

**Stantec on behalf of Jones Homes and Renew Land**

**Representor – Ian Gilbert**

**Examination into the Newcastle-under-Lyme Local Plan 2020-2040**

**Matter 7 - Housing Policies**

***Policies HOU1, HOU2, HOU3, HOU4, HOU5, HOU6***

***Issue 7 - Does the Plan set out positively prepared policies to meet affordable housing needs and the housing needs of other groups, which are justified, effective and consistent with national policy?***

***7.1 a) In Policy HOU1 are the (brownfield/greenfield) affordable housing requirements justified, and will the policy be effective in helping to maximise affordable housing and not undermining deliverability? The affordable housing requirements are based on the findings of the Local Plan Viability Assessment (ED004). Are the assumptions used within this soundly based? Why do the thresholds in policy HOU1 differ from those recommended in ED004? Should the policy include a threshold for older person homes and at what level should this be set?***

***b) Are the requirements in relation to tenure split sufficiently clear? Is the reference to First Homes necessary and appropriate?***

***c) Is Policy HOU1 sufficiently clear in the approach to be taken for off-site and/or financial contributions in lieu of on-site provision?***

***d) The Policy will be assessed in relation to the most up to date version of the Framework which has higher affordable housing requirements for green belt sites. Is it appropriate that these changes be reflected in the Policy? If so, how?***

1. We have not made objections to HOU1 within our representations nor do we make specific representations on the soundness of the Council's viability evidence; thus do not make comment in this Matter Statement. However, we would like to reserve a position to make comment on the Council's reply at the Hearing Session.

***7.2 a) Does HOU2 provide an effective framework for ensuring an appropriate mix of housing will be delivered over the plan period?***

***b) How were the requirements of the policy arrived at? Are they based on sound evidence and do they allow sufficient flexibility to reflect site specific constraints and opportunities?***

***c) Is the requirement in criterion 4 relating to specialist housing needs sufficiently detailed and is it likely to be effective?***

2. Policy HOU2 does not provide an effective framework for ensuring an appropriate mix of housing is delivered over the plan period. Part 1 of the policy prescribes the densities which the Council seek to achieve across the different parts of the settlement hierarchy.
3. Paragraph 129 of the NPPF (2023) does allow for the use of area-based character assessments, design guides and codes and masterplans to help ensure that land is used efficiently (whilst creating good design) and where there is envisaged to be a shortage of land it consider it is especially important that planning policies and decisions avoid homes being built at low densities to make optimal use of the potential of each site.

4. Paragraph 129 goes on to state in those circumstances that *"plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. **This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate**"* and *"It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range"*.
5. We consider that no such case has been made by the Council that circumstances exist which justify the maximising of densities to account for a shortfall in the availability of housing land. Indeed, paragraph 7.12 of the Plan suggests that the range of densities reflects the local context and densities that have been achieved to date in the Borough
6. Given that the Council suggests that the range of densities proposed is what has already been achieved to date, it doesn't appear necessary to then specify those densities through a further policy requirement, or what the policy is aiming to achieve above the status quo. If there is no 'need' for the policy requirement it should be deleted.
7. Notwithstanding the above, we cannot see what evidence the Council has based the above densities upon (we await the Council's response to the above question). As set out within the Council's own evidence base, the settlements within each tier of the settlement hierarchy vary from settlement to settlement and, we consider any detailed analysis of those settlements would also reveal that the density of development across any one settlement has the potential to vary significantly also. In that regard, we question whether the Council's approach is one supported by evidence and whether, even set as a range of density, the policy is appropriate and is compliant with the NPPF.
8. Part 2 of the Policy then requires the density standards set out in Part 1 to also reflect site context, access to local services and facilities alongside the character of the area. Part 2 then goes on to support lower densities where more sensitive locations exist. We would suggest that Part 2 would also provide the same flexibility to increase density in the event that the local context provided for a higher density; we would suggest that such flexibility to allow for higher densities is specified within the policy.
9. Subject to modification, we consider that Part 2 of the policy is justified and, in essence, requires good design that responds to its surroundings and will make efficient use of land (the aim of this part of the policy); we support the Policy.
10. The prospect of Part 2 of the Policy conflicting with (or being used to override) the ranges set out in Part 1 of the policy serves as further justification for the removal of Part 1 of the policy from the Plan. In the event that the Council consider that some guidance as to what densities have historically been achieved through the settlement hierarchy, we would suggest wording similar to Part 1 is included in the supporting text to policy HOU2.
11. Part 3 of HOU2 states:  
  
*"Residential development should be of an appropriate type and size, consistent with the most up to date evidence including Housing and Economic Development Needs Assessment (HEDNA) and Housing Needs Assessments (HNA) to address local needs and market demand. The mix of units will also have regard to the current Housing Register, Neighbourhood Plans, Parish Surveys, Parish Plans and the latest Council Position Statements."*
12. Our Client objects to the above policy for a number of reasons and considers that it is not

justified or effective.

13. In the first instance, Policy HOU2(3) is unclear in how it is expected to be applied and we consider it requires modification to be sound. The policy requires development to be 'consistent' with the most up to date evidence; but provides for a significantly varied evidence base. It is not possible for a scheme to be consistent with all of the evidence base and from the policy wording it is not clear which evidence is to be prioritised. As a minimum, we would expect the policy to be amended to require developers "to have regard to" up to date evidence to provide flexibility.
14. Furthermore, the above evidence base provides a summary of housing mix and tenure across the borough as a whole and takes no account of variances across different parts of the borough or settlements within the settlement hierarchy.
15. Notwithstanding the above, our Client considers that it is not necessary for the Plan to seek to prescribe a housing mix for new development. Indeed, the HEDNA itself, at 5.12, states that:

"The above continues to represent only illustrative modelling using available evidence, as it did in the HENAU and the original HNA. It can be used for guidance and monitoring **but should not be prescribed as an explicit requirement for all sites, given the need to respond to changing market demands, local context and viability factors**".
16. We agree with the position in the HEDNA. The figures produced by any such assessment are inevitably a reflection of historic market trends (based on trends of where people typically chose to live) and cannot respond quickly or accurately changes in the market (indeed, they inevitable project forward historic trends). A prominent example here would be the HEDNA where 'need' has been estimated by looking at 2021 census household data (and estimates the size of house those households would need). In the first instance, household data only shows the size of households living in the existing housing stock and will not accurately take into account what impact the availability of housing stock (or lack of availability) has had on household sizes themselves. In terms of then translating that household data into housing 'need' (by size and type) the current household size cannot account for changes in market demand; for example, the increased need post-COVID for additional space to accommodate home working.
17. In short, we consider that in delivering development, housing developers are best placed to gauge that demand; indeed, there is no incentive to developers to provide housing which is not sought by the market in an area. That assessment of demand is undertaken by developers in promoting development at the Site and is based on up to date information on sales and market performance at any given time.
18. We consider that there is no benefit to the Plan seeking to specify a housing mix which the market is properly placed to determine. Indeed, a requirement to deliver a mix of housing which cannot respond to current market conditions is likely to be prohibitive to the delivery of homes.
19. Notwithstanding the above, as a matter of design policy, we consider that it is fundamental to good design that a development has regard to its context and the 'neighborhood characteristics' of an area. The Plan policy should quite rightly have a mechanism to prevent inappropriate development from being delivered at any given site (including in terms of housing mix) and the Council or developer may have regard to the housing mix set out within evidence base documents to determine whether such a mix is inappropriate for the neighborhood. However, the starting point of the policy should be that a housing mix is not specified by the Council unless specific site constraints, economic viability or prevailing neighborhood characteristics determine otherwise.
20. As with Part 1 and 2 of HOU2, it would be appropriate for the supporting text to Part 3 to

refer the reader to the various evidence base documents which a developer might have regard to. However, any requirement for development to be consistent with those evidence base documents should be deleted from the policy wording itself.

21. Notwithstanding the above, if Part 3 is to remain in its current format, the policy should be amended to ensure the type and tenure of housing to be provided can have regard to any site-specific viability considerations and market demand/conditions at that time of any planning application being submitted; this will ensure a degree of flexibility in how the Policy is applied.

***7.3 a) Are the requirements of HOU3 relating to the provision of homes that comply with M4(2) of the building regulations and the Nationally Described Space Standards (NDSS) justified by evidence relating to need and viability?***

***b) Are the main modifications to the policy and supporting text suggested necessary for soundness?***

22. Our Client generally accepts the requirement of policy HOU3 that dwellings<sup>1</sup> should be compatible with M4(2) accessibility standards and NDSS space standards.
23. However, we note that there is no requirement set out in the NPPF for the delivery of optional Building Regulation. Footnote 52 of the NPPF 2023 sets out that planning policies for housing should make use of the Government's optional technical and space standards where this would address an identified need for such properties.
24. Part M4(2) is specified within Building Regulations as an optional requirement and we consider that there have been no justification provided within the Plan or its supporting documents to suggest that this should be made an obligation of all development. Without such justification, we see no reason why the requirements of Building Regulations, which are separate legislation to planning, should be repeated in the Plan.
25. Equally, we do not considered that sufficient justification has been provided to justify the inclusion of NDSS standards within the borough.
26. ED026 is the Council's 'Nationally Described Space Standards Evidence Paper' which provides an overview of development granted approval through the planning system in recent years. It generally shows that around 60% of new buildings are at or above NDSS standards. Generally it showed that the majority of homes, even where NDSS standards were not achieved, were not significantly below NDSS standards. The exception to that is in 2 bedroom homes where circa 1/3<sup>rd</sup> of homes were more than 10% below NDSS standards. The Council's case shows that, without a policy requiring NDSS standards, that the majority of homes are provided to NDSS standards.
27. It is worth noting that Jones Homes provides homes to NDSS and M4(2) standards.

***7.4 a) Would Policy HOU4 provide an adequate framework to ensure the need for additional accommodation for Gypsy and Travellers can be met as required by national policy? Are the requirements of the policy clear, and would they be effective?***

***b) Is the Gypsy and Traveller Accommodation Assessment (ED018) up to date and robust in its identification of needs for plots and pitches?***

***c) Are the following sites allocated for Gypsies and Travellers sound?***

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<sup>1</sup> With regard to Part b) of the Inspector's question, we do not consider it the proposed modification to replace the word 'homes' is necessary, nor do we consider the use of 'residential development' to be unsound.

- *G&T 11 Land at Hardings Wood Road, Kidsgrove*
- *G&T Site 8 Land West of Silverdale Business Park*

*Have the sites allocated been selected against possible alternatives using a robust and objective process? Will they meet the needs of Gypsies and Travellers and Travelling Showpeople over the Plan period?*

*d) Does the Council's approach in relation to traveller sites generally conform with the expectations of the relevant Planning Policy for Traveller Sites?*

*e) Are there any omissions from the policy and is it sufficiently flexible?*

28. No comment.

*7.5 a) Would policy HOU6 provide an effective framework for ensuring the appropriate provision of custom and self-build housing over the plan period? In particular:*

- *How will the decision maker ensure preference of brownfield plots over greenfield sites as set out in criterion 1?*
- *Is the requirement to provide custom and self-build housing on all major development appropriate and how will what a suitable proportion of serviced plots be determined?*
- *How was the period of 1 year for marketing arrived at? Is it necessary and would it be effective?*
- *Is the policy clearly worded and would it be effective?*

29. As drafted, the policy requires major residential schemes to provide a proportion of serviced plots for self build / custom building opportunities. The proportion will be determined by the Council in line with demand identified on the Self and Custom Build Register, unless unviable. Jones Homes is concerned with the lack of transparency in this policy and we await the Council's answer in relation to how the requirement on major development sites will be calculated.
30. The Self and Custom Build Register is a crucial source of information for developers and individuals looking to engage in self or custom build projects. Currently, the register is not available for public viewing on the Council's website. If applicants are expected to provide this type of housing to meet policy requirements, they need access to the register at an early stage in the development process. Making this information accessible will allow developers to evaluate demand and incorporate relevant costs into their financial appraisals from the outset, rather than being confronted with unexpected requirements at the pre-application or application stage. This proactive approach would enable better financial planning, improved project feasibility, and a more streamlined development process.
31. To ensure transparency and efficiency, it is recommended that the register be made available online for easy access by all stakeholders, including potential developers, landowners, and community members. Providing visibility early on will not only help inform planning and decision-making but also support the Council's goals of meeting housing needs in a fair and efficient manner.
32. Furthermore, the policy lacks transparency in outlining how requirements for Self Build and Custom Build plots will be implemented, which raises questions about its practicality and effectiveness. The ambiguity leaves developers uncertain about the expectations for each project, as there is no clear indication of whether the Council intends to apply this requirement as a fixed percentage of the total number of proposed units or if it will require a specific number of plots only after a particular threshold is met.
33. For a policy to be sound and enforceable, it must provide unambiguous guidelines on its application. Therefore, the policy should explicitly state whether the Self Build and Custom

Build requirement will be calculated as a percentage of the total housing units in a development or whether it will trigger a specific obligation based on a certain development size or threshold (e.g. only for sites with more than 10 units). Without this clarity, developers will struggle to interpret and comply with the policy, potentially leading to delays and disputes.

34. At a very minimum, it is recommended that the policy be revised to include a clear methodology that outlines how the requirement will be calculated, when it will be applicable, and what proportion or number of units must be dedicated to Self Build and Custom Build plots. This level of specificity will ensure the policy is applied consistently, making it more predictable and manageable for all parties involved.

***7.6 a) would policies HOU8 and HOU9 provide an effective framework for assessing the acceptability of rural exception sites? In particular:***

- Is the threshold of 1 hectare or 5% of the size of the existing settlement an appropriate one? How was it reached?***
- Is reference to First Homes in policy HOU8 appropriate given that First Homes are no longer referred to in the most up to date version of the Framework? Does the wording of the policy need to reflect this?***

35. No comment.

***7.7 a) Are policies HOU5 HOU7, HOU10 and HOU11 clearly worded and would they be effective? Is it clear that all of the criteria must be complied with in order to comply with these policies?***

36. No comment.

***7.8 Are any modifications to the housing policies proposed by the Council and are these necessary for soundness?***

37. Please see answers to the above questions where we specify the changes we propose to each policy.