

Part B – Please use a separate sheet for each representation

Name or Organisation:

Robert Hitchins Ltd

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

<p>NB: To be read in conjunction with Attachment A (a review of the Local Plan Viability Assessment Working Draft May 2021)</p>	
1.1	Policy DCP2 has been expanded upon since the November 2019 iteration of the Stroud District Local Plan Review.
1.2	The wording now references a modelled demand of 3,091 older person homes and confirms that this is exclusively a demand within sheltered housing and extra care

settings. These are settings with requirements which are beyond the ability of general needs housing to provide.

1.3 Despite the initial policy reference being in respect of sheltered housing and extra care accommodation the wording then goes on to stating that ‘major developments will be expected to provide’ two bedroom homes including bungalows that are desirable to older people. The cost to development of this requirement has not been viability tested – the May 2021 Local Plan Viability Assessment Working Draft (“WDLPVA”) states that ‘this policy does not make any requirements on development, rather it sets out types of development that will be supported’ (paragraph 8.24). This is clearly no longer the case and the impacts of the new policy requirements need to be viability tested.

1.4 The amount of two bedroom homes including bungalows (and in terms of tenure split) that the Council will seek to impose on major developments through Policy DCP2 is not made clear in the policy wording – there is not even a reference to specific findings in this regard within the Local Housing Needs Assessment September 2020 (“LHNA”).

1.5 In terms of the evidential basis for any such requirement the LHNA includes a section on ‘Housing for Older People’ commencing at page 107. However, this provides no clear assessment of the net need for two bedroom housing or bungalows for older people.

1.6 The LHNA claims that ‘a quarter of older households nationally would move to another home if there was suitable housing available that met their aspirations in the right place’ (paragraph 9.53). The evidential source for this statement is not provided. It is unclear how this statement relates to Stroud specifically.

1.7 The LHNA (Figure 73) concludes net requirements for Sheltered Housing and Extra Care accommodation only – there is no net need assessment of older person general needs housing. In paragraph 9.66 the LHNA states ‘An increase in the number of adaptable and accessible dwellings could help to reduce the requirement for sheltered housing’ (emphasis added) and yet this theoretical position is not modelled or summarised in Figure 73 to provide any evidence that this is the case. A similar claim is made in the fourth bullet point in paragraph 9.69, but again this is not evidenced or quantified as a net requirement in any way.

- 1.8 In paragraph 9.70 the LHNA, referring to older people, states that ‘providing suitable housing for these households would be likely to lead to a large number of family homes being vacated’ (emphasis added) – the basis of this claim is completely unclear. The evidence for this specific point is not referenced. It is unclear whether this statement is specific to Stroud or simply a national anecdotal piece of information.
- 1.9 Similarly, paragraph 9.71 of the LHNA goes on to state that ‘most households are seeking two bedrooms’ and ‘there is a clear preference for bungalows’ and ‘if there were not enough bungalows it is likely that many of these households would not vacate their existing family home’ – the basis for these claims is not evidenced. The LHNA does not present any net need analysis for two bedroom or bungalow older person general needs housing. None of the Sheltered and Extra Care net needs analysis is broken down by bedroom size either.
- 1.10 Anecdotal statements and supposition should not be the basis for making policy which will impact on the development and use of land. The policy wording, in so far as it ‘expects’ the provision of two bedroom housing and bungalows for older people on major developments, does not accord with paragraph 31 of the NPPF and fails the tests of soundness set out in paragraph 35 of the NPPF. With these aspects removed retaining the remaining wording would simply repeat wording in Core Policy 8 and so is unnecessary.
- 1.11 The last paragraph of Policy DCP2 seeks that 67% of market and Affordable Housing meet M4(2) category 2 (optional) Building Regulations and that 8% of market and Affordable Housing meet M4(3) category 3 (optional) Building Regulations.
- 1.12 The May 2021 Local Plan Viability Assessment Working Draft (“WDLPVA”) viability tests the use of optional Building Regulations: Approved Document M Category 2 and 3 accessibility and adaptability and wheelchair standards (pages 142 to 143, WDLPVA). However, as noted in paragraph 5.3 of Attachment A to this response, this assessment still fails to reflect the impact of larger floor area and specification requirements on land take and masterplanning, all of which have impacts on scheme viability. Furthermore, given the concerns raised in respect of an underestimation of costs in the WDLPVA (see Attachment A) the requirement is not demonstrated to be viable.
- 1.13 The NPPF paragraph 127 (in respect of what planning policies and decision should ensure developments do) footnote 46 sets out that ‘planning policies for housing

should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties’ (emphasis added).

1.14 The key points to note are that a) wheelchair user dwellings (optional technical standard Building Regulation M4(3) Category 3) are NOT referred to in footnote 46 and b) an identified need has to be established. The NPPF underpins the NPPG and therefore the latter should be read in the context of the NPPF, albeit the NPPG appears to adopt a slightly contradictory stance referring to local authorities adopting enhanced ‘accessibility’ via M4(2) and M4(3). Based on the NPPF taking precedence over the NPPG such policies could ensure the provision of M4(2) standards on developments (where need is evidenced and viability is not compromised) but not M4(3) standards which, presumably, can only be encouraged or supported.

1.15 The NPPG highlights the difference between wheelchair accessible and wheelchair adaptable homes and states that:

“Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.” (Housing Optional Standards, Paragraph: 009 Reference ID: 56-009-20150327).

Policy DCP2 makes no such distinction.

1.16 In terms of the evidence of need for housing at M4(2) and M4(3) standards the LHNA provides the most recent position. The LHNA20 includes a section on ‘Housing for People with Disabilities’ - this draws heavily on England wide trends in its modelling but suggests that it examines how this is likely to relate at a County level (paragraph 9.91).

1.17 The LHNA20 uses these broad estimates of current need in conjunction with assumptions applied within its household projections modelling to suggest a current and future need for adapted and wheelchair housing totalling 9,235 (387 current plus 8,848 future households) in Stroud over 20 years (Figure 78, page 121). However, the LHNA20 acknowledges that some of these households will choose to remain in their own home (paragraph 9.101).

- 1.18 It is noted that the final LHNA20 has been altered from the October 2019 version of the LHNA20 (“draft 2019 LHNA”) – the earlier iteration draws on the same information sources as the LHNA20 to model the need for additional housing for households with disabilities and further analysed how many of the 9,235 current and future need for adapted and wheelchair housing households would require additional housing provision to meet their needs.
- 1.19 As the information sources drawn on in the LHNA20 and the draft 2019 LHNA remain the same it is unclear why this additional work has been deleted and replaced with rather woolly commentary which states that it is difficult to know how many such additional homes will be needed so as many of the 9,235 homes as possible should be provided.
- 1.20 The draft 2019 LHNA analysis suggests that, taking into account homes that can be adapted to meet these needs (suggested to be 62% across the County as a whole – paragraphs 9.95 to 9.96), a need for 3,551 such homes (i.e. adapted and wheelchair user housing) would remain in Stroud over the 20 years (c.178 per annum) (Figure 64, page 91, draft 2019 LHNA).
- 1.21 This equates to c.28% of the overall Local Housing Need for Stroud District calculated based on the Standard Method (Figure 1, page 7, LHNA20) – how this remaining sum splits out between adapted M4(2) and wheelchair M4(3) housing is unclear.
- 1.22 This suggests that paragraph 31 of the LHNA20, which no longer reflects the additional analysis which was originally included within the draft 2019 LHNA, and which (in conjunction with Figures 1 and 5) suggests that c.65% for all housing could be sought in Stroud to accessible / adaptable to M4(2) standards (i.e. 8,254 annualised over 20 years = 413, divided into a 638 overall Local Housing Need in Figure 1) is significantly over stating the need for such housing in Stroud once the potential for in-situ adaptations are taken into account.
- 1.23 Included in the 9,235 figure for M4(2) and M4(3) in Figure 5 of the LHNA20 (i.e. before the deletion of those living in potentially adaptable homes as suggested by draft 2019 LHNA Figure 64) is wheelchair user need. The LHNA20 Figure 82 (page 124) suggests a need for 981 wheelchair user homes in Stroud (in market and affordable housing

tenures) over 20 years - this equates to c.7.6% of the overall housing need in Figure 1, page 7 of the LHNA20 for Stroud.

1.24 However, it is not identified (in either the draft 2019 LHNA or the LHNA20) how much of this can be addressed in existing homes through adaptations, despite that this exercise was undertaken for adapted and wheelchair housing overall in Figure 64 of the draft 2019 LHNA.

1.25 Hence, this appears to be a gross requirement included within the 9,235 M4(2) / M4(3) need summary for Stroud (as is suggested in Figure 5 of the LHNA20) – i.e. not taking the ability to adapt existing homes into account.

1.26 In that sense, despite the claim in paragraph 31 of the LHNA20, the LHNA20 (and the draft 2019 LHNA before it) does not provide enough information to ascertain the proportion of additional newbuild homes that would need to be built to wheelchair standards after taking into account supply from existing stock through potential adaptations.

1.27 In summary, the 67% proportion of general needs Affordable and market housing sought as M4(2) is more likely to be closer to 28% when the scope for adaptations to existing housing stock is taken into account and the 8% of general needs Affordable and market housing sought as M4(3) is not proven to be a net requirement after the scope for adaptations to existing housing stock has been taken into account. Neither requirement is demonstrated, given the overarching cost concerns raised in respect of the WDLPVA, to be viable and the NPPF does not specify that local authorities can ensure through planning policies and decisions that developments provide wheelchair user housing (suggesting that, despite the slightly conflicting wording in the NPPG, that such provision can only be at most encouraged).

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Until / unless the issues around viability and net need set out in this response have been addressed Policy DCP2 should be amended as follows:

“There is an overall modelled demand of 3,091 older person homes for the Plan period, split between 2,811 sheltered housing and 280 extra care.

The development of specialist older person housing will be supported within both the owner occupied and rented sectors in accessible locations.

~~Major housing developments will be expected to provide for a range of house types, including two bedroom dwellings and bungalows, which many older people find desirable and suitable to live in as they age and which will release larger properties which will then be available to families.~~

Initiatives and developments will also be supported which:

1. Enable older people to live independently in their own home;
2. Increase the range of available housing options with care and support services in accessible locations;
3. Promote active lifestyles;
4. Increase older people’s engagement in community life, including through “hubs”.

~~To support an ageing population and the specific needs of people with mobility problems, 67% of both market and affordable homes market homes should be accessible and adaptable by meeting requirement M4(2) Category 2 of the Building Regulations and 8% of both market and affordable homes should be to M4(3) Category 3 of the Building Regulations.~~ At least 25% of specialist housing for older people should meet M4(3) Category 3 requirements and all specialist housing for older people should meet M4(2) Category 2 requirements.”

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To provide further explanation as necessary of the concerns raised above.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:



Date:

20.07.2021