



# EXAMINATION OF THE STROUD DISTRICT LOCAL PLAN REVIEW

## INSPECTORS' MATTERS, ISSUES AND QUESTIONS

### MATTER 7 Housing Provision:

#### Matter 7c Other housing policies

**On behalf of: Robert Hitchins Ltd**

Date: February 2023 | Pegasus Ref: SHF/P17-2258

Author: Pioneer Property Services Ltd

---



## Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
V1	2.02.2023	Pioneer Property Services Ltd	S. Hamilton- Foyl	
V2	13.02.2023	Pioneer Property Services Ltd	S. Hamilton- Foyl	



Pegasus is instructed by Robert Hitchins Ltd to submit a Statement in respect of Matter 7c, pursuant to the Matters and Questions identified by the Examination Inspectors.

Separately additional Statements have been submitted in respect of the following Matters:

- Matter 1
- Matter 2
- Matter 3
- Matter 6
- Matter 6a
- Matter 6c
- Matter 6d
- Matter 6g
- Matter 7
  - Matter 7a
  - Matter 7b
  - Matter 7c
- Matter 8
- Matter 10
  - Matter 10a
  - Matter 10c
  - Matter 10d
- Matter 11
  - Matter 11a
  - Matter 11b
  - Matter 11c

Following the submission of the Reg 19 representations in July 2021 Pegasus along with PFA Consulting and Pioneer Housing and Development Consultants have also responded to the Stroud District Local Plan Review Additional Technical Evidence in October 2022.

The Hearing Statements should be read alongside our representations and supporting evidence. As instructed, we have not repeated our representations of July 2021 or October 2022; but instead sort to highlight the salient points in response to the MIQs and indicated what changes we consider necessary in order for the Plan to be found sound.



## CONTENTS:

	<b>Page No:</b>
7. MATTER 7 – HOUSING PROVISION	<b>1</b>
7.1 Matter 7c Other housing policies	<b>1</b>



## 7. MATTER 7 – HOUSING PROVISION

### Matter 7c Other housing policies

#### New housing development – Core Policy CP8

#### 16. This policy sets out general requirements for residential developments.

##### a. Is the policy clear or does it unnecessarily duplicate other more detailed and specific Plan policies? Is it clear how the policy will be implemented and monitored?

16.1 It is unclear how the policy will be implemented and / or monitored because:

- EB10 does not assess housing need at a 'Parish Cluster' level and not all Parishes have undertaken a market and Affordable Housing need assessment.
- Policy wording requires both district housing needs and the types, tenures, and sizes needed at a 'Parish Cluster' level to met by major development (which if aligned with the NPPF definition includes sites of 10 or more homes). Where these requirements conflict with one another (which cannot be confirmed due to a lack Parish Cluster assessment in EB10 and not all Parishes having undertaken market and Affordable Housing need assessments) then it is unclear how the policy should be implemented – which requirement will take precedence? Will the approach be different on a x100+ dwelling scheme compared to a x10 dwelling scheme?
- The specific standards that are required within bullet points four and five, and thus the measures of how such standards can be met., are unclear.

16.2 The above issues have been raised in representations submitted on behalf of RHL to Policy CP8 to the Regulation 19 Consultation (listed by the Council as representation reference 879 – “rep 879”).

##### b. The policy includes an expectation that relevant proposals 'should reflect the housing needs identified for that Parish Cluster area'. Is this evidence available? How does this apply to developments promoting new communities/settlements?

16.3 As set out in rep 879 to Policy CP8: EB10 does not assess housing need at a 'Parish Cluster' level, furthermore not all Parishes have undertaken a market and Affordable Housing need assessment – so evidence of housing need at a Parish Cluster level is unavailable. This lack of housing needs evidence also means that EB70 and EB111 are unable to assess any viability impacts that arise as a result of different types, tenures, and sizes of homes being needed at a Parish Cluster level to those tested at a district level – this concern is raised in paragraph 1.5 of rep 879 to Policy CP8 and Paragraph 5.5 of Appendix 1 to representations submitted on behalf of RHL to the 'Stroud District Local Plan Review Additional Technical Evidence – Limited Consultation' in October 2022 ("ATE Response" – NB: this does not appear to be included in the online Examination Library). It is unclear how Policy CP8 applies to new communities / settlements as these create whole new communities – will district housing needs or 'Parish Cluster' housing needs take precedence?

- c. Are any of the wording changes suggested by representors necessary for soundness?**

16.4 As worded Policy CP8 is unsound and should be amended in accordance with the modifications proposed in rep 879 to Policy CP8. Bullet point five should also be deleted. At present, the only standards in excess of non-optional Building Regulations which should be set through Plan policy are the optional standards set out in the National Technical Optional Standards. The introduction of any non-optional standards should be based on an assessment of need and viability as set out in the Written Ministerial Statement of the 25th of March 2015 accompanying the National Technical Optional Standards. Neither the need for nor the viability of bullet points four and five appear to have been assessed and these are not standards within the National Technical Optional Standards. In respect of Building Regulations changes to Approved Document L 'Conservation of Fuel and Power' came into force on the 15th of June 2022, unless building work started prior to 15th June 2023, obviating the need for Policy CP8 bullet points four and five.

- d. Overall, is the policy viable, justified and effective?**

16.5 For the reasons set out in response to Q16.e. above, Policy CP8 as worded is not demonstrated to be viable, justified or, given the confusing wording in terms of housing need and standards (with the latter failing to accord with the National Technical Optional Standards), effective.

- e. Does the supporting text robustly justify the policy?**

16.6 The 'supporting text' to Policy CP8 is not in itself capable of robustly justifying policy wording – that is surely the role of the underpinning evidence base? Supporting text does not identify the evidence sources justifying the approach to housing mix and standards in terms of need or viability can be found.

#### **Meeting housing need within defined settlements – Delivery Policy DHC1**

- 17. The policy simply permits residential development within defined SDL, subject to 'detailed criteria defined for meeting housing needs at settlements'.**

- a. What are the 'detailed criteria defined for meeting housing needs at settlements'? Are these the criteria set out in Delivery Policy HC1 as referenced in paragraph 4.33 of the supporting text? If so, what is the purpose of the policy when Delivery Policy HC1 provides the detailed criteria to be met? Is there unnecessary policy duplication?**
- b. Is the policy consistent with other Plan policies including Core Policy CP3, which identifies that exceptionally development adjacent to appropriate SDL may be permitted?**

17.1 No comments to add at this stage.



### Sustainable rural communities – Delivery Policy DHC2

18. This policy supports schemes of up to 9 dwellings outside SDL at Tiers 3b and 4 settlements, subject to meeting five criteria. We've already asked some questions under Matter 2 that are relevant to this policy which may be duplicated here.
- a. Is development outside the proposed SDL necessary to meet identified needs and if so, why are site allocations in these locations not being proposed or boundaries moved to accommodate this?
  - b. Is the Plan clear as to how decision-makers would determine whether the location of proposed development 'adjoins' or is 'close to' SDL? Is the terminology used consistent with other Plan policies including Core Policy CP3?
  - c. Why has a limit of 9 dwellings been identified for these tiers? Is this justified by robust evidence? What if the identified need was higher?
  - d. Are the criteria listed in Delivery Policy DHC2 justified and effective?
  - e. The policy requires that a proposal 'would not lead to a cumulative increase of more than 10% of the settlement housing stock as at 2020. What are the housing stock numbers for each rural settlement and what would 10% equate to in dwelling numbers? Is this approach justified?
  - f. How does the policy relate to others in the Plan including Core Policy CP3 and Delivery Policy HC4 on exception sites? Are the policies consistent or is there unnecessary duplication or ambiguity?
  - g. The policy requires that any affordable housing 'will be made available for those in need with a strong local connection.' Is this approach justified? Who will determine whether someone has a 'strong local connection' and how will this be implemented?

18.1 No comments to add at this stage.

### Homes above shops in town centres – Delivery Policy HC2

19. Is the policy justified, effective and consistent with national policy?

19.1 No comments to add at this stage.

### Self-build and custom-build housing provision – Delivery Policy HC3

20. Table 13 in EB8 provides historic data for self-build and custom-build delivery since 2016. Delivery Policy HC3 supports the provision of self-build and custom-build dwellings within SDL and adjacent to SDL subject to meeting policy criteria. On strategic sites the policy requires a minimum of 2% of the dwellings to be self-build or custom-build plots, subject to demand being demonstrated.

- a. How many plots are required to meet the identified demand for this type of housebuilding during the plan period?

20.1 EB10 does not provide evidence of how many (net) self-build / custom-build plots are needed during the Plan period (see paragraphs 1.14 to 1.18, and 1.23 of rep 879 to Policy HC3). EB8 similarly provides no evidence of how many self-build / custom-build plots



(net) are needed during the Plan period as explained in response to Matter 7c (Q20. b.) below.

**b. How has the Council determined that 2% provision is appropriate to meet the evidenced demand? Is it viable and achievable?**

- 20.2 As neither EB10 nor EB8 provide evidence of how many self-build / custom-build plots are needed during the Plan period, these documents do not evidence the need for a 'minimum' of 2% (or any other proportion) of dwellings on strategic allocations to be provided as such plots. Neither is there any evidence for any other form of residential development being obligated through Plan policy to make such provision. In particular, it is not proven that there is any demand for self-build plots within strategic site locations (i.e. within a large scale housing development as opposed to as a single dwelling development or on a small scale development).
- 20.3 Furthermore, regardless of the level of applicants, there is nothing in national planning policy or guidance supporting that obligations for the provision of self-build / custom-build plots should be placed upon residential developments (major or non-major, allocated or otherwise). This latter issue has been set out in detail in paragraphs 1.1 to 1.13 and 1.19 to 1.26 of rep 879 to Policy HC3 (NB: reference in rep 879 to NPPF footnote 26 is now included in the NPPF at footnote 28)
- 20.4 EB10 refers to the number of applications falling dramatically after 2016/17 referencing the introduction of application charges being a possible cause. EB8 suggests that applications remain low in 2020/21 and that the number of plots granted self-build exemption have exceeded the number of applications made in 2020/21.
- 20.5 The 'Stroud District Council Self Build and Custom Housebuilding Register 2016–2021' confirms that local connection criteria were introduced in October 2017 – this coincides with the significant reduction in applicants. The register also confirms that the Planning Permission duty placed on local authorities is subject to a three year rolling deadline.
- 20.6 EB8 suggests that for the 2019/19 to 2020/21 three year period applications have averaged 7 per annum (21/3yrs) whilst the 'Stroud District Council Self Build and Custom Housebuilding Register 2016–2021' suggests 7.3 (22/3yrs). Supply through plots granted self-build exemption is included in EB8 at 71 for this period (c.24 per annum) without any sites being provided from an adopted allocated site (74 permissions are listed in the 2016–2021 register for the 2019/19 to 2020/21 three year period – c.25 per annum).
- 20.7 Thus, more than enough supply (c.24 to 25 per annum) has come forward compared to the level of need (at c.7 per annum) without a supply from strategic / allocated sites. Even if demand was not already being met this would not be a justification for imposing an obligation for such plots to be provided on privately owned housing sites – please refer to the Appeal Decision referenced in paragraph 1.20 of rep 879 to Policy HC3. Including the wording 'subject to appropriate demand being demonstrated' does not make the policy sound – the wording should be amended as set out in rep 879 to Policy HC3 with the provision of such plots being 'encouraged', but in no way required.
- 20.8 In terms of viability, it is impossible to viability test the impact of Policy HC3 as a 'minimum' 2% requirement is open ended. EB70 has not robustly tested the impact of Policy HC3 (see paragraphs 1.27 and 1.30 to 1.31 of rep 879 to Policy HC3). This concern is not resolved within EB111 (see the RHL ATE Response Appendix 1 paragraph 5.10)



- c. **The policy states that at strategic sites, development briefs will set out how the plots will be delivered. As this is 'subject to demand being demonstrated' how will a developer and decision-maker determine whether a site needs to provide such plots? If there is no demand what happens to those plots?**
- 20.9 Even if unmet demand for plots exists this would not be a justification for imposing an obligation on developers for such plots to be provided on privately owned housing sites – please refer to the Appeal Decision referenced in paragraph 1.20 of rep 879 to Policy HC3. Including the wording 'subject to appropriate demand being demonstrated' (regardless of whether such a requirement is viable or not) will not make the policy sound – the wording should be amended as set out in rep 879 to Policy HC3 with the provision of such plots being 'encouraged', but in no way required.
- d. **The policy also states that regard will be had to site-specific circumstances and local demand in determining the nature and scale of any provision. Is it clear what such site-specific circumstances would be and how they would determine the level of provision?**
- 20.10 The same point as at Matter 7c (Q20. c.) applies – even if 'site specific circumstances' are defined by supporting text or additional policy wording this will not make the policy sound – the wording should be amended as set out in rep 879 to Policy HC3 with the provision of such plots being 'encouraged', but in no way required.
- e. **Are any of the policy wording changes suggested by representors necessary for soundness?**
- 20.11 Changes to the Policy wording as set out in rep 879 to Policy HC3 (with the provision of such plots being 'encouraged', but in no way required) are necessary for soundness for the reasons set out in the responses to Q20 'a.' to 'd.' above.

#### **Local housing need (exception sites) – Delivery Policy HC4**

21. **The policy permits affordable housing 'on sites well related to existing settlements' located 'close to, or adjoining, an accessible settlement with local facilities' (tier 3 or above) unless local need indicates it should be met at tier 4 settlements. The policy lists six criteria and sets out when some market housing may be acceptable as part of a scheme.**
- a. **Is the policy consistent with national policy, including on rural housing, entry level exception sites, and the AONB?**
- 21.1 For the reasons set out in detail in rep 879 to Policy HC4 the policy **is inconsistent with national policy** in respect of entry level exception sites (and, for clarity, in respect of first homes exception sites notwithstanding that transitional arrangements apply).
- b. **Are the six criteria justified and effective? In particular:**
- i. **How will criterion 2 apply if it is decided that the need is to be met at a tier 4 settlement?**
- 21.2 No comments to add at this stage.



- ii. In relation to criterion 4 is it clear which 'detailed criteria' from which policies would be relevant?

21.3 No comments to add at this stage.

- iii. As regards criterion 6 is the approach in the policy justified and consistent with national policy and guidance? What are the reasons for specifying a maximum GIA of 100m<sup>2</sup> and removal of PD rights and is this approach justified? Are amendments to the policy necessary as suggested by representors?

21.4 It is necessary for the wording to be amended as set out in rep 879 to Policy HC4 for the policy to be made sound.

### **Live-work development – Delivery Policy DHC3**

22. The policy supports live-work development subject to listed criteria being met. Is it justified, effective and consistent with national policy?

22.1 No comments to add at this stage.

### **Detailed criteria for housing developments – Delivery Policy HC1**

23. The policy permits housing development (in SDL and outside SDL where permitted by other policies), subject to a list of nine criteria all being met.

- a. Are the criteria suitably clear, justified effective and consistent with national policy? For instance, is criterion 4 consistent with paragraphs 99 and 100 of the Framework?
- b. Is it clear how a decision-maker will determine whether a proposal meets the policy requirements?
- c. Does the supporting text robustly justify the policy and identify where appropriate design documents can be located?
- d. Overall, is the policy, justified, effective and consistent with national policy?

23.1 No comments to add at this stage.

### **Community-led housing – Delivery Policy DHC4**

24. The policy supports community led housing schemes. However, it reads more like an objective rather than a policy setting out clear development requirements. What is the purpose of the policy and is it justified, effective and consistent with national policy?

24.1 No comments to add at this stage.

### **Replacement dwellings – Delivery Policy HC5**

25. The policy restricts the replacement of dwellings outside SDL which is subject to five criteria being met. Is it justified, effective and consistent with national policy, including paragraph 80 of the Framework?

25.1 No comments to add at this stage.



#### **Residential sub-division of dwellings – Delivery Policy HC6**

26. The policy sets out a list of considerations it will have regard to when determining the sub-division of existing dwellings into two or more self-contained residential units. However, does not provide clarity on whether residential sub-divisions would be permitted or not and what the determining requirements would be.
- a. Is the policy justified, effective and consistent with national policy?
  - b. Does the policy unnecessarily duplicate criteria within other Plan policies?
  - c. It has been suggested that the policy should include both conversion of commercial buildings and conversion of dwellings to HMO use. Are these suggestions justified and necessary for effectiveness?

26.1 No comments to add at this stage.

#### **Annexes for dependents or carers – Delivery Policy HC7**

27. The policy permits annexes subject to specific criteria being met. Is it justified, effective and consistent with national policy?

27.1 No comments to add at this stage.

#### **Extensions to dwellings – Delivery Policy HC8**

28. The policy permits extensions or alterations to dwellings subject to specific criteria being met. Is it justified, effective and consistent with national policy? Does the policy unnecessarily duplicate criteria within other Plan policies?

28.1 No comments to add at this stage.

**Town & Country Planning Act 1990 (as amended)**  
**Planning and Compulsory Purchase Act 2004**

**Cirencester**

Pegasus House, Querns Business Centre,  
Whitworth Road, Cirencester, GL7 1RT  
T 01285 641717  
E Cirencester@pegasusgroup.co.uk  
Offices throughout the UK & Ireland

# Expertly Done.

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE



All paper sources from sustainably managed forests  
Pegasus Group is a trading name of Pegasus Planning Group Limited  
(07277000) registered in England and Wales.  
Registered office: Querns Business Centre, Whitworth Road, Cirencester,  
Gloucestershire, GL7 1RT  
We are ISO certified 9001, 14001, 45001



Pegasus\_Group



pegasusgroup



Pegasus\_Group

**PEGASUSGROUP.CO.UK**

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE