

# **South Staffordshire Local Plan Review**

## **Examination in Public**

### **Hearing Statement for Matter 8**

On behalf of Richborough

Representor Ref: AGT24-030-05-02

Author: DO

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**Document Management.**

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**Contents.**

1. INTRODUCTION ..... 1

2. MATTER 8: DELIVERING THE RIGHT HOMES..... 2

# 1. INTRODUCTION

- 1.1. Pegasus Group is instructed by Richborough to respond to the South Staffordshire Local Plan Examination: Matters, Issues and Questions produced by the Inspectors appointed to hold an independent examination of the South Staffordshire Local Plan Review 2023–2041 (the Plan).
- 1.2. This Statement relates to Matter 8 and its respective issues and questions as identified by the Inspectors.
- 1.3. Pegasus Group previously submitted representations in response to the Reg 19 Publication Plan in May 2024, the superseded Reg 19 Publication Plan in November 2022, the Preferred Options consultation (Reg 18) in November 2021, the Spatial Housing Strategy and Infrastructure Delivery consultation (Reg 18) in October 2019, and the Issues & Options consultation (Reg 18) in October 2018. This Hearing Statement should be read alongside our representations.

## 2. MATTER 8: DELIVERING THE RIGHT HOMES

**Issue 1: Whether the Plan has been positively prepared and whether it is justified based on up-to-date and reliable evidence, effective, consistent with national policy in relation to local housing needs [Focus: Policies HC1, HC2, HC4, HC5, HC6, HC7, HC8, HC9]**

**1. Is the size, type and tenure of housing needed for different groups in the community assessed and reflected in the Plan, including the groups of society set out in the Framework?**

2.1. The Local Plan assesses the need for housing for different groups including families with children and older people. However, it goes further to break down the need for specific housing types/size, via individual policies.

**2. In terms of Policy HC1:**

**a. What is the basis of this policy approach?**

2.2. The Council's approach in the Strategic Housing Market Assessment (May 2021 and updated in February 2024) is to utilise a model-based approach to justify the requirements of Policy HC1. Whilst its overall objective of creating mixed, sustainable and inclusive communities is supported, its approach, which requires 70% of properties on major development housing sites to consist of 3 bedrooms or less with the specific mix breakdown to be determined of need identified in the Council's latest Housing Market Assessment, is overly prescriptive.

**b. Is it justified and consistent with national policy?**

2.3. Paragraph 63 of the NPPF identifies that establishing need for the size, type and tenure of housing for different groups in the community should be reflected in planning policies. Certain groups are identified in paragraph 63.

2.4. However, the NPPF does not go on to indicate that planning policies should prescribe precisely the mix of accommodation within each development site. The approach taken within Policy HC1 is to prescribe precisely, based on a model, the type of accommodation to be provided irrespective of tenure. As a result, the approach taken in HC1 is inconsistent with national policy.

- 2.5. In addition, the policy seeks to restrict the development of larger 4+ bedrooms homes. One of the drivers for this is the growth in older people in the District, who often require to downsize. However, restricting the delivery of larger new homes may have the effect of further encouraging this trend, as there will be less family homes delivered, and therefore less opportunity for larger families with children to reside in the District.

**c. What evidence is there to support the policy requirement that on major housing development sites the market housing must include a minimum of 70% of properties with 3 bedrooms or less?**

- 2.6. As set out above, the Council's approach utilises a model to demonstrate that 70% of properties on major development housing sites should consist of 3 bedroomed accommodation or smaller. The approach taken within the FHMA does not incorporate any other factor other than the model-based outputs. Other factors could include market signals, the existing character of South Staffordshire and the fact that the major settlements all consist of villages rather than large urban areas. All these factors would feed into a more balanced approach to providing housing accommodation.
- 2.7. In particular the SHMA identifies a need for family accommodation which is increasing by 7.7% (paragraph 7.18 of 2024 SHMA). The approach taken in Policy HC1 restricts the development of larger properties (in excess of 3 bedrooms) and would inhibit the ability to provide accommodation for families.
- 2.8. In addition, the approach entirely fails to deal with the increase in home working. The significant growth in home working is a recognised phenomenon since the Covid pandemic. The utilisation of additional bedrooms within accommodation as home offices is prevalent across the population, including within South Staffordshire.
- 2.9. The Local Plan already acknowledges an increased need to accommodate home working. Paragraph 8.5 states:

*"The Council is committed to ensuring that homes are well designed and offer suitable living conditions to future occupiers. With increases in the amount of home working this is more important to achieve than ever before."*

- 2.10. The approach taken in Policy HC1 will only inhibit the achievement of this objective.

**d. Is the policy effective in explaining the circumstances that will lead to the refusal of planning permission?**

- 2.11. The policy refers to any development failing to make an efficient use of land by providing a disproportionate amount of large 4+ bedroomed homes will be refused. This applies to both large or small sites and is insufficiently justified.

**e. Is the policy sufficiently flexible?**

- 2.12. The policy is entirely inflexible. It is based on an inflexible housing model. It does not reflect the range of circumstances which might influence the type of accommodation provided including market requirements, location, or the sensitivity of the site. The suggestion in paragraph 7.3 that the policy offers a good balance between providing enough certainty to ensure that the right types of houses are provided whilst maintaining some flexibility to take site circumstances, local housing need and market changes into consideration, is not reflected in the policy wording at all. In particular the Council make reference to viability in paragraph 7.3 yet again this is not referenced with the policy text itself. As set out in our original representations the policy is inflexible and does not reflect the factors which should be considered when assessing planning applications.
- 2.13. In addition, restriction of large dwellings, could impact on the viability of the developments. The ability to consider the viability of developments should be referred in the policy text.

**f. Is the policy effective in terms of the treatment of sites of less than 10 dwellings?**

- 2.14. As set out above the penultimate paragraph of the policy, in referring to refusing disproportionate amounts of 4 bedroomed homes, would apply to sites of less than 10 dwellings. In addition, the only allowance given for smaller scale properties (below 10 dwellings) is a reference being consistent with Local Plan policies. It is not clear what other Local Plan policies would influence the type of accommodation provided on smaller sized housing developments. As a consequence it will be the model based outputs which apply to the major development sites which would also be utilised on the smaller development sites. This could have significant implications in terms of the viability of smaller scale proposals.

**g. Are any modifications necessary in the interests of soundness?**

- 2.15. The policy needs significant alteration to remove its inflexibility. In effect the policy needs to be completely rewritten to introduce flexibility and emphasise that the outputs of the SHMA would be merely a starting point in the consideration of housing mix.

**3. In terms of Policy HC2:**

**a. What is the basis of this policy approach?**

- 2.16. National Policy in the NPPF refers to the need to provide minimum density standards for sustainable locations and that similar standards can be considered for other parts of the plan area. The Framework also states to it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas.

**b. Is it justified and consistent with national policy?**

- 2.17. The policy recognises that certain locations will not be capable of meeting a density requirement of 35 dwellings per ha. This is agreed. However, as set out in our Representations relative to Policy HC2, there are a number of policies contained elsewhere in the Local Plan which is likely to reduce rather than increase density. In particular, Policy HC10 requires existing landscape and settlement character to be respected, as well as requiring a variety of green infrastructure to be incorporated on development sites. Similarly, Policy HC17 also requires a landscape led approach to provide a hierarchy of open spaces throughout development layouts whilst Policy NB4 requires the intrinsic rural character of the landscape to be maintained and enhanced. This along with other policy and technical considerations including delivery of SUDs, 10% BNG, compliance with NDSS Standards, the requirement for bungalows on all large sites, delivery of M4 (2)/M4 (3) compliant homes, will inevitably result in a greater land take and have implications for densities. A knock-on effect of this is that the amount of housing which is being assumed on allocated sites, may not be as high as estimated. This then raises the question as to whether additional sites should be provided to make up for any shortfall, and ensure that the key rural characteristics which are rightly highlighted as being important, are delivered in new housing developments.

**c. Is the wording of the Policy effective in explaining what will be expected in different locations?**

- 2.18. It is unclear what locations are being referred to through the use of "central areas" in the third paragraph of the policy.

**d. Are the density requirements justified? Are they evidenced based?**

- 2.19. No comment.

**e. Is the policy sufficiently flexible?**

- 2.20. No comment.

**f. Are any modifications necessary in the interests of soundness?**



2.21. No comment.

**4. In terms of Policy HC3:**

**a. Is the policy justified and consistent with national policy?**

2.22. The delivery of affordable housing in conjunction with planning applications for new housing development is an accepted component of Development Management.

**b. Are the identified affordability needs in South Staffordshire clear?**

2.23. The policy sets out clearly the breakdown of affordable tenures in South Staffordshire. However, how these reflect the need for affordable housing in South Staffordshire is not clear.

**c. What is the background to the policy and the evidence justifying it, including specific detailed thresholds?**

2.24. The basis for the policy and evidence justifying it is set out in the Housing Market Assessment. This provides a model-based assessment of housing need. The approach to delivery of affordable housing is subject to viability assessment. The Viability Assessment does highlight the challenges of delivering the Local Plan requirement and the need for higher site values to be achieved to deliver this across the board (paragraph 3.2.7 of the Viability Study Stage 2 Report 2022, Doc Ref **EB40**). In view of these circumstances the policy should recognise that there may be a need for flexibility to ensure proposals are viable.

**d. What are the past trends in affordable housing delivery in terms of completions and housing types? How is this likely to change in the future as a result of the policy?**

2.25. No comment.

**e. In the interests of effectiveness, is the development threshold to trigger the affordable housing requirement clearly set out in the policy?**

2.26. The policy refers to all proposals for major housing development being required to provide 30% affordable housing. This reflects the NPPF, however, the NPPF does define within it what is major development. It would be helpful if the Local Plan similarly defined what constitutes major development and therefore would be subject to Policy HC3, or alternatively referred to the NPPF's definition.

**f. Are the expectations in terms of mix and tenure clearly set out in the policy?**

2.27. The expectations of the tenure are clearly defined within the policy. Expectations with regard to mix are left presumably to align with Policy HC1. However, as set out in our response

relative to Policy HC1, there are viability implications for development sites should the Council's inflexible approach towards types of accommodation be pursued. This factor could also have implications for the delivery of affordable housing if the mix set out in HC1 is applied relative to HC3. In both scenarios flexibility is required.

**g. Are the terms of the local eligibility criteria and Vacant Building Credit which may be applied to schemes sufficiently clear and are they justified and effective?**

2.28. No comment.

**h. What evidence is there regarding the viability of delivering the policy requirements as part of market housing schemes. What does it show, and does it include an assessment in the context of other planning obligations and differing market conditions? Are the policy requirements justified in this context?**

2.29. The Council have undertaken viability testing of the Local Plan. This was undertaken in the Viability Assessment – Stage 2 Report October 2022 (Doc Ref **EB40**) and considered in the 2024 update (Doc Ref **EB39**). In view of the potential for the viability of housing developments being undermined due to increased build costs and other factors, greater flexibility should be included within the policy to allow for circumstances where viability issues prohibits the delivery of a policy compliant affordable housing component.

**i. How does the evidence demonstrate that the 30% requirement will be effective in maximising affordable housing provision in South Staffordshire?**

2.30. No comment.

**j. Given the stipulation that affordable provision should be made on site, is the plan sufficiently clear on what would happen if a case was made for off-site provision?**

2.31. The policy is unclear as to how affordable housing can be provided off-site should the exceptional circumstances which would allow for off-site provision be agreed. In particular smaller sites are often unattractive to Registered Providers. In such circumstances the ability to provide for off-site contributions towards affordable housing is important.

**k. Are any modifications needed to Policy HC3 for soundness?**

2.32. Linked to the response to question h above, the third from final paragraph of the policy sets out that planning applications that comply with up-to-date policies in the plan will be assumed to be viable. It goes on to state that consideration will not be given to reducing the affordable housing contribution on grounds of viability unless the applicant can first demonstrate to the Council that particular circumstances justify a viability assessment at

application stage. As set out above, the factors that influence viability vary and can be subject to sudden changes (increases in energy costs causing an increase in cost of materials). As a result, it cannot be assumed that the conclusions of the viability update will apply to the whole plan period. In such circumstances the stipulation set out in the above paragraph is inappropriate as circumstances may be significantly different from when the viability of the plan was assessed. This paragraph should be deleted from the policy.

- 2.33. Similarly, recognition should be given in the policy wording that viability is a legitimate consideration for providing affordable housing and other planning obligations.

#### **5. In terms of Policy HC4:**

##### **a. What is the basis of this policy approach?**

- 2.34. The basis for this policy approach is the SHMA which identifies a growth in elderly people and consequently there is a demand to provide accommodation to take onboard their requirements.

##### **b. What evidence is there to justify the policy requiring homes for older people and others with special housing requirements?**

- 2.35. The policy refers to sheltered/retirement living as well as extra care/housing with care and other supported living. These types of specialist accommodation are provided in the main by specialist providers. They generally require a minimum critical mass and are self-contained. It is not clear how evidence has established how this sector has already been catered for within the District nor established what new developments of this nature are in the pipeline. This raises a question mark as to whether these elements should be included within Policy HC4 as this is specialised accommodation not provided by housebuilders.

##### **c. What evidence is there to justify the requirement that 100% of market and affordable housing must meet the higher access standards Part M4(2) Category 2: Accessible and adaptable dwellings of Building Regulations.**

- 2.36. Representations have been made to question the need for all homes to be M4 (2) compliant. The Council's Viability Study acknowledges that Part M of the Building Regulations requires all dwellings to be built to minimum of M4 (1). The requirement for M4 (2) properties is optional within the current Building Regulations. Whilst the Viability Study referred to a government consultation which proposed that M4 (2) may become mandatory for all new housing, the consultation was undertaken in 2020 and the Government responded in July 2022, however the changes to Building Regulations have still not been made.

2.37. Paragraph 7.10 of the Local Plan refers to the Housing Market Assessment which identifies a need of 3,978 accessible and adaptable homes. Policy HC4 requires all new dwellings to meet Part M4 (2) and therefore would apply to all of the housing delivered within the Local Plan. This amounts to 4,726 dwellings. As a result the policy is overreaching itself in applying to all new development. Should national Government determine that all new dwellings should be M4 (2) compliant, the changes to Building Regulations referred to above would have been enacted. On the basis of the above there is not sufficient evidence to warrant the approach set out in Policy HC4.

**d. What does the viability assessment of Policy HC4 say and is it robust?**

2.38. The Viability Assessment considers the provision of M4 (2) development as part of its assumptions. However, it does not appear to consider sheltered/retirement living or extra care/housing with care and other supported living accommodations. On this basis those components of Policy HC4 should be removed.

**e. Is the policy sufficiently clear on whether, or not, all 4 types of housing to meet the needs of older and disabled people are required on major housing development sites?**

2.39. As set out above the provision of sheltered living and extra care/supported living is specialist accommodation. It is not accommodation developed by general housebuilders. It is not appropriate to be listed in Policy HC4 as part of the mix of accommodation to be provided on each and every major development site.

**f. Is the policy sufficiently flexible to deal with circumstances where the range of general and specialist housing options required may not be appropriate for specific site-based reasons?**

2.40. As set out, it is not clear whether all elements will be required.

**g. Are any modifications necessary in the interests of soundness?**

2.41. Amendments are suggested in the above response. These include removal of sheltered/retirement living and extra care/housing with care and other supported living accommodation from the requirements of HC4.

2.42. In addition, whilst the policy specifies bungalows as a requirement, very similar accommodation can be provided in ground floor single storey apartments. These also should be identified as being suitable to meet the requirements for Policy HC4.

**6. In terms of Policy HC5:**

- a. What is the basis of this policy approach?
- b. Is it justified and consistent with national policy?
- c. Are the circumstances in which the policy would be applied sufficiently clear?
- d. Will the policy be effective in delivering specialist housing?
- e. Are any modifications necessary in the interests of soundness?

2.43. No comment.

**7. In terms of Policy HC6:**

- a. What is the basis of this policy approach?
- b. Are the policy requirements justified, effective and consistent with national policy?
- c. What evidence is there on the viability of rural exception sites for housing?
- d. Is the permitted maximum 10% market housing justified to enable the delivery of rural exception housing?
- e. Are any modifications necessary in the interests of policy soundness?

2.44. No comment.

**8. In terms of Policy HC7:**

- a. What is the basis of this policy approach?
- b. Is Policy HC7 consistent with national policy?
- c. Are the policy requirements justified and effective?
- d. What evidence is there on the viability of First Homes exception sites? Is the permitted maximum 10% market housing justified to enable the delivery of First Homes Exception Sites?
- e. Are any modifications necessary in the interests of soundness?

2.45. No comment.

**9. In terms of Policy HC8:**

- a. What is the basis of this policy approach?
- b. Is the policy consistent with national policy?
- c. What is the current level of need for self-build and custom housebuilding in the district?
- d. How many self-build and custom house build units is the policy expected to deliver?

**e. Are the requirements of the policy sufficiently clear?**

**f. Is the requirement to agree a design code justified?**

**g. What is the evidence on the viability of Policy HC8? What does it say and is it robust?**

**h. Is 12 months an appropriate revision time if plots are unsold? What evidence is there to support this?**

**i. Will the policy negatively impact the delivery of major housing sites?**

**j. Does the policy apply allocated housing sites and if so what evidence is there to support the delivery of this approach?**

**k. Is the policy sufficiently flexible?**

**l. Should the Council identify specific sites for self-build and custom housebuilding?**

**m. Are any modifications necessary in the interests of soundness?**

2.46. The policy should be clear that having regard to the Council's Self-Build Register it is Part 1 of the Register that needs to be considered rather than Part 2. The policy should also recognise that the delivery of self-build housing on new residential sites will generally require a distinct phasing and grouping of plots.

2.47. Whilst Richborough generally support the concept of self-build/custom housing they consider that the majority of self-builders are likely to want a more bespoke location than a small portion of a larger development site. As a result, support would be given for the Council to identify specific sites for self-build and custom housebuilding.

**10. In terms of addressing the needs of Gypsies, Travellers and Travelling Showpeople in Policy HC9:**

**a. Is the approach justified, consistent with national policy, positively prepared and effective?**

**b. Have the accommodation needs of Gypsies, Travellers and Travelling Showpeople been robustly assessed?**

**c. In terms of planning to meet their future housing needs, are the findings of that primary research still valid for the plan period?**

**d. Does the Plan respond appropriately to the needs of Gypsies in view of the most recent judgement Smith v Secretary of State [2022] EWCA Civ 1391 dated 31 October 2022 regarding the interpretation of Planning Policy for Traveller Sites and the application of that policy to Gypsies and Travellers who have ceased to pursue a nomadic lifestyle? Is any modification required to reflect this and the requirements of the relevant Planning Policy for Traveller Sites?**

**e. Is the proposed approach to the provision of pitches and plots justified and effective and would it be deliverable?**

**f. Does the Plan respond to the needs of other members of the travelling community, including where relevant Travelling Show People and river dwellers?**

**g. What process and methodology did the Council use to identify and determine which sites to allocate? Is the approach sound?**

**h. Has the need for any transit sites within the District been considered and where appropriate addressed?**

**i. Are the policy requirements for windfall proposals justified and will it be effective in addressing the shortfall in future provision over the plan period?**

**j. Are any modifications necessary in the interests of soundness?**

**k. Taking each site in turn, are the proposed site allocations for Gypsies, Travellers and Travelling Showpeople justified? What evidence exists to demonstrate their deliverability?**

2.48. No comment.

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

## Expertly Done.

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