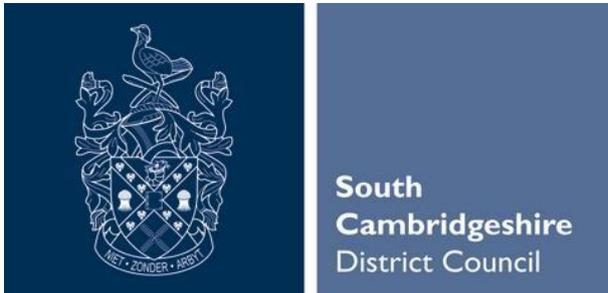


**SC5B/SCDC**



Examination into the Soundness of the  
South Cambridgeshire Local Plan

**Matter SC5B – Delivering High Quality Homes –  
Development Management**

South Cambridgeshire District Council

September 2016



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## Introduction

1. This statement sets out the Council's response in relation to the Inspectors' Matter SC5B relating to the delivery of high quality homes through development management.
2. All the documents referred to in this statement are listed in Appendix 1, and examination library document reference numbers are used throughout the statement for convenience.
3. As a result of considering the Inspectors' questions, the Council is suggesting a number of modifications to policies in Chapter 7: Delivering High Quality Homes of the South Cambridgeshire Local Plan. These proposed modifications are referred to in the responses to each question, and are also all listed in Appendix 2 for convenience.

## Overview

4. The housing policies of the Local Plan are based on appropriate, up-to-date and relevant evidence about the economic, social and environmental characteristics of the area as set out in the reference document library. The policies have been developed through two Issues and Options consultations<sup>1</sup> and the Proposed Modifications Joint Consultation<sup>2</sup>. Account has been given to the results of consultation, to the Sustainability Appraisal<sup>3</sup> and to changes to national planning policy. These matters are drawn together in the Audit Trail for the plan<sup>4</sup>. The policies provide guidance on how the housing aspects of sustainable development can be delivered in South Cambridgeshire.

### **SC5B.1 – Policy H/7: Housing Density**

#### **SC5B.1.i**

**Is the wording of the policy too inflexible and prescriptive having regard to paragraph 58 of the National Planning Policy Framework (the Framework)? Should the average densities be regarded as guidelines with the density of individual sites being determined in the context of their location, the character of the surrounding area and the particular site circumstances?**

5. The NPPF<sup>5</sup> requires local planning authorities to set their own approach to housing density to reflect local circumstances. At paragraph 58 it requires planning policies to ensure that amongst other considerations, developments optimise the potential of sites to accommodate development. Policy H/7 'Density' accords with this national policy seeking to optimise site potential to accommodate development whilst allowing

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<sup>1</sup> RD/LP/030, RD/LP/050

<sup>2</sup> RD/MC/010

<sup>3</sup> RD/Sub/SC/060

<sup>4</sup> RD/Sub/SC/060 Annex A chapters 2 and 7

<sup>5</sup> RD/NP/010 paragraph 47, and Audit Trail page A564 Annex A Chapter 7 RD/Sub/SC/060

densities to vary taking account of local circumstances as required by NPPF paragraphs 47 (bullet 5), and paragraph 58 (bullet 4).

6. The 1998 DETR research paper ‘The use of Density in Planning’<sup>6</sup> demonstrates that the area required to accommodate 400 dwellings decreases rapidly as density increases up to 30 dph. As density increases above 30 dph the area required decreases more slowly, with little change above 90 dph. In parallel with this the research identifies that the land required to provide social and community facilities falls rapidly as density increases up to 20 dph, beyond which the land requirement remains fairly constant, regardless of density. This indicates that subject to local circumstances it is most sustainable to develop at densities of 30 dph or more. A higher average net density of 40 dph is justified in our most sustainable locations for development: on the edge of Cambridge, and in new settlements but subject to part 2 of the policy. Seeking higher densities in accessible locations will contribute to focusing development where sustainable travel can be achieved and in locations with good access to employment, services and facilities. The Annual Monitoring Report 2016<sup>7</sup> shows that a range of densities are being achieved in the district with development in 2014/2015 at the Cambridge Southern Fringe having an average density of 74.2 dph (table 4.18), when 15% of completions in the district that year were on sites where density was less than 30 dph (table 4.15).
7. Policy H/7 is flexible and allows through paragraph 2 of the policy (as supported by the text at paragraph 7.22) for a wide variety of local circumstances to be taken into account whilst also optimising the potential of sites to accommodate development. Its wording taken as a whole, is not inflexible or prescriptive and so the average net densities do not need to be stated to be guidelines. The policy allows for densities to vary where justified by the character of the locality, the scale of the development and other local circumstances.

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<sup>6</sup> RD/HQ/080

<sup>7</sup> RD/AD/460 pages 63-65

## **SC5B.2 Policy H/8: Housing Mix**

### **SC5B.2.i**

**Does the policy accord with paragraph 50 of the Framework which requires a mix of housing based on current and future demographic and market trends and the needs of different groups in the community? Is the wording of the policy therefore too inflexible and prescriptive?**

8. Paragraph 50 of the NPPF starts by stating that the intention of national planning policy is to deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Paragraph 159 of the NPPF states that SHMAs should identify the scale and mix of housing likely to be needed over the plan period. Policy H/8 will help to deliver these objectives and is neither too inflexible or too prescriptive. The application of policy will in practice take into account all material considerations which could justify a different housing mix. Specifying exceptions to policy is unnecessary and would not provide clear guidance, not least since all potential exceptions cannot realistically be identified. The Council has been successfully applying this policy since submission in a flexible way. It provides greater flexibility than adopted plan policy HG/2<sup>8</sup> which only provides clear guidance for sites of 10 or fewer homes.
9. In contrast policy H/8 does not apply to developments of 9 or fewer dwellings which is important in terms of flexibility. In these cases the appropriate mix should take account of local circumstances such as built form and density. Neither does the mix policy apply to affordable dwellings where the mix will take account of local housing needs evidence and will include a proportion of 1 and 2 bedroom starter homes. Part 1d) of the policy also provides a 10% flexibility allowance which will allow site circumstances and market trends to be accommodated. To achieve the policy objectives set out in paragraph 50 of the NPPF, Local Plan policy needs to ensure a balanced housing mix is provided which this policy will provide.
10. The existing demographic starting point is established by the 2011 Census. The 2011 Census output for the District<sup>9</sup> records that 25% of households consist of 1 person (11.5% pensioners), 31% households with dependent children, 9% households with non-dependent children, 32% households with no children (10% of which were pensioners), and 3% were other types of household. This distribution of households points towards a three way split of households with around a third being small households, a third households without children, and a third being families with dependent children (suitable for larger homes).
11. Looking ahead, the Strategic Housing Market Assessment 2013<sup>10</sup> looks at the projected change in household types between 2011 and 2031. At Table 3 it records a 59% increase across the County in 1 person households, a 37% increase in couples on their own, a 6% increase in small families with one child and a 3% increase in larger families with children (but with much of this increase in South Cambs). Much of

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<sup>8</sup> RD/AD/110

<sup>9</sup> RD/NP/150 2011 Census output: <http://atlas.cambridgeshire.gov.uk/census/CambsProfiles/atlas.html>

<sup>10</sup> RD/Strat/090 Chapter 14

the change in smaller households being accounted for by a large growth in the population of residents aged 65+ (see table 14 and figure 12). Translating this demographic evidence into market homes must however also take into account the desire of private households to buy and occupy larger homes than they may actually need where they can afford to do so. To account for this the SHMA assumes that current occupation patterns reflect preferences that will continue into the future and uses this to estimate the mix of house sizes needed to accommodate the projected change in household sizes. Tables 4 and 5 present a resulting percentage dwelling mix for South Cambridgeshire which in a simplified way shows the required mix to be as follows:

- 38% 1 and 2 bedroom dwellings and small 3 bedroom dwellings with 1 reception room
- 22% 3 bedroom dwellings with 2 reception rooms
- 40% 4 and 5 bedroom dwellings and larger 3 bedroom dwellings with 3 reception rooms.

12. The SHMA at page 8 notes that it is for local authorities to apply local context factors to vary this baseline information as they see fit. South Cambridgeshire considers that its approach in policy H/8 to provide for 30% 1 and 2 bedroom dwellings, 30% 3 bedroom dwellings, 30% 4 bedroom or larger dwellings with a 10% flexibility allowance provides a good fit with this evidence. The intention being to ensure a broad range of dwellings are provided across the district which will accommodate the evidence pointing towards a growing number of small households being needed in the future whilst also accommodating the different personal needs and aspirations of households which can mean that they prefer to purchase and occupy larger properties than their current needs may otherwise indicate.
13. The 10% flexibility allowance will allow market trends to be accommodated within a policy framework that will help to deliver sustainable, inclusive and mixed communities over time.
14. The Annual Monitoring Report 2010-2011<sup>11</sup> records from page 60 that in the period before housing mix guidance was introduced locally the trend was for delivery of large 4 bedroom or more properties with relatively few 1 and 2 bedroom properties being provided, and too few to address housing needs. It also records the impact of the adopted mix policy achieving an increasing provision of smaller properties over time.

#### **SC5B.2.ii**

#### **Should the percentages in criteria (a) to (c) be reduced and the flexibility allowance in criteria (d) increased?**

15. The percentages in criteria a) to c) should not be reduced and the flexibility allowance in d) should not be increased. The basis for those percentages in the policy has been explained in response to the previous issue. If the percentages are reduced even by 5% the danger would be that the delivery of a wide choice of homes to deliver sustainable, inclusive and mixed communities over time would be put at risk locally. Reducing the mix percentages to 25% for each category would increase the flexibility

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<sup>11</sup> RD/AD/230 from page 60 paragraph 5.92 and Figure 5.26

allowance to 25% meaning that up to half of the market homes on a site could be of only one mix category, for example 4 and 5 bedroom homes. Such a mix would not address the evidence in the SHMA set out in paragraph 11 above concerning an aging population and the growing number of small households in the district to 2031 and could see a return to historic trends for over 50% larger properties being developed. A smaller reduction to 28% for each category with a 16% flexibility allowance would be less damaging but would not provide the same clarity and simplicity as the proposed 30/30/30/ flex 10 approach.

16. Policy H/8 is not intended to be applied inflexibly, and indeed the policy itself makes provision at paragraph 1d) for its flexible application. Moreover, in its application, material considerations which may justify a different mix will always have to be considered by a decision maker. The recent Court of Appeal decision ‘West Berks v DCLG’ makes this clear in paragraphs 17 to 21 which also explain why a policy maker is entitled to express policy in unqualified terms<sup>12</sup>. Notwithstanding this flexibility provided by the policy itself and in its application, the policy will over time enable the Council to deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities as required by paragraph 50 of the NPPF<sup>13</sup>.
17. The mix percentages do not apply to small developments of 9 or fewer houses where the policy instead requires local circumstances to be taken into account.

### **SC5B.2.iii**

#### **Is the requirement set out in Section 2(c) of the policy too onerous and too inflexible?**

18. This question relates to a proposed new subsection to section 2 of policy H/8 set out in proposed main modification number PM/SC/7/G concerning self and custom built homes<sup>14</sup> that was subject to consultation in December 2015. In considering the outcome of that consultation, in March 2016 the Council accepted the need to further modify the policy to add at the end of the new text ‘*Exceptionally, no provision will be expected in developments or phases of development which comprise high density multi-storey flats and apartments*’<sup>15</sup>. The Council accepts that self and custom build provision is not likely to be practical in such circumstances.
19. There is an existing national legal and policy basis and an emerging Local Plan basis for the proposed modification to policy H/8. Paragraph 50 of the NPPF requires planning authorities to plan for people wishing to build their own homes<sup>16</sup>. The Self Build and Custom Housebuilding Act 2015<sup>17</sup> places a duty on local planning authorities to have regard to self and custom housebuilding registers when carrying

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<sup>12</sup> See link at footnote 32 below.

<sup>13</sup> RD/NP/010

<sup>14</sup> RD/MC/010 page 134 Proposed Modifications Joint Consultation Report December 2015

<sup>15</sup> RD/MC/150 the amended modification is numbered PM/SC/G(i) in the Schedule of Proposed Modifications Submitted to the Examination (March 2016)

<sup>16</sup> RD/NP/010

<sup>17</sup> RD/NP/180

[http://www.legislation.gov.uk/ukpga/2015/17/pdfs/ukpga\\_20150017\\_en.pdf](http://www.legislation.gov.uk/ukpga/2015/17/pdfs/ukpga_20150017_en.pdf)

out their planning and housing functions. Paragraph 14 of the NPPG<sup>18</sup> states regarding custom and self build:

*'The following guidance suggests ways in which the duty may be demonstrated in carrying out each function:*

*(i) Planning - The planning functions of an authority may include both plan-making and decision-taking functions. The registers that relate to their area may be a material consideration in decision-taking. Relevant authorities with plan-making functions should use their evidence on demand for this form of housing from the registers that relate to their area in developing their Local Plan and associated documents'.*

20. Whilst the duty to maintain a register has only been in place since 1<sup>st</sup> April 2016, South Cambridgeshire was a Vanguard Authority for Custom and Self Build and has had a register since January 2015. In August 2016 there were 480 people on our self and custom housebuilding registers, a significant increase over the 229 people on the register in our District in October 2015. There is clearly a demand for people wishing to build their own homes in South Cambridgeshire.
21. At present around 10,000 self build homes a year are built In England<sup>19</sup> between 8% and 10% of overall completions. It has been Government policy since 2011<sup>20</sup> to double this completion rate by 2021, which commitment was continued in the current Government's Manifesto in 2015<sup>21</sup> and which is reflected in the passage of the Self Build and Custom Housebuilding private members bill into law with Government and cross-party support.
22. As a self-build 'Vanguard Authority' South Cambridgeshire is bringing forward the release of its own land for self-build, but this is a small finite resource and will not address more than a small part of the registered need. To provide more self-build plots it is reasonable that Local Plan housing allocations, strategic sites and windfall sites make provision to help address this national policy commitment. The proposed policy is neither onerous nor inflexible. Unlike the adopted policy on self and custom build in the Teignbridge Local Plan adopted in May 2014<sup>22</sup> no set percentage of dwelling plots is specified, and that this will be a matter for negotiation from site to site and which will be likely to vary over time depending on the number of people on the register in future, the take-up rate when plots are made available and the ongoing development of the custom and self build sector. The policy provides for any self-build plots which remain unsold after 12 months marketing to be either left on the market or built out by the site developer.

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<sup>18</sup> RD/NP/020 Reference ID: 57-014-20160401

<http://planningguidance.communities.gov.uk/blog/guidance/self-build-and-custom-housebuilding/self-build-and-custom-housebuilding-registers/>

<sup>19</sup> RD/H/750 House of Commons Briefing Paper -

<http://researchbriefings.files.parliament.uk/documents/SN06784/SN06784.pdf>

<sup>20</sup> RD/H/100 Laying the Foundations: A Housing Strategy for England 2011 HM Govt Nov 2011 pages 14-15

<sup>21</sup> RD/H/760 <https://s3-eu-west-1.amazonaws.com/manifesto2015/ConservativeManifesto2015> page 52

<sup>22</sup> RD/H/770 <https://www.teignbridge.gov.uk/CHttpHandler.ashx?id=41652&p=0> policy WE7 which requires 5% of plots to be self build on sites of 20 or more homes

**SC5B.2.iv**

**Is the paragraph 3 of the policy justified as the Written Ministerial Statement dated 25 March 2015 requires that Councils should not set in their emerging Local Plans any requirements relating to the performance of buildings?**

23. The NPPF<sup>23</sup> at paragraph 50 requires local planning authorities to plan for a mix of housing, based on demographic trends, market trends and the needs of groups such as families with children, older people, people with disabilities and others.
24. The NPPG at paragraphs 005 to 010<sup>24</sup> (Ref ID: 56-005-20150327 to Ref ID: 56-010-2050327 makes clear that if access standard policies are to be included in Local Plans there must be evidence of need, of viability, and be limited to application of Requirement M4 (2) (accessible and adaptable dwellings), and/or M4 (3) (Wheelchair user dwellings) standards only of the Building Regulations 2015. Accessible and adaptable dwellings are similar to the previous Lifetime Homes standard.
25. As paragraph 7.29 of the supporting text to policy H/8 makes clear South Cambridgeshire does not require the provision of wheelchair standard homes except where there is an identified need and then only as an affordable home.
26. In respect of accessible and adaptable homes the Council accepts that there is insufficient needs evidence to justify that all new affordable homes should be built to Requirement M4(2) (accessible and adaptable dwellings) standard.
27. It nevertheless remains the case that 9% of all households in England had one or more people with long term limiting disability that required adaptations to their home<sup>25</sup>, and that the proportion of older people and those with disabilities in the district will grow up to 2031<sup>26</sup>. Across England 12.5% of households allocated an affordable rented property in 2011/12 were identified as '*unable to work due to sickness or disability*' (Table 752: general needs social lettings made by housing association and local authority landlords; statistical data sets CORE)<sup>27</sup>. Those identified with a medical need to move from within the South Cambridgeshire housing waiting list represent 6.9% of all applicants [the majority of these are likely to be older people] (SCDC Housing Waiting List data 30/9/15).

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<sup>23</sup> RD/NP/010

<sup>24</sup> RD/NP/020 <http://planningguidance.communities.gov.uk/blog/guidance/housing-optional-technical-standards/accessibility-and-wheelchair-housing-standards/>

<sup>25</sup> RD/H/780 English Housing Survey – Adaptations and Accessibility Report, 2014-15 page 1  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/539541/Adaptations\\_and\\_Accessibility\\_Report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/539541/Adaptations_and_Accessibility_Report.pdf)

<sup>26</sup> RD/Sub/SC/060 Annex A Chapter 7 pages A571 to A576

<sup>27</sup> Continuous Record of Lettings (CORE) system

[https://data.gov.uk/dataset/social\\_lettings\\_tables/resource/54456915-e931-41c1-b422-2494776f333d](https://data.gov.uk/dataset/social_lettings_tables/resource/54456915-e931-41c1-b422-2494776f333d)

28. On the basis of this needs data and in recognition that many homes can be modified or used differently to meet changing housing needs, the Council considers that it would be reasonable to make a Proposed Modification to part 3 of the Policy, subject to consideration by members in November 2016. Delete part 3 and replace with:

**“3. 5% of homes in a development should be built to the accessible and adaptable dwellings M4(2) standard rounding down to the nearest whole property. This provision shall be split evenly between the affordable and market homes in a development rounding to the nearest whole number.”**

29. Consequential amendments to paragraph 7.28 would also be necessary as follows:

“7.28 Local evidence shows that in Council housing up to 41% of households include someone with a disability<sup>28</sup>. This figure falls to 14.3% of private sector households of which just less than half have mobility problems. A breakdown of household composition in the district in 2011 can be read in the ‘key facts’ box at the start of this chapter. Building ~~all affordable homes and~~ 5% of private new homes **on sites of 20 or more** to the **M4(2) standard (accessible and adaptable dwelling standard)** Lifetime Homes Standard will help ensure that our housing stock will better meet the needs of all our residents. ~~The Lifetime Homes Standard (November 2011) is a widely used national standard for ensuring that the spaces and features in new homes can readily meet or be simply adapted to meet, the needs of most people, including those with reduced mobility”.~~

30. In regard to viability the first point to note is that there would be no requirement to make any provision in individual developments that provide fewer than 20 affordable or market homes. Furthermore the Cambridge and South Cambridgeshire Local Plans Viability Update Report (November 2015)<sup>29</sup> states with regard to the submitted policy H/8 part 3 that:  
*‘The results indicate that although there is a minor impact on viability, this is marginal and we are of the opinion that the sensitivity of the results to the change in costs is not one that can be easily differentiated. On that basis it is unlikely that this would lead to a previously viable scheme becoming unviable’.*

#### **SC5B.2.v**

#### **Should Policy H/8 and Policy H/10 enable the development of starter and self-build homes on rural exception sites?**

31. South Cambridgeshire strongly supports the provision of affordable housing on rural exception sites in order to meet local need.
32. No further modifications to policy H/8 concerning starter homes beyond those already proposed are considered to be necessary. In regard to policy H/10 the Council does not support the development of starter homes on rural exception sites. The DCLG consultation on proposed changes to national planning policy, December 2015

<sup>28</sup> RD/H/030 South Cambridgeshire Housing Strategy 2012-2016 page 27

<sup>29</sup> RD/MC/090 paragraph 3.3.4

proposed that starter homes be allowed on rural exception sites with local authorities having the flexibility, exceptionally to require residents to have a connection to the local area<sup>30</sup>. The same consultation also proposed that the definition of ‘affordable housing’ be expanded to explicitly include starter homes. The Housing and Planning Act 2016 has included starter homes in a broader definition of affordable housing. However the mechanism for introducing the revised definition is reserved for secondary legislation and so may be subject to further refinement. Until this process is complete the definition in the NPPF at Annex 2 remains a significant material consideration in the application of policy.

33. Notwithstanding these considerations, the Housing and Planning Act 2016 has given local planning authorities a dispensation to any general requirement to be introduced by regulation, which would only allow them to grant permission for residential development if the specified starter home requirement is met<sup>31</sup>. Section 5 subsection 2 parts a) and b) requires the Secretary of State to give planning authorities the power to dispense with the starter home requirement where the site is a rural exception site and the application falls to be determined on the basis of a policy in a development plan for the provision of housing on rural exception sites.
34. The provision of starter homes on rural exception sites in the district would be contrary to the definition of such sites given in the NPPF (see paragraph 58 below) in that starter homes may only provide an affordable benefit for a specified period to be set out by regulation before such homes can be sold on the open market, whereas exception site affordable housing is to be provided in perpetuity.
35. Policy H/10 already provides for market housing to be provided on rural exception sites. It follows that self-build market homes can be provided on such sites where necessary to make a rural affordable housing development viable. Allowing the development of self build homes on rural exception sites (which can include sites in the Green Belt) in other circumstances would not accord with the definition of rural exception sites in the NPPF which reads: *‘Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have a family or employment connection. Small numbers of market homes may be allowed at the local authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding’*.

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<sup>30</sup> RD/NP/180 Paras 46-47

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/488276/151207\\_Consultation\\_document.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/488276/151207_Consultation_document.pdf)

<sup>31</sup> RD/Gov/250 Housing and Planning Act 2016 Chapter 1 paragraph 5:

[http://www.legislation.gov.uk/ukpga/2016/22/pdfs/ukpga\\_20160022\\_en.pdf](http://www.legislation.gov.uk/ukpga/2016/22/pdfs/ukpga_20160022_en.pdf)

### **SC5B.3 Policy H/9: Affordable Housing**

#### **SC5B.3.i**

#### **Would the threshold of 3 dwellings and a 40% affordable housing requirement adversely affect the viability of small scale residential development?**

36. The Council considers that a district threshold of 3 dwellings and a 40% affordable housing requirement is justified and viable. Application of the 10 dwelling national threshold set out in the NPPG (Paragraph 031 Ref ID: 23b-031-20160519) would not be appropriate for South Cambridgeshire. The recent Court of Appeal decision 'West Berks v DCLG'<sup>32</sup> supported the Secretary of States right to make policy changes in the NPPG but also that a Local Planning Authority could justify a lower threshold through a Local Plan examination process depending on the evidence base and local circumstances.
37. South Cambridgeshire completely encircles the city of Cambridge, and has 105 villages and currently no market towns. Three of our villages have populations between 7,000 and 10,000, 19 have populations between 2,000 and 6,999 with the remaining 83 villages having a population smaller than 2,000<sup>33</sup>. The long established Local Plan spatial strategy set out in policy S/6 is to focus development in our most sustainable locations and minimise development in our smaller villages. Affordable housing need is widely dispersed across the district including in many of our smaller villages. The Council prepares an annual housing statistical leaflet drawing on housing register information<sup>34</sup> which clearly demonstrates how dispersed need is across the district and where a local connection has been demonstrated. Part of this dispersed need can be provided for through small windfall developments in Group Villages (32 in total) where policy S/10 allows windfall developments of up to 8 dwellings within village frameworks. Having a low threshold for affordable housing allows many of the schemes which do come forward in these villages to make provision for affordable housing whether on-site or through a commuted sum in lieu of such provision. We estimate that the application of the national threshold of 10 would have resulted in the loss of 95 affordable dwellings across the district over the period 2011/2012 to 2014/2015 (4 years) through on-site provision or commuted sums, see Appendix 3).
38. Over the life of the Local Plan this rate of affordable provision on small sites can make a useful contribution to meeting district wide affordable housing need (the Council's Matter 3 statement records existing need in 2013/14 at 2,846 dwellings and new arising need over 20 years estimated at 7,047 giving a total need of 9,893.

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<sup>32</sup> RD/H/790

[http://www.landmarkchambers.co.uk/userfiles/documents/R%20\(West%20Berkshire\)%20v%20%20SSCLG%20-%20transcript.pdf](http://www.landmarkchambers.co.uk/userfiles/documents/R%20(West%20Berkshire)%20v%20%20SSCLG%20-%20transcript.pdf) paragraph 26

<sup>33</sup> RD/Strat/490 <http://cambridgeshireinsight.org.uk/population-and-demographics/population-estimates>

<sup>34</sup> RD/H/800

[https://www.scambs.gov.uk/sites/default/files/housing\\_statistical\\_information\\_leaflet\\_2015.pdf](https://www.scambs.gov.uk/sites/default/files/housing_statistical_information_leaflet_2015.pdf) (this records 10 Group villages and 1 Infill village where local affordable need is for more than 20 dwellings)

39. At a local level however this level of provision can make a vital and important contribution to meeting local affordable need for residents with a local connection who want to be able to remain in their home village.
40. In respect to viability the Cambridge and South Cambridgeshire Local Plans Viability Update (November 2015)<sup>35</sup> paragraph 3.3.3 and Table 2 in Appendix 2 demonstrates that a threshold of 3 remains viable, albeit whilst recording a decline in residual land values compared to their 2013 assessment. Table 2 also records higher residual land values from schemes of 10 dwellings indicating that schemes for 8, 9 and 10 dwellings will generate a higher land value than scheme of 3, 4 and 5 dwellings. The table of affordable housing provision from small sites in Appendix 3 indicates that over the period since 2008 / 2009 which corresponds to the recent recession a 35% rate of affordable housing has been achieved on sites across the district very close to the 40% rate set out in adopted policy.
41. Irrespective of where the threshold is set in the policy, the Council has recently noted that the wording of the policy is incompatible with vacant building credit<sup>36</sup> (VBC). Policy H/9 only applies to a net increase in the number of dwellings on a site, effectively discounting existing on-site residential dwellings to encourage the recycling and reuse of land. The vacant building credit has much the same intention. Under VBC where a vacant building is brought back into use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Retention of the policy discount in Policy H/9 alongside VBC will at the best lead to a lack of clarity as to how the policy should be applied and at worst could lead to claims that both discounts should apply.
42. The Council therefore proposes to modify the wording of policy H/9 by deleting the word 'net' from line one of the policy as follows:

**1. 'All developments which increase the net number of homes on a site by 3 or more will provide affordable housing as follows:'**

### **SC5B.3.ii**

**Has the interrelationship between the affordable housing requirement in the policy and the proposed Community Infrastructure Levy tariffs been tested in terms of its effect on development viability?**

43. Yes, in the Local Plan and CIL Viability Assessment<sup>37</sup> that considered the implications of the policies included in the South Cambridgeshire Local Plan<sup>38</sup>, as submitted in March 2014. The study followed a three stage assessment process:
- Recommendations for CIL based on the adopted Local Plan policies;

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<sup>35</sup> RD/MC/090 section 3.3 and

<sup>36</sup> RD/NP/020 NPPG paragraphs Ref ID 23b-021-20160319, and 23b-022-20160319

<sup>37</sup> South Cambridgeshire Local Plan Submission & Community Infrastructure Levy Preliminary Draft Charging Schedule Consultation Viability Study (RD/T/220 follow link to chapter 10), pages 58-71

<sup>38</sup> Proposed Submission South Cambridgeshire Local Plan (RD/Sub/SC/010)

- Recommendations for CIL based on emerging Local Plan policies;
  - Assessment of the policies and proposals within the emerging Local Plan.
44. The purpose of the 2013 Local Plan and CIL Viability Assessment report was essentially to understand what CIL could be levied on the basis of an affordable housing rate of 40% on developments of 3 or more dwellings. The methodology used explores a range of reasonably representative development scenarios and involves testing those for a variety of sensitivities, including the following factors varying:
- Completed scheme (sales) values ('gross development value – GDV');
  - Sensitivity testing of South Cambridgeshire affordable housing policies (across a range of 20% - 40% affordable housing on sites of 2/3 or more);
  - Varying potential land value expectations;
  - Range of "trial" CIL charging rates;
  - Build and other development and policy costs varying by scheme type.
45. The findings set out in section 3.3 of the report are that although most sites can sustain 40% affordable housing with all of the other policy requirements there are certain types of development such as new settlements and the development of previously developed land in parts of the district that will struggle to deliver 40% affordable housing alongside CIL. In response the Council's draft CIL Charging Schedule exempts new strategic sites from CIL, and the Council will continue to apply its long established affordable housing policies flexibly where viability evidence demonstrates that any particular development cannot deliver a 40% affordable housing rate.

### **SC5B.3.iii**

#### **Is there sound justification for a common requirement for affordable housing provision across the whole of the district?**

46. Our 40% affordable housing policy has been successfully implemented on a district-wide basis since 2007 across a whole economic cycle<sup>39</sup>. We are aware that not all schemes may be able to deliver 40% affordable housing and in these cases a lower provision is permitted where viability evidence demonstrates this to be justified. Examples of such sites include Cambourne where affordable housing at 30% has been accepted and in relation to the first phase of Northstowe where the evidence supported 20% affordable housing provision (further phases may be able to make a higher contribution). The reasons are usually related to either the cost of necessary infrastructure, low land values, and sometimes to the need to overcome contamination from previous uses on brownfield sites. These factors vary from site to site. Land values are variable across the district and the most appropriate way to reflect this variability is to allow flexibility in the application of policy rather than to try to reflect this complexity by using different affordable rates across different parts of the district.
47. This approach has been found sound in previously adopted Development Plan Documents<sup>40</sup>, and is consistent with the policy set out in the NPPF at paragraph 174

<sup>39</sup> Annual Monitoring Report RD/AD/460 pages 66-69 tables 4.19 and 4.22

<sup>40</sup> Policy HG/3 Development Control Policies DPD 2007 – RD/AD/110

that local standards (including affordable housing) should not cumulatively put implementation of the plan at serious risk and should facilitate development through the economic cycle (emphasis added). The evidence to support the assessment should be proportionate using only appropriate available evidence.

48. This evidence is provided in the Local Plan and CIL Viability Assessment<sup>41</sup> that considered the implications of the policies included in the South Cambridgeshire Local Plan<sup>42</sup>, as submitted in March 2014. Paragraph 14 of the Final Report concludes that in terms of overall Local Plan viability the study process found that there is the potential to create viable residential schemes associated with the Council's strategy. At paragraph 3.2.4 it describes the complex pattern of land values seen across the district:
- 'These blurring factors are seen in South Cambridgeshire on several levels – from the site / street or local area specific level to the higher level characteristics in terms of general values patterns (as seen through overall market research), as follows:*
- *an overall effect of increasing values moving north to south through the District;*
  - *however, a irregular effect within this overall trend;*
  - *typically highest values around the Cambridge fringe (especially around the south and west of the City), to the south / south-west of the City and in some southernmost areas of the District;*
  - *a mix of lower and mid-range values in the northern areas of the District – lowest values typically in the some of the north-western areas together with isolated patches in the south'.*
49. Despite there being a gradation of land values across the district there is no evidence that the provision of 40% affordable housing is preventing development in villages to the north and west of the district. Recent applications including 40% affordable housing in these areas include:
- S/0875/15/OL Swavesey – 30 dwellings  
S/1818/15/OL Cottenham for 225 dwellings  
S/2456/15/OL Willingham for 64 dwellings; and  
S/2833/15/OL Willingham for 72 dwellings

#### **SC5B.3.iv**

**Is the wording of criterion (f) in paragraph 2 of the policy consistent with the wording of criterion (e)?**

50. Yes, criterion e) is the final part of a policy cascade intended to ensure an appropriate and reasonable financial contribution is made towards the provision of affordable housing when affordable provision cannot be made on-site or off-site for whatever reason.
51. This situation can arise where an agreed viability assessment indicates that only a small number of affordable homes would be viable on site, and the landowner/developer has no suitable land elsewhere on which to make provision.

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<sup>41</sup> South Cambridgeshire Local Plan Submission & Community Infrastructure Levy Preliminary Draft Charging Schedule Consultation Viability Study (RD/T/220 follow link to chapter 10), pages 58-71

<sup>42</sup> Proposed Submission South Cambridgeshire Local Plan (RD/Sub/SC/010)

This could arise for example due to land contamination issues, or where the number of viable homes is fewer than a Registered Provider of housing would be willing to manage. Another example could be where a site is to be developed for housing in the middle of an existing affordable housing estate and the Council has agreed that affordable provision on-site would not contribute to the creation of a mixed and balanced community, and the landowner/developer has no suitable land elsewhere on which to make off-site provision. Note that the wording in criterion f) does not refer to viability but to it not being possible or appropriate to build affordable homes on or off-site.

52. Although the inclusion of starter homes within the definition of affordable housing may make the first example less likely it remains the case that circumstances will sometimes arise where all parties agree that on and off site affordable provision is not possible or appropriate on a particular site in which case a financial contribution can help to deliver affordable housing elsewhere in the district.

### **SC5B.3.v**

#### **What status will the current Affordable Housing SPD have in relation to the Plan? Is the SPD consistent with the Plan?**

53. The Affordable Housing SPD supplements and adds detail to policies in the adopted Development Control Policies DPD. On adoption of the Local Plan it will remain as a material consideration but carry much less weight, especially where it is in conflict with the new Local Plan, or where it has become out of date due for example to national planning policy changes. The Development Plan Document policies quoted and reproduced within it will have no status and carry no weight
54. The Council intends to bring forward a replacement Affordable Housing SPD to support the affordable housing policies of the Local Plan and intends that the new SPD will be ready to adopt at the same time as the Local Plan or soon after. Being able to achieve this timetable will depend upon National planning policy changes concerning the definition of affordable housing and starter homes being finalised.
55. When a new Affordable Housing SPD is adopted, at the same time the Council will formally revoke the old SPD to minimise confusion and uncertainty concerning its approach to the provision of affordable housing.

### **SC5B.4 Policy H/10: Rural Exception Site Affordable Housing**

#### **SC5B.4.i**

**Having regard to the requirements of paragraph 54 of the Framework, should the policy demonstrate a more flexible and positive approach towards allowing an element of market housing on rural exception sites in order to address housing needs in villages?**

56. The wording of policy H/10 is consistent with both paragraph 54 of the framework and with its glossary definition of rural exception sites. Such sites would not normally be able to be developed for housing and can only do so to meet the affordable housing needs of the local community.
57. Allowing blanket dispensations in favour of Community Land Trusts and Parish Councils as favoured by some objectors would not be consistent with paragraph 54 and the definition of rural exception sites. If Parish Councils want to provide predominantly market housing in their village and meet local needs other than for affordable housing (such as for open space, or a new village hall for example) they can bring forward a Neighbourhood Plan to seek to achieve these aims.
58. The definition of rural exception site affordable housing in the glossary of the NPPF<sup>43</sup> states that they are small sites used for affordable housing in perpetuity which wording has been carried forward into paragraph 1d) of the policy. This wording is now threatening the local delivery of rural exception site developments as Registered Providers are increasingly seeking the inclusion of a Mortgagee in Possession (MIP) clause in order to be able access funds from lenders to finance the development. Such clauses allow as a last resort where a Registered Provider has defaulted on a loan, the lender to gain possession and dispose of the relevant properties on the open market which would conflict with the policy requirement that provision be made 'in perpetuity'.
59. A decision maker must consider all material considerations in the determination of a planning application including the justification advanced for use of a MIP clause, which could indicate that planning permission should be granted despite the conflict with paragraph 1d) of policy H/10 which this would involve. NPPF paragraph 154<sup>44</sup> requires plan policies to provide a clear indication of how a decision maker would react to a development proposal, and as currently worded paragraph 1d) does not provide this clear guidance.
60. The following proposed modification to part 1d) of the policy would provide this clarity. This is subject to consideration by members in November 2016.

Policy H/10, add additional wording as follows:

1d) That the affordable homes are secured for occupation by those in housing need in perpetuity. **Mortgagee in Possession clauses will be allowed where demonstrated to be necessary to enable development to proceed.**

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<sup>43</sup> RD/NP/010 page 55

<sup>44</sup> RD/NP/010

61. If the Inspectors, notwithstanding the above, retain any concerns about flexibility and whether the policy is sufficiently positive section 2 could be deleted and replaced with:

**“2. In order to facilitate the delivery of significant additional affordable housing the Council will consider allowing some market housing on rural exception sites on viability or deliverability grounds”.**

62. Consequential changes to paragraph 7.38 would also be necessary as follows:

~~“7.38 Exception sites should provide 100% affordable housing but this may not always be possible. without public subsidy. Therefore an element of market housing may be permitted on exception sites where no public subsidy is available and where changing the tenure of the affordable homes would not assist viability or properly address the local needs identified. The developer must demonstrate that the inclusion of market housing is required to enable the site to be developed primarily for affordable housing. Developers seeking to justify a lower proportion of affordable housing are required to demonstrate why a 100% affordable housing scheme is unviable and identify what level would be viable. The financial viability assessment should be prepared by the applicant. Where agreement is not reached, external consultants will be appointed to undertake a further independent viability assessment. The applicant will meet the costs of the independent assessment”.~~

### **SC5B.5 Policy H/11: Residential Space Standards for Market Housing**

#### **SC5B.5.i**

**Do the internal residential space standards set out in the policy accord with the DCLG *Technical housing standards-nationally described space standard* document published in March 2015?**

63. No, the standards in the Local Plan submitted for examination in March 2014 are different, being based on those previously established by the Homes and Communities Agency to provide minimum national space standards for affordable homes to ensure that there is sufficient space, privacy and storage facilities to ensure their long term sustainability and usability.
64. The Council has carried out additional work on the issue of internal space standards as it said it would in November 2015 and proposes to modify the policy to require the application of nationally described space standards (see the response to Matter SC5Bii below).

#### **SC5B.5.ii**

**The Written Ministerial Letter dated 25 March 2015 indicates that the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the Framework. Has the need for compliance with the minimum space standards been clearly demonstrated?**

65. In its November 2015 analysis of the need for proposed plan modifications arising from the Government's Written Ministerial Statements<sup>45</sup>, the Council confirmed that it was undertaking further work concerning the optional technical residential space standards and would feed this into the Examination at the appropriate stage. The Council has now completed and published this work<sup>46</sup>. The evidence shows that 24% of all dwellings measured had a gross internal area less than 95% of the national residential space standard, 55% had less internal storage space than the national standard, 40% of double (or twin) bedrooms were below the standard and 54% of single bedrooms were below the national standard (Figure 1 of Appendix 2 of the Evidence Report<sup>47</sup>). Figure 2 (in Appendix 2) of the Evidence Report shows that many new market properties exceed the national standard for gross internal area but 15% do not. The higher percentage of affordable dwellings which do not meet the national standard can be largely accounted for by the fact that the new national standard usually provides for more floorspace than the previous Homes and Communities Agency standard that has previously applied to new affordable homes (the standard set out in Policy H/11 as submitted). The Council therefore considers that there is a clear need in South Cambridgeshire for a policy requiring new homes (market and affordable) to meet or exceed the national space standards.

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<sup>45</sup> RD/MC/100 pages 19 and 20

<sup>46</sup> RD/H/810

<sup>47</sup> RD/H/810

66. The Local Plan and CIL Viability Assessment<sup>48</sup> that considered the implications of the policies included in the South Cambridgeshire Local Plan<sup>49</sup>, as submitted in March 2014, which included Policy H/11, concluded that in terms of overall South Cambridgeshire Local Plan viability, there is the potential to create viable residential schemes associated with the Council’s strategy. In reaching this overall conclusion the study looked at a range of residential developments in various locations across the district and assumed residential space standards (see Appendix 1a page 1), that were usually slightly higher than the space standards included in policy H/11.
67. Although the Council did not consult on proposed modifications to Policy H/11 in the public consultation undertaken in December 2015 – January 2016, the update to the viability study<sup>50</sup> did consider the implications of requiring the national space standards on viability. The study concluded that:  
*“If the previously recommended affordable housing policies and CIL rates are maintained, alongside the inclusion of optional elements of national strategy (e.g. nationally described space standards) viability is certainly no worse and would not, in our opinion, jeopardise development coming forward across the City or District”<sup>51</sup>.*  
Paragraph 3.3.6 also states *“Notwithstanding comments on other policy areas we are of the opinion that they (nationally described space standards) are capable of being implemented without significant impact on viability”.*
68. The Council therefore considers that a policy requiring new homes to meet or exceed the national space standards would not have a significant impact on the viability of proposed developments.
69. The South Cambridgeshire Local Plan<sup>52</sup>, as submitted in March 2014, includes Policy H/11 which sets out residential space standards. Questions relating to the introduction of residential space standards were subject to public consultation through the Issues and Options Report<sup>53</sup> in Summer 2012. Developers have therefore been aware for some time that the Council intends to introduce internal space standards for new dwellings. The new national space standards overall are not significantly different from those proposed by the Council in Policy H/11. They are now specifically endorsed by national planning policy where there is evidence of need, and viability.
70. The Council therefore anticipate that the policy would be applied to all planning applications submitted after the policy is adopted, in the same way that any other new policies would be applied.

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<sup>48</sup> South Cambridgeshire Local Plan Submission & Community Infrastructure Levy Preliminary Draft Charging Schedule Consultation Viability Study (RD/T/220 follow link to chapter 10), page vi

<sup>49</sup> Proposed Submission South Cambridgeshire Local Plan (RD/Sub/SC/010)

<sup>50</sup> Cambridge and South Cambridgeshire Local Plans Viability Update (November 2015) (RD/MC/090), pages 25-26

<sup>51</sup> Cambridge and South Cambridgeshire Local Plans Viability Update (November 2015) (RD/MC/090), page 5

<sup>52</sup> Proposed Submission South Cambridgeshire Local Plan (RD/Sub/SC/010)

<sup>53</sup> South Cambridgeshire Issues and Options Report (RD/LP/030), pages 131-132

71. The Council has now undertaken additional work, and considers that there is a need for a policy requiring new homes to meet the national space standard, and that this approach is viable.
72. Modifications therefore need to be made to Policy H/11 to update it to reflect the requirements of the national space standards. Detailed modifications are set out in Appendix 2, and will be reported to members in November 2016.

### **SC5A.6 Policy H/13: Replacement Dwellings in the Countryside**

#### **SC5B.6.i**

#### **Should the policy restrict the size of future extensions to a replacement dwelling?**

73. A blanket policy restriction to restrict the size of future extensions to a replacement dwelling is unnecessary. Paragraph 7.45 of the policy states that the Council will consider removing permitted development rights to extend replacement dwellings by condition. This is an appropriate response to this issue which can be applied sensitively on a case by case basis.
74. Many dwellings in the countryside (outside village development frameworks) were built at a time when families had few possessions and were used to living in cramped crowded conditions. These dwellings although small, often sit on large plots of land. Today these properties can be ill-suited for modern family life but remain expensive to purchase or rent because of the land that comes with the dwelling. Such properties are found across the district but with a notable concentration at the Land Settlement Association Estate at Great Abington. The previous plan policy which limited the size of replacement homes to an increase of no more than 15% in the volume of the original home was unduly restrictive and made updating them to modern living standards difficult. This has been an issue across the district but particularly in the Abington Land Settlement Area. It could also have hampered the re-use of large housing plots for high quality executive homes and for small and medium plots for self-build housing.
75. The policy will not result in inappropriate development. Any replacement dwelling still has to be satisfactory in terms of design and impacts in the context of its location and surroundings to gain planning permission. Policies elsewhere in the Local Plan will ensure that replacement homes are of an appropriate size and in particular:
  - Policy HQ/1 Design Principles especially criteria 1a) 'Preserve or enhance the character of the local urban and rural area and respond to its context in the wider landscape'; and 1d) 'Be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area'.
  - Policy NH/8 Mitigating the Impact of Development in and Adjoining the Green Belt which requires development not to have an adverse effect on the rural character and openness of the Green Belt and to provide appropriate landscaping.

**SC5B.7 Policy H/14: Countryside Dwellings of Exceptional Quality**

**SC5B.7.i**

**Is the Green Belt restriction necessary? Should the Council rely on the requirements of national Green Belt policy in the Framework to control any such development?**

76. Permitting such homes in the Green Belt would be contrary to the essential characteristics of the Green Belt which are permanence and openness. The Council does not support in principle the development of new dwellings in the Green Belt and will assess such proposals against national Green Belt policy where very special circumstances have to be demonstrated to allow development to be permitted.
77. Countryside dwellings of exception quality cannot reasonably be compared to village exception sites for affordable housing as these would form part of and lie adjacent to an existing village, or to rural worker dwellings as these are usually located close to existing building complexes.

**SC5B.8 Policy H/15: Development of Residential Gardens**

**SC5B.8.i**

**Should criterion (a) refer to Policy H/13 rather than Policy H/7?**

78. Yes, this is a factual error that will be corrected as a main modification.

**SC5B.9 Policy H/16: Reuse of Buildings in the Countryside for Residential Use**

**SC5B.9.i**

**Is the requirement for a 12 month marketing exercise in criterion (a) of the policy consistent with the 3rd bullet point of paragraph 55 of the Framework?**

79. The NPPF does not prevent the Local Plan seeking to give some priority to employment use when it comes to the re-use and conversion of buildings in the countryside for residential use as does Policy H/16. This is consistent with the emphasis given to economic growth in the NPPF and in the Local Plan. NPPF paragraph 28 requires planning policies to support economic growth in rural areas including through the conversion of existing buildings. In contrast to this general support, NPPF paragraph 55 states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities, with the re-use of isolated redundant buildings in the countryside for residential permissible only as a 'special circumstance' justifying a departure from a general policy of restraint. The 12 month marketing requirement mirrors that in policy E/14 concerning the loss of employment land to non employment uses which being derived from adopted plan policy has been successfully applied for many years. The marketing work will assist the local planning authority to understand if the property is indeed redundant.

**SC5B.9.ii**

**Should the policy also make reference to the most viable re-use of heritage assets and enabling development to heritage assets having regard to the 2nd bullet point of paragraph 55 of the Framework?**

80. The Local Plan addresses the non heritage provisions of paragraph 55 of the NPPF in policies H14, H/16, and H/18. Heritage provisions are addressed by policy NH/14: Heritage Assets. This states that 'development proposals will be supported when they sustain and enhance the significance of heritage assets, including their settings '. A wide ranging schedule of such assets is then listed in the policy including listed buildings. If considered helpful a cross reference in the reasoned justification of the policy could be added to refer to policy NH/14.

## **Appendix 1: List of Reference Documents**

The Council's evidence in relation to Matter SC5B – Delivering High Quality Homes – Development Management is set out in the following documents:

### **National Policy:**

- National Planning Policy Framework (NPPF) (RD/NP/010)
- National Planning Practice Guidance (NPPG) (RD/NP/020)
- Census 2011 (RD/NP/150)
- Consultation on proposed changes to national planning policy (RD/NP/180)

### **Government Regulations and Acts**

- Housing and Planning Act 2016 (RD/Gov/250)

### **Cambridge and South Cambridgeshire Submission Documents**

- Proposed Submission South Cambridgeshire Local Plan (RD/Sub/SC/010)
- South Cambridgeshire Draft Final Sustainability Appraisal Report and HRA Screening Report (RD/Sub/SC/060)

### **Earlier stages of plan making**

- South Cambridgeshire District Council Issues and Options Report (RD/LP/030)
- South Cambridgeshire District Council - Issues and Options 2 Report: Part 2 – South Cambridgeshire Further Site Options (RD/LP/050)

### **Adopted development plan documents**

- South Cambridgeshire District Council Development Control Policies Development Plan Document (RD/AD/110)
- South Cambridgeshire Annual Monitoring Report 2010-11 (RD/AD/230)
- South Cambridgeshire District Council Annual Monitoring Report 2014-15 (RD/AD/460)

### **Development strategy**

- Cambridge Sub-Region Strategic Housing Market Assessment (RD/Strat/090)
- Cambridgeshire Population and dwelling stock estimates (RD/Strat/490)

### **Design and high quality places**

- The Use of Density in Planning (RD/HQ/080)

### **Housing**

- South Cambridgeshire Housing Strategy 2012-2016 (RD/H/030)
- Laying the Foundations: A Housing Strategy for England 2011 (RD/H/100)
- House of Commons Briefing Paper self-build and custom build housing (RD/H/750)
- The Conservative Party Manifesto 2015: Strong leadership, a clear economic plan, a brighter, more secure future (RD/H/760)
- Teignbridge Local Plan 2013-2033 (RD/H/770)
- English Housing Survey: Adaptations and Accessibility Report, 2014-15 (RD/H/780)
- Court of Appeal decision: West Berkshire District Council & Reading Borough Council v Department for Communities and Local Government (RD/H/790)
- SCDC Housing Statistical Information Leaflet (RD/H/800)

- Evidence for Residential Space Standards in South Cambridgeshire (RD/H/810)

#### **Transport and Infrastructure**

- Local Plan Submission & Community Infrastructure Levy Preliminary Draft Charging Schedule Consultation Viability Study (RD/T/220)

#### **Modifications Consultation**

- Cambridge and South Cambridgeshire Modifications Consultation Report November 2015 (RD/MC/010)
- Cambridge and South Cambridgeshire Local Plans Viability Update (November 2015) (RD/MC/090)
- Proposed Modifications arising from the Government's Written Ministerial Statements (November 2015) (RD/MC/100)
- South Cambridgeshire Local Plan Proposed Modifications (March 2016) (RD/MC/150)

## Appendix 2: List of Proposed Modifications to South Cambridgeshire Local Plan

The modifications set out below relate to a number of policies and their supporting text in Chapter 7: Delivering High Quality Homes of the South Cambridgeshire Local Plan. Text to be deleted is shown as a ~~strikethrough~~ and text to be added is shown in **bold and underlined**.

The references to page and paragraph numbers in the table below do not take account of the deletion or addition of text proposed through modifications submitted previously.

Page	Policy/Paragraph	Modification	Justification
139-140	<b>Policy H/8: Housing Mix</b>	<p>Delete part 3 of the policy and replace with:</p> <p><b><u>5% of homes in a development should be built to the accessible and adaptable dwellings M4(2) standard rounding down to the nearest whole property. This provision shall be split evenly between the affordable and market homes in a development rounding to the nearest whole number.</u></b></p> <p>Consequential amendments to paragraph 7.28 would also be necessary as follows:</p> <p>Local evidence shows that in Council housing up to 41% of households include someone with a disability<sup>54</sup>. This figure falls to 14.3% of private sector households of which just less than half have mobility problems. A breakdown of household composition in the district in 2011 can be read in the ‘key facts’ box at the start of this chapter. Building all-affordable homes and 5% of private new homes <b><u>on sites of 20 or more</u></b> to the <b><u>M4(2) standard (accessible and adaptable dwelling standard)</u></b> <del>Lifetime Homes Standard</del> will help ensure that our housing stock will better meet the needs of all our residents. <del>The Lifetime Homes Standard (November 2011) is a widely used national standard for ensuring that the spaces and features in new homes can readily meet or be simply adapted to meet, the needs of most people, including those with reduced mobility”.</del></p>	<p>The Council accepts that there is insufficient needs evidence to justify that all new affordable homes should be built to Requirement M4(2) (accessible and adaptable dwellings) standard. On the basis of this needs data and in recognition that many homes can be modified or used differently to meet changing housing needs, the Council considers that it would be reasonable to make a Proposed Modification to part 3 of the Policy</p>

<sup>54</sup> RD/H/030 South Cambridgeshire Housing Strategy 2012-2016 page 27

141	<b>Policy H/9: Affordable Housing</b>	<p>Delete the word 'net' from line one of the policy as follows:</p> <ol style="list-style-type: none"> <li>1. 'All developments which increase the <del>net</del> number of homes on a site by 3 or more will provide affordable housing as follows:'</li> </ol>	<p>The wording of the policy is incompatible with vacant building credit (VBC). Policy H/9 only applies to a net increase in the number of dwellings on a site, effectively discounting existing on-site residential dwellings to encourage the recycling and reuse of land. The vacant building credit has much the same intention. Under VBC where a vacant building is brought back into use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Retention of the policy discount in Policy H/9 alongside VBC will at the best lead to a lack of</p>
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			<p>clarity as to how the policy should be applied and at worst could lead to claims that both discounts should apply.</p>
<p>143-144</p>	<p><b>Policy H/10: Rural Exception Site Affordable Housing</b></p>	<p>Add additional wording at the end of id) as follows:</p> <p>1d) That the affordable homes are secured for occupation by those in housing need in perpetuity. <b><u>Mortgagee in Possession clauses will be allowed where demonstrated to be necessary to enable development to proceed.</u></b></p> <p>If the Inspectors, notwithstanding the above, retain any concerns about flexibility and whether the policy is sufficiently positive section 2 could be deleted and replaced with:</p> <p><b><u>“2. In order to facilitate the delivery of significant additional affordable housing the Council will consider allowing some market housing on rural exception sites on viability or deliverability grounds”.</u></b></p> <p>Consequential changes to paragraph 7.38 would also be necessary as follows:</p> <p><del>“Exception sites should provide 100% affordable housing but this may not always be possible. without public subsidy. Therefore an element of market housing may be permitted on exception sites where no public subsidy is available and where changing the tenure of the affordable homes would not assist viability or properly address the local needs identified. The developer must demonstrate that the inclusion of market housing is required to enable the site to be developed primarily for affordable housing. Developers seeking to justify a lower proportion of affordable housing are required to demonstrate why a 100% affordable housing scheme is unviable and identify what level would be viable. The financial viability assessment should be prepared by the applicant. Where agreement is not reached, external</del></p>	<p>The definition of rural exception site affordable housing in the glossary of the NPPF states that they are small sites used for affordable housing in perpetuity. This wording is now threatening the local delivery of rural reception site developments as Registered Providers are increasingly seeking the inclusion of a Mortgagee in Possession (MIP) clause in order to be able access funds from lenders to finance the development. Such clauses allow as a last resort where a Registered provider has defaulted on a loan, the lender to gain possession and dispose of the relevant properties on the open market which would conflict with the</p>

		<p>consultants will be appointed to undertake a further independent viability assessment. The applicant will meet the costs of the independent assessment”.</p>	<p>policy requirement that provision be made ‘in perpetuity’.</p> <p>The possible additional change to part 2 of the policy follows the wording in the NPPF.</p>
<p>144-145</p>	<p><b>Policy H/11: Residential Space Standards for Market Housing</b></p>	<p>Delete Policy H/11 (including Figure 10), the supporting text in paragraphs 7.40 and 7.41, and the definition of ‘gross internal floor area’ in the glossary. Replace with the following policy and supporting text:</p> <p><b><u>Policy H/11: Residential Space Standards</u></b></p> <p><b><u>New residential units will be permitted where their gross internal floor areas meet or exceed the Government’s Technical Housing Standards – Nationally Described Space Standard (2015) or successor document.</u></b></p> <p><b><u>The standard requires that:</u></b></p> <ul style="list-style-type: none"> <li>a) <b><u>the dwelling provides at least the gross internal floor area and built-in storage area set out in Figure 10;</u></b></li> <li>b) <b><u>a dwelling with two or more bedspaces has at least one double (or twin) bedroom;</u></b></li> <li>c) <b><u>in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m<sup>2</sup> and is at least 2.15m wide;</u></b></li> <li>d) <b><u>in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m<sup>2</sup>;</u></b></li> <li>e) <b><u>one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide;</u></b></li> <li>f) <b><u>any area with a headroom of less than 1.5m is not counted within the gross internal area unless used solely for storage (if the area under the</u></b></li> </ul>	<p>The Council has published evidence that shows that not all new developments in the district are being built to the new national residential space standards.</p>

- stairs is to be used for storage, assume a general floor area of 1m<sup>2</sup> within the gross internal area);
- g) any other area that is used solely for storage and has a head room of 900- 1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all;
  - h) a built-in wardrobe counts towards the gross internal area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72m<sup>2</sup> in a double bedroom and 0.36m<sup>2</sup> in a single bedroom counts towards the built-in storage requirement;
  - i) the minimum floor to ceiling height is 2.3m for at least 75% of the gross internal area.

**Figure 10: Minimum gross internal floor areas and storage (m<sup>2</sup>)**

<u>Number of bedrooms (b)</u>	<u>Number of bed spaces(persons)</u>	<u>1 storey dwellings</u>	<u>2 storey dwellings</u>	<u>3 storey dwellings</u>	<u>Built in storage</u>
<u>1b</u>	<u>1p</u>	<u>39 (37)</u>			<u>1.0</u>
	<u>2p</u>	<u>50</u>	<u>58</u>		<u>1.5</u>
<u>2b</u>	<u>3p</u>	<u>61</u>	<u>70</u>		<u>2.0</u>
	<u>4p</u>	<u>70</u>	<u>79</u>		
<u>3b</u>	<u>4p</u>	<u>74</u>	<u>84</u>	<u>90</u>	<u>2.5</u>
	<u>5p</u>	<u>86</u>	<u>93</u>	<u>99</u>	
	<u>6p</u>	<u>95</u>	<u>102</u>	<u>108</u>	
<u>4b</u>	<u>5p</u>	<u>90</u>	<u>97</u>	<u>103</u>	<u>3.0</u>
	<u>6p</u>	<u>99</u>	<u>106</u>	<u>112</u>	
	<u>7p</u>	<u>108</u>	<u>115</u>	<u>121</u>	
	<u>8p</u>	<u>117</u>	<u>124</u>	<u>130</u>	

<b><u>5b</u></b>	<b><u>6p</u></b>	<b><u>103</u></b>	<b><u>110</u></b>	<b><u>116</u></b>	<b><u>3.5</u></b>
	<b><u>7p</u></b>	<b><u>112</u></b>	<b><u>119</u></b>	<b><u>125</u></b>	
	<b><u>8p</u></b>	<b><u>121</u></b>	<b><u>128</u></b>	<b><u>134</u></b>	
<b><u>6b</u></b>	<b><u>7p</u></b>	<b><u>116</u></b>	<b><u>123</u></b>	<b><u>129</u></b>	<b><u>4.0</u></b>
	<b><u>8p</u></b>	<b><u>125</u></b>	<b><u>132</u></b>	<b><u>138</u></b>	

**Notes:**

1. **Built-in storage areas are included within the overall gross internal areas and include an allowance of 0.5m<sup>2</sup> for fixed services or equipment such as a hot water cylinder, boiler or heat exchanger.**
2. **Gross internal areas for one storey dwellings include enough space for one bathroom and one additional WC (or shower room) in dwellings with 5 or more bedspaces. Gross internal areas for two and three storey dwellings include enough space for one bathroom and one additional WC (or shower room). Additional sanitary facilities may be included without increasing the gross internal area provided that all aspects of the space standard have been met.**
3. **Where a 1 bedroom 1 person flat has a shower room instead of a bathroom, the floor area may be reduced from 39m<sup>2</sup> to 37m<sup>2</sup>, as shown bracketed.**
4. **Furnished layouts are not required to demonstrate compliance.**
5. **Further details on how to apply the standard can be found in the Government's Technical Housing Standards – Nationally Described Space Standard (2015) or successor document.**

**7.40 The provision of sufficient space within new homes is an important element of good residential design and will ensure a reasonable level of residential amenity and quality of life, and that there is sufficient space, privacy and storage facilities to ensure the long term sustainability and usability of new homes. From time to time the Government may make changes to the nationally described space standards, development proposals should therefore meet or exceed the standards in place at the time of the planning application if these**

		<b><u>are different from those in Policy H/11.</u></b>	
		<b><u>7.41 Applicants should state the number of bedspaces/occupiers a home is designed to accommodate rather than simply the number of bedrooms.</u></b>	
149	<b>Policy H/15: Development of Residential Gardens</b>	Criterion a) should refer to policy H/13 rather than to policy H/7. Amend the policy as follows:  a) The development is for a one-to-one replacement of a dwelling in the countryside under policy <del>H/7</del> <b>H/13</b> and/or:	To correct an error.

**Appendix 3: Development on sites of 2-10 dwellings**

The following table is derived from monitoring data underpinning South Cambridgeshire Annual Monitoring Reports.

<b>Sites of 2-10 dwellings</b>			
	Total number of <b>market and affordable</b> dwellings permitted	Total number of <b>affordable</b> dwellings permitted	Total number of affordable dwellings from <b>commuted sums</b>
2008-2009	34	5	5
2009-2010	18	4	3
2010-2011	52	10	10
2011-2012	16	4	3
2012-2013	95	13	23
2013-2014	62	9	18
2014-2015	95	6	19
Total	372	51	81
<b>Total in plan period 2011/2012 to 2014/2015</b>	<b>268</b>	<b>32</b>	<b>63</b>

The 95 affordable dwelling provision within the plan period (32+63) amounts to a 35% rate of provision.