes policy Paragraph: 018 Reference ID: 70-018-20210524 [here.](#)). The Council is publishing a separate First Homes Position Statement for all the Buckinghamshire Council area.

### 3. Which developments should provide Affordable Housing?

9. Policy H1 of VALP sets out the site size thresholds for affordable housing of sites of 11 or more dwellings (gross) or 0.3 hectares or larger.
10. As per Policy H1 d, Planning applications will be checked to ensure that sites have not been sub-divided to take them below the thresholds. This is to ensure that applicants and sites provide the appropriate level of affordable housing contribution or affordable housing units on sites that are suitable.
11. The purpose of the following examples is to demonstrate how this works in practice:

#### **Example**

It is proposed that a new access road is built for the development of 8 new dwellings. A subsequent permission is submitted to use the same access road for an additional 4 dwellings.

Whilst neither of the developments triggers the affordable housing requirement individually, the two sites together, regardless of ownership, form part of a larger developable area. Taken as a whole, both sites would therefore be expected to provide a proportion of the affordable housing on a pro rata basis i.e., a minimum of 25% x 8 units and a minimum of 25% x 4 dwellings. i.e., at least 3 affordable units in total, although the council may seek more than 25%

## 4. How much affordable housing will be sought?

12. The council will require a *minimum of 25%* of the total number of units on the site to be provided as affordable housing. There may also be circumstances, such as in Neighbourhood Plans, where a different affordable housing requirement applies. The VALP Inspector's Report (August 2021) noted at para 271: "As noted elsewhere in this report, VALP does not explicitly say that it supersedes any Neighbourhood Plan policy and so they exist side by side. VALP policy H1 requires a minimum of 25% affordable homes on site and so Neighbourhood plan policies which require more than that minimum are not inconsistent with it."
13. Where the affordable housing policy would result in a requirement of 0.5 or more of an affordable home should be provided, the calculation will be rounded upwards and where it is less than 0.5 of an affordable home a financial contribution of equivalent value may be sought. (Policy H1f)

## 5. Factors that might reduce the amount of affordable housing

### Permitted Development Rights for conversions (PDR)

14. Local planning authorities cannot seek affordable housing from conversions that are made possible solely through permitted development rights. In circumstances where a site is a mix the following is an example of how this would be dealt with.

#### Example

Prior Approval is sought to convert an existing office building into flats through permitted development. Planning permission is also being sought to redevelop part of the existing office car park into 8 flats.

No affordable housing is required for the conversion of the offices. It is considered that the flats in the car park form part of a larger developable area and as such a contribution of a minimum of 25% affordable housing will be required to be provided for the 8 additional flats i.e., 2 or more affordable units will need to be provided on that site, although the council may seek more than 25%.

### Sites that aren't viable

15. VALP was adopted in September 2021. The policies in VALP were tested in the VALP Viability Assessment. A minimum 25% affordable housing target was found likely to represent a realistic level.
16. In line with VALP Policy H1 b, it is up to the applicant to demonstrate whether circumstances justify the need for a viability appraisal at the planning application stage to justify a reduced level of affordable housing. It is clear from the Planning Practice Guidance on Viability and Decision Taking that there will be limited circumstances where viability testing at the planning application stage is considered necessary.
17. In circumstances where viability appraisals are used, they will need to be open book and will be made public (see para 37 of this SPD). Examples of circumstances where a Viability Appraisal will be accepted, set out within the PPG ( Planning Practice Guidance on Viability Paragraph: 007 Reference ID: 10-007-20190509 [here](#)), and used as the basis for the council's approach include:

- where development is proposed on unallocated sites of a wholly different type to those used in the viability assessment that informed the plan;
  - where further information on infrastructure or site costs is required;
  - where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or
  - where a recession or similar significant economic changes have occurred since the plan was brought into force.
18. Planning applications that are accompanied by a viability appraisal should be based upon, and refer back to, the viability appraisal (2017) that informed the VALP ( The VALP Viability Assessment Final Report 2017 available [here](#)). The applicant should provide evidence of what has changed since then, in line with national policy advice, to demonstrate the need for a viability appraisal to be undertaken.
  19. In accordance with guidance, set out in the Planning Practice Guidance, the price paid for land is not a relevant justification for failing to accord with relevant policies in the Plan.
  20. The weight to be given to a viability appraisal is a matter for the Council, and the Council will have regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, any change in site circumstances since the plan was brought into force, and the transparency and robustness of assumptions behind evidence, submitted as part of the viability assessment.

## **Viability Appraisals**

21. Viability appraisals are sensitive to minor changes in the figures used to calculate viability and to variations in methodology. Where viability is cited as a barrier to meeting policy requirements for affordable housing and is supported by a viability appraisal (if justified as above), the council will assess the Viability Appraisal to ensure that the maximum viable level of contribution to planning obligations are received.
22. When a viability appraisal is submitted, an editable electronic version of the viability model should be made available to the council, or anybody acting on its behalf, to enable a robust review of the submission. The council should also be provided with all the assumptions and calculations included in the appraisal. The following, amongst others, will be analysed as part of the review of the viability appraisal:  
Existing use value (EUV) plus premium (benchmark land value)

23. **EUV** is the value of the land in its existing use. It is not the price paid for the land and should disregard hope value.

24. The PPG sets out that,

*“To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner.”* Paragraph: 013 Reference ID: 10-013-20190509)

*“Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield (excluding any hope value for development).”*

Paragraph: 015 Reference ID: 10-015-20190509)

*“Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams’ locally held evidence”.* Paragraph: 015 Reference ID: 10-015-20190509)

25. The premium (or the ‘plus’ in EUV+) is the second component of benchmark land value. The PPG defines it as, “the amount above existing use value (EUV) that goes to the landowner. The premium should provide a reasonable incentive for a landowner to bring forward land for development while allowing a sufficient contribution to fully comply with policy requirements.”

#### **Alternative use value**

26. The PPG sets out that, “For the purpose of viability assessment alternative use value (AUV) refers to the value of land for uses other than its existing use. AUV of the land may be informative in establishing benchmark land value. If applying alternative uses when establishing benchmark land value these should be limited to those uses which would fully comply with up-to-date development plan policies, including any policy requirements for contributions towards affordable housing at the relevant levels set out in the

plan. Where it is assumed that an existing use will be refurbished or redeveloped this will be considered as an AUV when establishing benchmark land value.”

### **Market and sales values**

27. The values arrived at must take account of real current market values for the type and location of development. The source of this information must be clearly justified.
28. Viability Appraisals should incorporate relevant analysed sales evidence in justification of the sales value proposed. Sales evidence used must demonstrate true comparability, for example, in terms of new build, location size, aspect and amenity and any adjustments/assumptions made by the valuer in applying this evidence.

### **Comparable evidence**

29. Analysis of land transactions has limited use in determining appropriate benchmark land values. Transactions may only be considered as a basis for cross checking values derived by Existing Use Value plus or Alternative Use Value methods. Transactions must be recent, reflect full policy compliance and be based on transactions where planning consent was in place prior to the purchase. A high level of understanding underpinning developer assumptions is also required to provide meaningful analysis. Although consideration of land transactional evidence is a RICS mandatory step, Viability Appraisal's will not be expected to submit evidence on this basis unless relevant evidence compliant with the conditions outlined above is evidenced.

### **Abnormal costs**

30. It is important that any site-specific or abnormal costs are disaggregated and supported by robust evidence (including contractor costs). The presence of abnormal costs would normally be expected to influence land value, as is set out in the PPG. The applicant should have been aware of abnormal costs prior to purchasing the site, therefore the presence of abnormal costs (alongside relevant requirements of the development plan) is assumed to have influenced the level of premium above the existing use value a landowner would expect. Thus, it should not be assumed that abnormal costs will be offset at the expense of compliance with the Development Plan.
31. Viability Appraisals should also reflect the potential benefit of Land Remediation Relief, or Contaminated Land Tax Relief, which allows businesses to claim relief of 150% of the cost in cleaning up the site, against their Corporation Tax bill.

32. All viability appraisals will be independently assessed by a party of the council's choosing. The assessment will only be undertaken once the applicant has entered into an agreement to meet the council's full costs in appointing consultants to undertake the assessment. The submitted financial viability appraisal should accord with the guidance set out in the Planning Practice Guidance.
33. Viability appraisals will remain valid until such time as it is considered by the council that significant changes have occurred which require an update of the Appraisal to be undertaken. These changes could relate to factors such as a change in land values, a recession or alternatively an economic upturn.
34. Any planning application scheme which fails to deliver a policy compliant scheme because of viability should be subject to a late-stage review, based on the actual costs and values generated by the scheme. The review will, in accordance with the advice in the PPG, only apply to uplifts in compliance with planning policies over the lifetime of a project. Unless otherwise agreed with the council, the s106 agreement will contain inter-viability review mechanisms, at the applicant's expense, and at trigger point(s)/ times agreed with the council (e.g. completion or occupation of the development) when construction contracts have been agreed) to ascertain the extent of any changes in these values and costs.
35. The PPG is clear that,
- “Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even in those circumstances an executive summary should be made publicly available. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data. In circumstances where it is deemed that specific details of an assessment are commercially sensitive, the information should be aggregated in published viability assessments and executive summaries and included as part of total costs figures. Where an exemption from publication is sought, the planning authority must be satisfied that the information to be excluded is commercially sensitive. This might include information relating to negotiations, such as ongoing negotiations over land purchase, and information relating to compensation that may be due to individuals, such as right to light compensation. The aggregated information should be clearly set out to the satisfaction of the decision maker. Any sensitive personal information should not be made public.” Paragraph: 021 Reference ID: 10-021-20190509*
36. The council expects viability assessment to be undertaken using a residual land value approach. The Residual Land Value is the amount that a developer can pay for a site, whilst still being able to deliver the project. A fixed land value should be used as the proposed benchmark value with the target profit also included. The outcome is expected to be presented as a

surplus/ minus profit level.

37. The accessibility standards for new dwellings are set out in the Policy H6c. For the avoidance of doubt, on sites that meet the threshold set out for affordable housing but based on viability make no provision for it, the market housing will be expected to comply with the requirements set out in Policy H6c.

## 6. What tenure split is being sought?

38. Most of the affordable housing need is for rented accommodation. The Bucks HEDNA Update Report 2016 Addendum and the Viability Assessment show that a tenure split of 80% affordable rent and 20% intermediate housing can be supported. In terms of the occupation of the affordable housing this will be controlled through the section 106 obligation, along with the council's nomination rights to the affordable housing.
39. The tenure of any affordable dwellings provided above the minimum requirement will be considered flexibly taking account of the Buckinghamshire HEDNA and other evidence of housing need. This will include any neighbourhood plan evidence for a made neighbourhood plan area.

### Tenure Split – Worked Examples

40. To illustrate how this is applied 2 examples are set out below:

#### Example 1

Developer is proposing to build 275 dwellings on a site that is currently occupied by 4 houses, that is 271 net. The minimum requirement is for 25% affordable housing.

Percentage	Total affordable	Affordable Rent	Intermediate/Affordable Home Ownership = Total minus affordable rented units
<b>Minimum 25% of 271</b>	67.75 rounded up to 68	68 x 80% = 54.4 rounded down to 54	68-54 = 14

### Example 2:

A developer is proposing to build 19 dwellings on a site of 0.8ha that is currently occupied by 2 houses. This scheme would require 25% affordable housing for the 17 dwellings (net) i.e.4.25 units. 4 affordable units will be required on site. The minimum requirement for 25% in the example below.

Percentage	Total affordable	Affordable Rent	Intermediate/Affordable Home Ownership = Total minus affordable rented units
<b>Minimum 25% of 17</b>	4.25 rounded down to 4. A commuted sum of 0.25 of a unit may be sought.	4 x 80% = 3.2 rounded down to 3	4-3 = 1

### Affordable housing for rent

41. It is considered essential that the units secured for affordable housing are affordable to those most in need. In relation to affordable housing for rent, rents must be set in accordance with the Government's rent policy for Social Rent or Affordable Rent or be at least 20% below local market rents (including service charges where applicable).
42. The rent should also not exceed the Local Housing Allowance level applicable to the location in which the affordable unit is situated at the time of letting the affordable unit. This is so that the council can be assured that the rent levels proposed can meet (and continue to meet) the needs of those in the greatest housing need, albeit with assistance from Housing Benefit for those who are eligible.

### Other forms of affordable housing

43. In terms of non-rented Affordable Housing, the council's preference for the type of products is summarised in order below:

### **Shared ownership**

44. This is expected to account for most of the intermediate housing required. Registered Providers have confirmed that they are willing to continue to deliver and manage affordable homes for shared ownership sale in the Aylesbury Vale area.

### **Other forms of intermediate affordable housing**

45. The starting point for these tenures would be a discount of 30% below market value:

### **Shared Equity**

46. This approach is based on the unsold equity balance being gifted to the council by the developer. Upon the first resale, the new purchaser is then required to acquire 100% of the total equity at market value.
47. The council will receive a sum for the equity balance, which if prices have increased will be more than the original sum but the converse could also apply i.e. if prices were to reduce. The receipts from the sale will be ring-fenced for use towards the provision of additional affordable housing elsewhere in the Aylesbury Vale area.

### **Discounted Market Sales Housing**

48. These are low-cost homes for sale (at a price below the local market value). The council has provisions in place, in the form of legal agreements, to ensure that the same discount applies to sales in perpetuity.
49. If applicants wish to provide discounted market sales housing, an administration charge will be made for the work needed by the council to administer them.

## 7. Phasing and management

50. The timing of affordable housing provision will be controlled through the Section 106 obligation. The council normally expects the early delivery of affordable housing on a site. Developers will be expected to:
- Not commence the development until the affordable housing scheme has been submitted to, and approved in writing by the local planning authority.
  - Not occupy more than a specific percentage of the market units, depending on the size and layout of the development, until the affordable housing units have been completed and transferred to a registered provider of social housing. For larger developments coming forward in development phases and using a phased approach to completion of affordable units please see para 53 below.
51. Where viability issues have been evidenced in relation to the development, the council may be more flexible regarding the timing of the transfer of the affordable housing units or land and their subsequent occupation.
52. Agreements for developments that are built in phases, or that are of a substantial size, circa 250 dwellings or more, will incorporate provisions for phased completion of the affordable housing

## 8. Design – layout of the site

53. The location of affordable housing in a scheme will include consideration of how the provision relates to other phases of the same development (where appropriate). This will include if there is a degree of separation provided by roads, open space or landscape features, and the grouping of affordable housing in nearby previously developed schemes (as appropriate).
54. The affordable housing should be fully integrated into the overall scheme layout, with clusters proportionate to the size of each site or phase and, in any event, should not exceed fifteen dwellings (eighteen if including flats). A road or garden boundary is not considered adequate to separate clusters.
55. In the case of flats this means that within the same block of flats a group of affordable units usually should not be either on the same floor or immediately above or below another group of affordable units. For smaller schemes of up to 20 homes, the maximum size of such clusters would normally be groups of 4 dwellings.

## 9. Where should the affordable housing provision be located?

56. The council will normally expect affordable housing to be provided on site. However, we recognise that in line with VALP Policy H1 c, for practical reasons there may be exceptional local site-specific circumstances for provision to be made off-site on an alternative site made available by the developer. This could be because:
- Physical or other constraints or circumstances mean that on-site provision is not practicable.
  - Affordable housing may not be required on-site in the form proposed e.g. applications for schemes designed for elderly people in areas where there is a need for affordable housing for families.
  - A neighbourhood plan sets out different arrangements for provision of affordable housing in its plan area

### Off-site Provision

57. Any proposals for off-site provision must still ensure that a mix of dwellings is achieved on the sites concerned and the developer must demonstrate that there are strong qualitative or practical reasons for why the affordable housing cannot be incorporated on the original site.
58. Where the council agrees that affordable housing can be provided on an alternative site provided by the developer, provision should be in a location considered suitable by the council. It should result in the provision of no less than the number of dwellings that would have been required on site.

### Commuted Sums (Financial Contribution)

59. A commuted sum is an amount of money, paid to the council by a developer, where the size of a development triggers a requirement for affordable housing, but it is not possible to achieve appropriate affordable housing on site. The commuted sum paid in lieu of on-site provision will be used by the council to provide suitable affordable housing elsewhere in the Aylesbury Vale area.
60. The acceptance of anything other than on-site provision is purely at the Council's discretion but must meet the terms of Policy H1 (c) and is not

an option available to developers / landowners / agents where it is simply their preference. It will only be looked at as a last resort where provision of affordable housing on-site cannot reasonably be secured.

61. A financial contribution in lieu of provision of affordable housing will only be accepted if the developer is able to demonstrate that there is no scope for on-site or off-site provision or, in accordance with VALP policy H1 (f), where the affordable housing policy would result in a requirement for less than 0.5 of an affordable unit. It should be noted that the council does not consider the marketability of the private housing as a factor that would result in affordable housing being provided off-site.
62. Where the council agrees to a financial contribution in lieu of direct provision, the council will expect the contribution to be of at least a broadly equivalent value to the provision that would have been provided on site. This means the financial contribution should be equivalent to the level of developer subsidy that would have been necessary to ensure that the affordable housing policy requirements were met on site.
63. The indicative circumstances in which commuted sums may be considered as an alternative to all or part of the on-site share are set out below.

**Practicality** - Registered providers may highlight sites that will not work from a management point of view.

**Type of housing** - It may not be possible to provide on-site affordable housing of the right type or tenure to accommodate those on the council's housing register.

**Viability** - Some developments, particularly small developments, may not be able to viably provide affordable housing on site. An off-site commuted sum should be broadly equivalent to the cost of providing the affordable housing on another local site.

64. The council has a commuted sum calculator, and this should be used to calculate any commuted sum payments. All monies received from commuted sums will be ring-fenced for affordable housing purposes in the Local Plan Area.

## 10. Design of the affordable housing

65. Developers are expected to reflect the council's design policy in the VALP (BE2) and other guidance as appropriate such as the emerging Aylesbury Vale Design SPD and the National Design Guide by the former MHCLG (2021), see paras 115-118. To ensure the creation of mixed and integrated communities the affordable housing should be of equivalent quality to the market housing on the site and not be visually distinguishable from the market housing in terms of materials, details, levels of internal and amenity space, parking provision and privacy. This will ensure developments created are 'tenure blind'.
66. As a matter of principle, the design standards for both market and affordable housing should be high, both in terms of the visual appearance of the development and also the standards of accommodation and built quality, including measures to deliver buildings that help to respond to the challenge of climate change, such as energy efficiency and resource consumption. Developers should avoid designs that result in high maintenance or service charges. The Design and Access Statement accompanying a planning application should set out clearly the design approach to the affordable housing element of the scheme.
67. The accessibility standards for affordable dwellings are set out in the VALP Policy H6c. All development will be required to meet at least category 2 accessible and adaptable dwellings standards (or the nearest equivalent in any future modification of the Building Regulations). A minimum of 15% of affordable dwellings will be required to category M4 (3) adapted wheelchair accessible housing subject to policy criteria. M4(3) dwellings should have their own direct ground floor access and be offered for affordable rent unless otherwise agreed.

## 11. What dwelling size and mix is being sought?

68. Policies H1 and H6a of the Vale of Aylesbury Local Plan are clear that the required affordable housing mix and tenure shall be provided in accordance with current evidence. In the case of housing mix, this evidence will include available evidence from developers on local market conditions and the mix shall be in general conformity with the council's evidence which currently is the Buckinghamshire HEDNA December 2016 which will be updated periodically. The mix and tenure will also have regard to any neighbourhood plan evidence for a made neighbourhood plan.
69. The supporting text to Policy H1 sets out that the current mix that will be sought and is set out in the table below (see Figure 123 of the Buckinghamshire HEDNA, December 2016). Delivering this mix is integral to meeting identified affordable housing needs. A breakdown of the different property types and sizes required for each tenure is shown below:

### Dwelling Size and Mix

	Affordable Rent	
Type	Dwelling Size	Required proportion
Flat	1 bedroom / 2 person	9%
Flat	2+ bedroom /4+ person	6%
House	2 bedroom / 4 person	36%
House	3 bedroom – 5 & 6 person	38%
House	4+ bedroom / 6, 7 & 8 person	11%

<b>Intermediate</b>		
<b>Type</b>	<b>Dwelling Size</b>	<b>Required proportion</b>
Flat	1 bedroom / 2 person	4%
Flat	2+ bedroom /4+ person	7%
House	2 bedroom / 4 person	40%
House	3 bedroom / 5 & 6 person	46%
House	4+ bedroom / 6, 7 & 8 person	3%

70. To ensure that bedrooms are adequately sized for optimum occupation of the affordable housing we have included the person numbers required.
71. There will be some flexibility on mix to allow for scheme specific design and delivery, whilst ensuring the most critical housing needs are prioritised.

## 12. Housing for Older People

72. The guidance on housing tenure and dwelling size mix will help to ensure that the housing needs of a range of different households, in terms of size and income, can be met. There are however certain other identified groups who have specific housing needs, notably specialist housing for older people. Table 14 of VALP identifies that this can be Class C2 or C3 depending on the specifics of the type of accommodation.
73. Affordable Housing requirements apply to houses and flats within Class C3, and serviced flats and other accommodation (what-ever use class), which may provide communal facilities, but which provide all the facilities of a single dwelling in self-contained units. VALP Table14 sets out forms of accommodation that can be Class C3 or C2 depending on the amount of care provided in hours and type of service, and the level of self-containment.
74. On appropriate sites providing communal facilities, the council will therefore seek either on site affordable housing provision to meet the specific needs of these groups, or, when this isn't considered suitable, a commuted sum.

## 13. Rural Exception Housing

75. The council's approach to Rural Exception Affordable Housing is set out in the Vale of Aylesbury Local Plan (Policy H2). Rural exception sites are small-scale developments in rural areas, which would not usually secure planning permission, but which have been permitted by the council to meet an evidenced local housing need.
76. Paragraph 78 of the NPPF 2021 (sets out that councils should consider meeting the housing needs of rural areas through rural exception sites. It also advises that a small proportion of the homes provided may, at the local authorities' discretion, be market homes.
77. The council supports the development of affordable housing to meet a locally identified need in locations that would not normally be acceptable, by making an exception to adopted policy, subject to material considerations. The council considers that such schemes are an important way of helping to sustain rural communities.
78. As per VALP Policy H2, in order to minimise visual impact and provide reasonable access to local services and facilities, rural exception sites should be situated within or physically adjoining (i.e. abutting) the existing developed footprint of the settlements, be appropriate in scale, design and character to the surrounding locality and be reasonably accessible to village services and facilities. Sites that are remote from the existing developed footprint of a settlement will not normally be permitted for rural exception sites.

The VALP at para 5.15 sets out that Rural Exception Sites can come forward in areas designated as 'Rural Areas' which are the parishes listed within the Aylesbury Vale area of Buckinghamshire and maps shown in a Statutory Instrument. The Rural Areas are the whole areas of parishes listed in the following Statutory Instrument [here](#) and the maps within it (from The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the South East) Order 1997 - UK Statutory Instruments 1997 No. 625). The statutory instrument lists the areas (parishes by list and part parishes by map) where there is an exemption from 'right to acquire' on social rented properties. This assures that properties built on rural exception sites within these designated areas remain affordable in perpetuity.

79. Where an exception site is being proposed, an up-to-date Housing Need Survey for the Parish will be needed. The geographical extent of the survey should be agreed with the council.
80. To be up to date this Survey should be no more than 3 years old at the time of submission of a planning application for the development. The Survey will be used not only to justify the necessity of the release of the site, but also to ensure that the housing proposed meets the identified need and that this need cannot be met on a more suitable site that would otherwise accord with policy. The applicant should assess local plan or neighbourhood plan allocations or planning applications to establish there is no such alternative suitable site. The survey should be initiated through and supported by the local community and use a Rural Housing Enabler (or a council recognised equivalent) and evidence of this will need to be provided to the council.
81. In instances where market housing is considered necessary on rural exception sites, the council will require clear site-specific evidence that this housing is needed. Its provision must be kept to the absolute minimum required to subsidise the delivery of the affordable housing element of the development to facilitate delivery without generating any profit. This will also need to be clearly evidenced by the applicant and be demonstrated in an independently assessed open book viability assessment.
82. The housing provided on these sites can only be occupied by households who have a housing need and a strong local connection to the community identified and need a suitable property to live in. If there are no households in the parish in housing need at the stage of letting or selling the property, it will be made available to other households in need on a cascade basis looking next at adjoining parishes and then to need in the wider north and central planning areas, in accordance with the normal lettings policy for affordable housing. To ensure that this is achieved the Council will seek to negotiate appropriate agreements with the Registered Provider implementing an affordable housing scheme on a rural exception site.
83. Local market conditions, and local wage rates, will need to be considered in assessing the extent to which local people can afford accommodation in their area, and to determine what level of payment would be within their means. The council will expect occupancy controls to be put in place by the Parish Council that ensure that priority is given to people with a strong local connection in perpetuity. Long term control over occupancy must be able to be enforceable by the council and will need to be the subject of a legal agreement to which the council is a party.
84. In deciding on the appropriateness of the proposal, the relationship of the proposed site to the existing settlement will also be considered. The site should be within or adjoining the existing developed footprint of a settlement. Rural Exception sites can be in the Green Belt but as well as Policy H2 they would also need to meet Policy S4.

85. The council encourages early discussions to take place with the Housing Team. Please contact the Housing Officer to discuss a Rural Exception Site scheme proposal – see Contact Details section below.

# 14. Appendices

## VALP Policies H1 and H2

### H1 Affordable housing

Residential developments of 11 or more dwellings gross or sites of 0.3ha or more will be required to provide a minimum of 25% affordable homes on site. In addition:

- a. The type, size, tenure and location of affordable housing will be agreed with the council, taking account of the council's most up-to-date evidence on housing need and any available evidence regarding local market conditions.
- b. Where an applicant advises that a proposal is unviable in the light of the above policy requirement, other policy requirements, specific site characteristics and other financial factors, an independently assessed\* open book financial appraisal of the development should be provided by the applicant
- c. Exceptionally affordable housing provision may be provided off-site, or a financial contribution made in lieu of such provision. This will need to be justified as an exception to normal policy as part of the planning application.
- d. Where a site forms part of a larger site of a size which is capable of being developed, the affordable housing requirements will be applied on a cumulative basis.
- e. The affordable homes will be expected to be integrated throughout the development site in accordance with the adopted Supplementary Planning Document.
- f. Where the affordable housing policy would result in a requirement that more than half of an affordable home should be provided, the calculation will be rounded upwards and where it would be less than 0.5 a financial contribution of equivalent value may be sought.

Further details regarding the implementation of this policy will be provided in the Affordable Housing SPD.

\*The independent consultant who will assess the financial appraisal will be chosen by the council.

## **H2 Rural Exception Sites**

In rural areas, small-scale developments for affordable housing may exceptionally be permitted, provided that the proposal meets the following criteria:

- a. the number, mix, and design of dwellings is appropriate to meet local housing needs established through a housing need survey
- b. it is located on a site within or adjoining the existing developed footprint of the settlement\*
- c. developments must be appropriate in scale, design and character to the locality, and
- d. dwellings permitted in accordance with this policy will be reserved in perpetuity for those in affordable local need with a valid local connection by planning obligation or conditions

### **Cross-subsidy**

Where an independently assessed open book viability assessment can demonstrate that 100% affordable housing cannot be delivered on an exception site, the council may agree to a proportion of some market homes within the site, if they meet the above criteria as well as the criteria below:

- e. the viability assessment must show that the scale of the market housing component is essential for the delivery of the rural exception affordable housing scheme and that it is based on rural exception site land values and must not include any profit, and
- f. the majority of the development must be for rural exception affordable housing.

\*the existing developed footprint is defined as 'the continuous built form of the settlement, and excludes individual buildings and groups of dispersed buildings, agricultural buildings and associated land on the edge of the settlement and gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement'.

# Contact Details

## Planning Policy

Planning Policy Officer

Email - [planningpolicyteam.bc@buckinghamshire.gov.uk](mailto:planningpolicyteam.bc@buckinghamshire.gov.uk) and

Phone 01296 383698

## Housing

Strategy Officer – Housing Options and Supply

Email [HousingResources@buckinghamshire.gov.uk](mailto:HousingResources@buckinghamshire.gov.uk)

Phone 01296 585824

## Development Management

Development Management section

Email - [devcontrol.av@buckinghamshire.gov.uk](mailto:devcontrol.av@buckinghamshire.gov.uk)